

CITY OF BOWLING GREEN, KENTUCKY
SEWER USE ORDINANCE



Warren County
Water District

Last Revised April 20, 2004

23-3 SEWER SYSTEM.

23-3.01 Definitions. As used in this Subchapter:

"Act" shall mean the Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500 (33 USC & 1251, et seq.)

"Accidental Discharge" shall mean any discharge of a non-routine, episodic nature, including but not limited to an accidental spill non-customary batch discharge and/or any discharge of water or wastewater in which the concentration of any given constituent or the quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flow rate during normal operation.

"BGMU" shall mean the Bowling Green Municipal Utilities of Bowling Green, Kentucky.

"Biochemical Oxygen Demand" (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Celsius, expressed in milligrams per liter (mg/l).

"Building" shall mean a structure having walls and a roof designed and used for the housing, shelter, enclosure or support of persons, animals or property.

"Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning two (2') feet outside the inner face of the building wall.

"Building Sewer" shall mean the extension from the building drain to the public sanitary sewer or other place of disposal, also called the house connection.

"Building Sewer Permit" shall mean the permit required by Kentucky State Plumbing Law for the installation of building sewers.

"Bypass" shall mean the intentional diversion of waste streams from any portion of an Industrial User's treatment facility.

"City" shall mean the City of Bowling Green, Kentucky.

"Chemical Oxygen Demand" (COD) shall mean the quantity of oxygen required for the chemical oxidation of organic material in wastewater under standard laboratory procedure, expressed in milligrams per liter (mg/l).

"Domestic Wastewater" shall mean liquid wastes:

- a. from the noncommercial preparation, cooking, and handling of food; or
- b. containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities and institutions.

"Easement" shall mean an acquired legal right for the specific use of land owned by others.

"Floatable Oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the wastewater system.

"Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

"General Manager" shall mean the General Manager of the Bowling Green Municipal Utilities (BGMU) of Bowling Green, Kentucky, or his authorized deputy, agent, or representative.

"Health Officer" shall mean any duly authorized agent of the Bowling Green-Warren County Health Department.

"Industrial Wastewater" shall mean the liquid wastes resulting from the processes employed in industrial, manufacturing, trade, or business establishments, as distinguished from domestic wastewater.

"Interference" shall mean an inhibition or disruption of the wastewater system, its treatment processes or operations, or its sludge processes, use or disposal which is a cause of or significantly contributes to, either a violation of any requirement of BGMU's NPDES permit (including an increase in the magnitude or duration of a violation) or to the prevention of sewage sludge use or disposal by BGMU.

"May" is permissive (see "Shall," this subsection).

"National Categorical Pretreatment Standards" (Standards) shall mean any regulation containing pollutant discharge limits promulgated by the U.S. Environmental Protection Agency in accordance with Section 307(b) and (c) of the Act which applies to a specific category of significant industrial users.

"National Pollutant Discharge Elimination System" (NPDES) shall mean the program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone and the oceans pursuant to Section 402 of the Act to include KPDES regulations and conditions.

"Natural Outlet" shall mean any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

"New Source" shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be

applicable to such source if such Standards are thereafter promulgated in accordance with that section in accordance with provisions in 40 CFR 403.3(k), as adopted by the U.S. EPA on October 17, 1988.

"Pass-through" shall mean the discharge of pollutants through the wastewater system into navigation waters in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of BGMU's NPDES permit (including an increase in the magnitude or duration of a violation).

"Person" shall mean any individual, firm, company, association, society, corporation, or group.

"pH" shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a Ph value of seven and a hydrogen ion concentration of ten-7 grams/liter.

"Plumbing Inspector" shall mean the individual assigned by the State of Kentucky Department of Natural Resources and Environmental Protection Cabinet to enforce the plumbing laws and codes of the Commonwealth of Kentucky within BGMU of Bowling Green, Kentucky.

"POTW" shall mean Publicly Owned Treatment Works.

"Pretreatment" shall mean the application of physical, chemical, and biological processes to reduce the amount of pollutants in or alter the nature of the pollutant properties in a wastewater prior to discharging such wastewater into the wastewater system.

"Pretreatment Standards" shall mean the standards required under applicable Federal Regulations implementing Section 307 of the Act (33 USC, Sec. 1317), as well as any non-conflicting State standards or BGMU standards set forth in subsection 23-3.05(c)(4) of this Subchapter. In case of conflicting standards, the more stringent thereof shall apply.

"Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sanitary sewers, with no particle greater than one-half (1/2") inch in any dimension.

"Public Sanitary Sewer" (Sewer) shall mean a sewer owned or controlled by BGMU, of Bowling Green, Kentucky, or any public or private utility that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

"Regulations" shall mean Part 403 of Title 40 of the Code of Federal Regulations, entitled "General Pretreatment Regulations for Existing and New Sources of Pollution", in effect as of July 1, 1986.

"Sewage" shall mean the spent water of a community. The preferred term is "wastewater", this subsection.

"Shall" is mandatory.

"Significant Industrial User" shall mean any user of the public sanitary sewer who:

- a. Has a discharge flow of twenty-five thousand (25,000) gallons or more of wastewater per average work day, excluding domestic wastewater; or
- b. Has a flow or pollutant loading greater than five (5%) percent of the design capacity of the wastewater treatment plant; or
- c. Has in his waste toxic pollutants requiring pretreatment standards prescribed in Section 23-3.05, paragraph c. of this Chapter; or
- d. Is found by the General Manager to have significant impact, either singly or in combination with other contributing users, on the wastewater system, the quality of sludge, the quality of effluent from the wastewater treatment plant or the quality of air emissions from the wastewater treatment plant; or
- e. Is subject to a categorical pretreatment standard(s) under 40 CFR 403.6 and 40 KAR Chapter 1, Subchapter N.

"Significant Non-Compliance" shall mean:

a. Chronic violation of wastewater discharge limits, defined here as those in

which sixty-six (66%) percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

b. Technical Review Criteria (TRC) - violations, defined here as those in which thirty-three (33%) percent or more of all the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily maximum limit of the average limit multiplied by the applicable TRC (TRC = 1.2 for all pollutants except Ph);

c. Any other violation of a pretreatment effluent limit (daily maximum or longer- term average) that the General Manager determines has caused alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);

d. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

e. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or other order issued herein for starting construction, completing construction, or attaining final compliance;

f. Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedule;

g. Failure to accurately report non-compliance;

h. Any other violation or group of violations which the General Manager determines will adversely affect the operation or implementation of the local pretreatment program.

"Sludge" shall mean the accumulated solids separated from wastewater by unit processes at the wastewater treatment plant.

"Suspended Solids" shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by standard methods of laboratory filtering.

"TTO" shall mean Total Toxic Organics.

"Total Solids" shall mean solids in water, wastewater, or other liquids; includes suspended and dissolved solids; all material remaining as residue after water has been evaporated.

"Unpolluted Water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the public sanitary sewers and wastewater treatment plant provided.

"User" shall mean any person who discharges or causes or permits the discharge of wastewater into the wastewater system.

"Wastewater" shall mean the spent water of a community. For purposes of this Section, wastewater is either domestic wastewater, as defined in this subsection, or industrial wastewater, as defined in this subsection, or a combination of both. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

"Wastewater System" shall mean the structures, equipment and processes owned and maintained by BGMU, or any public or private utility that discharges to BGMU systems, that are required to collect, carry away, and treat domestic wastewater or industrial wastewater and dispose of the effluent.

"Wastewater Treatment Plant" shall mean an arrangement of devices and structures for treatment, recycling and reclamation of domestic wastewater or industrial wastes of a liquid nature. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment works" or "water pollution control plant."

"Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

(Ord. BG86-60, 12/16/86; Ord. BG91-44, 9/3/91; Ord. BG2001-5, 2/20/2001)

23-3.02 Use of Public Sanitary Sewers Required.

a. It shall be unlawful to discharge to any natural outlet or storm sewer within the City or in any area under the jurisdiction of the City, any wastewaters or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Section.

b. Except as hereinafter provided, it shall be unlawful to construct or maintain any septic tank or other facility intended or used for the disposal of wastewater.

c. The owner of all houses, buildings, or properties in existence on the effective date of this ordinance and used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper sewer in accordance with the provisions of this Section, within ninety (90) days after date of official notice to do so, provided that the sewer is determined to be available by the Health Officer or other designated authority as determined by the City Commission, by constructing a building sewer from his building drain to the public sanitary sewer.

d. Land which is within 1,500 feet of existing public sanitary sewers, measured by way of public rights-of-way or public utility easements, is considered to be served by sanitary sewage facilities. Any house, building or property constructed after the effective date of this ordinance and used for human occupancy, employment, recreation or other purpose constructed on property served by public sanitary sewer must be connected to public sanitary sewer.

Where new public utility easements are required to accomplish off-site sewer improvements under this paragraph, such easements shall be drawn as grant of easement to BGMU. Where the landowner responsible for connecting to public sewer has been unsuccessful in acquiring required new public utility easements on behalf of BGMU, he or she may petition BGMU to exercise its authority to acquire new easement. Where BGMU acts to obtain the easement, all costs associated with the action shall be borne by the landowner responsible for connecting to the public sewer.

e. Construction of off-site sewer improvements which may be required by paragraph c. above shall be constructed to the specifications of the sewer utility which serves the property and shall become the property of that utility upon completion.

f. All persons served by the BGMU's Wastewater System shall pay for wastewater system service in accordance with the current BGMU's Schedule of Sewer Rates and Charges as established by the Board of Commissioners for the City for the use of and services rendered by BGMU's Wastewater System.

g. All persons served by BGMU's Water System and taking potable water for use or consumption for any and every reason and at any location from BGMU's Water System shall be required to abide by all requirements set forth in this Regulation of Sewer Use and all current Rules and Regulations of BGMU of which this Regulation of Sewer Use is a part.

h. All persons served by BGMU's Water System who are in violation of paragraph c of this Section, by not connecting to existing public sanitary sewer available for their use, shall be charged and liable to pay sewer charges in accordance with applicable and current Sewer Rate Schedules of BGMU as established by the Board of Commissioners for the City.

(Ord. BG80-63, S27-121, 7/15/80; Ord. BG91-44, 9/3/91; Ord. BG91-47, 8/20/91; Ord. BG94-2, 1/18/94; Ord. BG2001-5, 2/20/2001; Ord. BG2001-52, 11/20/2001)

23-3.03 Private Wastewater Disposal.

a. Where a public sanitary sewer is not available under the provisions of Section 23-3.02, paragraph c., the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Section and all other applicable provisions of Kentucky law, including KRS 318.

b. Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the Health Officer. The application for such permit shall be made on forms furnished by the Bowling Green Warren County Health Department, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Health Officer.

c. A private wastewater disposal system shall not be utilized until the installation is completed to the satisfaction of the Health Officer. He shall be allowed to inspect the work at any stage of construction and, in any event the applicant for the permit shall notify the Health Officer when the work is ready for inspection, and before any underground portions are covered.

d. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of the Department of Public Health of the State of Kentucky. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty thousand (20,000) square feet. No septic tank shall be permitted to discharge to any natural outlet.

e. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City or BGMU.

f. At such time as a public sanitary sewer becomes available to a property served by a private disposal system, as provided in paragraph d. of this subsection, a direct connection shall be made to the sewer within ninety (90) days after notice sewer is available, and any septic tanks and similar private wastewater disposal facilities shall be removed or cleaned of sludge and filled with suitable material. The provisions of this paragraph (f) shall be enforced by the City

g. No statement contained in this subsection shall interfere with any additional requirements that may be imposed by the Health Officer.

(Ord. BG80-63, S27-122, 7/15/80; Ord. BG2001-5, 2/20/2001)

23-3.04 Building Sewers and Connections.

a. No authorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sanitary sewer or appurtenance thereof.

b. A Building sewer permit as required by Kentucky State Plumbing Law shall be obtained from the Office of the Plumbing Inspector before constructing any building sewer. The building sewer permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Plumbing Inspector.

c. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City and BGMU from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Tapping of public sewer main lines, installation of wyes in the public sanitary sewer lines and extension of wyes in the public sanitary sewer main lines and of sewer lateral lines to owner's property, when required, shall be performed by BGMU at the owner's expense.

d. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, then the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. The City or BGMU, however, does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

e. Old building sewers may be used in connection with new buildings only when they are determined by the Plumbing Inspector to meet all requirements of this Subchapter and all applicable laws and regulations.

f. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the City Building and Plumbing Code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. (American Society of Testing and Materials) and W.P.C.F. (Water Pollution Control Federation) Manual of Practice No. 9 shall apply.

g. In all buildings in which any building drain is too low to permit gravity flow to the public sanitary sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer. All such required lifting devices shall be installed, owned and maintained

by owner(s) of property being served by the lifting devices.

h. No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Existing conditions of this type shall be disconnected from discharging into the public sanitary sewer by owner at owner's expense.

i. The connection of the building sewer into the public sanitary sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City, or

the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing.

j. The applicant for the building sewer permit shall notify the Plumbing Inspector when the building sewer is ready for inspection and connection to the public sanitary sewer. The connection shall be made under the supervision of the Plumbing Inspector.

k. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

l. All costs and expense incident to the maintenance of the building sewer shall be borne by the owner, to include removal of any obstructions, except where it can be shown to the satisfaction of the General Manager that the building sewer has physically collapsed between the owner's property line and the public sanitary sewer. The costs and expense of repairing the collapsed building sewer between the owner's property line and the public sanitary sewer will be borne by BGMU.

(Ord. BG80-63, S27-123, 7/15/80, Ord. BG86-60, 12/16/86; Ord. BG2001-5, 2/20/2001)

23-3.05 Prohibitions and Limitations on Use of the Public Sanitary Sewers.

This Section establishes limitations and prohibitions on the quantity and quality of wastewater which may be lawfully discharged into the publicly owned treatment works. Pretreatment of some wastewater discharges may be required to achieve the goals established by this Subsection, the Clean Water Act, or applicable Federal Categorical Pretreatment standards. The specific prohibitions and limitations contained in this Section are subject to change when necessary to enable the General Manager to provide efficient wastewater treatment, protect the public health and environment, and to enable BGMU to meet requirements contained in its NPDES permit.

The ultimate goal to be achieved by adherence to this Section is to protect the ability of BGMU's wastewater treatment plant to provide a satisfactory effluent and the creation of a sludge residue that may be disposed of in the approved method, without violating any applicable law or regulation.

a. It shall be the duty of the General Manager to monitor the treatment works influent for elements which may adversely affect the treatment plant's biological processes and sludge disposal method. Should the influent at the treatment plant reach or exceed the levels established by this Chapter, the General Manager shall initiate technical studies to determine the cause of the influent violation and shall recommend to the Board such remedial measures as may be considered necessary, including but not limited to, the establishment of new or revised pretreatment levels for the elements causing the violation.

b. The General Manager shall also recommend to the City through the Board of Commissioners such changes in the discharge standards as may be necessary in the event the wastewater treatment plant effluent standards are changed or should there be changes in any applicable law or regulation affecting the effluent standards or in the event changes are needed for a more efficient operation of the wastewater treatment plant.

c. No person shall discharge or cause to be discharged any substances, materials, waters, or wastes to any public sewer if it appears likely in the opinion of the General Manager that such waste may harm the sewers, wastewater treatment process or equipment or may adversely affect the receiving stream, or may otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the General Manager shall give consideration to such factors as the quantities of the subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment plant, degree of treatability of wastes in

the wastewater treatment plant, and such other factors as may be deemed appropriate in the opinion of the General Manager.

d. No person shall maliciously, willfully or negligently break, damage, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the waste water system.

e. Prohibitions on Wastewater Discharges. No person shall discharge or deposit or cause or allow to be discharged or deposited into the wastewater system any wastewater which contains the following:

1. Oils and Grease.

(a) Oil and grease concentrations or amounts from users violating Federal, State, or City pretreatment standards set forth in paragraph e.1.(b) of this Section.

(b) Wastewater from users containing floatable oil, wax, fats or grease concentration of non-hydrocarbon origin of more than one hundred (100) mg/l whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit (0 degrees to 65 degrees Celsius) at the point of discharge into the system. Hydrocarbon origin oil and grease concentration shall not exceed 50 mg/l.

2. Explosive Mixtures. Liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fires or explosion or be injurious in any other way to the wastewater system or to the operation of the system. Specifically prohibited are substances which exhibit a closed-cup flashpoint of less than 140 degrees F. At no time shall two (2) successive readings at two hour intervals on an explosion hazard meter, at the point of discharge into the wastewater system, be more than five (5%) percent nor any single reading over ten (10%) percent of the Lower Explosive Limit (L.E.L.) of the meter. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides. TTO (accumulative) concentrations shall not exceed 2.13 mg/l.

3. Noxious Material. Noxious or malodorous solids, liquids, or gases, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to lie, or are or may be sufficient to prevent entry into the wastewater system for its operation, maintenance and repair.

4. Improperly Shredded Garbage and Ground Paper Products. Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sanitary sewer, with no particle greater than one-half (1/2") inch in any dimension.

5. Radioactive Wastes. Radioactive wastes or isotopes of such half- life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the wastewater system or personnel operating the system.

6. Solid or Viscous Wastes. Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the wastewater system. Prohibited materials include, but are not limited to: grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or flashings entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, mud, glass, straw shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances.

7. Excessive Discharge Rate. Wastewaters at a flow rate that exceed for any time period longer than fifteen (15) minutes more than five (5) times the user's average process flow during normal operation or that would cause interference with the wastewater system.

8. Toxic Substances. Any toxic substance in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to Section 307(a) of the Act, and chemical elements or compounds, phenols or other taste or odor producing substances, or any other substances which are not susceptible to treatment or which may cause interference with the biological processes or efficiency of the wastewater treatment plant, or that will "pass-through" the system as defined in Section 23-3.01.

9. Unpolluted Waters. Any unpolluted water including, but not limited to water from cooling systems or of storm water origin, which will increase the hydraulic load on the wastewater system.

10. Discolored Material. Wastes with objectionable color producing interference with, or not removable by the treatment process of the wastewater treatment plant.

11. Corrosive Wastes. Any waste which will cause corrosion or deterioration of the wastewater system. All wastes discharged to the wastewater system must have a pH value in the range of (6) to (11) standard units. Prohibited materials include, but are not limited to: acids, concentrated sulfides, chlorides and fluoride compounds, and substances which will react with water to form acidic products.

12. Heat. Heat in amounts which will inhibit biological activity in the wastewater system resulting in interference, but in no case heat in such quantities that the temperature at the wastewater treatment plant exceeds 40 degrees Celsius (104 degrees Fahrenheit) unless BGMU approves alternate temperature limits.

13. Hazardous Waste. Any waste or wastewater classified as a hazardous waste by the Resource Conservation and Recovery Act (RCRA) without, at least, a 60-day prior notification of such discharge to the General Manager of the POTW. This notification must include the name of the waste, EPA hazardous waste number, type of discharge, volume/mass of discharge and time of occurrence. The General Manager may deny or condition this discharge at any time.

f. Limitations on Wastewater Discharges. No person shall discharge or convey, or permit or allow to be discharged or conveyed to the public sanitary sewer any wastewater containing pollutants of such character or quantity that will:

1. Not be susceptible to treatment, cause interference with the process or efficiency of the wastewater treatment system or pass through the treatment plant to the receiving stream.

2. Constitute a hazard to human or animal life, or to the stream or watercourse receiving the wastewater treatment plant effluent.

3. Violate Federal, State or City pretreatment standards.

4. Exceed the following discharge limitations.

Constituent	Limits mg/l*
Arsenic	0.84
Barium	2.500
Beryllium	0.004
Cadmium	0.02
Chlorides	1,600.0

*The limit applies to either a composite sample or a grab sample expressed as a maximum daily concentration in milligrams per liter (mg/l). The above mentioned constituents and limitations are subject to review and revision with Kentucky NREPC concurrence. This action to occur at the time of each NPDES permit renewal as a minimum.

Constituents	Limits mg/l
Chromium VI	0.08
Chromium, Total	2.770
Copper	0.650
Cyanides	0.15
Iron	15.00
Lead	0.200
Mercury	0.001
Nickel	1.500
Phenol, Pentachloro	0.29
pH	6-11 s.u.
Selenium	0.040
Silver	0.106
Sulfides	5.0
TTO	2.13
Total Dissolved Solids	future limit possible
Zinc	2.50

5. Cause the wastewater treatment plant to violate its NPDES permit or applicable receiving water standards.

6. Cause interference with sludge handling or disposal operations.

7. Result in toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

g. Septic tank and other holding tank wastewater discharges.

1. No person owning vacuum or "septic tank" pump trucks or other liquid wastewater transport trucks shall discharge directly or indirectly such wastewater into the wastewater system, unless such person shall first have applied for and received a nontransferable Septic Tank Discharge Permit from the General Manager for each vehicle. All applicants for Septic Tank Discharge Permit shall complete such forms as required by the General Manager, pay appropriate fees to include treatment fees reviewed at least annually, and agree in writing to abide by the provisions of this Chapter and any special conditions or regulations established by the Health Officer and General Manager. The owners of such vehicles shall display the permit number for each vehicle used for such purposes. Such permits shall be valid for the specified period the permit is purchased but in no case longer than one (1) year from the date of issuance, provided that such permit shall be subject to revocation by the General Manager for violation of any provision of this Subchapter or reasonable regulation established by the City or BGMU. Such permits shall be limited to the discharge of domestic wastewater containing no industrial wastewater. The General Manager shall designate the locations and times where such trucks may be discharged and may refuse to accept any truckload of wastewater where in his absolute discretion it appears that the wastewater could cause interference with the effective operation of the wastewater system.

2. No person shall discharge any other holding tank wastewater into the wastewater system unless he shall have applied for and have been issued a permit by the General Manager. A permit may consist of a written letter of approval from the General Manager prior to batch discharge. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each location of discharge. This permit shall include the time of day the discharge is to occur, the volume of discharge, and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable charges or fees therefore, and shall comply with the conditions of the permit issued by the General Manager. No permit, however, will be required to discharge domestic wastewater from a recreational vehicle holding tank providing such discharge is made into an approved facility designed to receive such wastewater.

h. Grease, Oil and Sand Traps.

1. Establishments involved in the preparation of food for commercial or public purposes shall provide grease interceptors or traps. Grease, oil and sand interceptors or traps shall be provided by others when necessary for the proper handling of liquid wastes containing grease in excessive amounts, sand and other harmful ingredients, except that such interceptors or traps will not be required for private living quarters or dwelling units.

2. All interceptors or traps shall be of type and capacity approved by the Health Officer, the Plumbing Inspector and a BGMU representative, and shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, gastight, watertight and equipped with easily removable covers.

3. For new or remodeled (food handling) establishments, all wastewater drain piping from food processing equipment; sinks for washing of food equipment and utensils; mop sinks; dishwashers; hand sinks and floor drains in food processing or food preparation areas, shall be separated from other wastewater piping and connected to an approved exterior-type grease trap prior to discharge into the public sanitary sewer. Minimum capacity for an exterior-type grease trap five hundred (500) gallons, based upon rectangular dimensions that will support a liquid (depths) of at least three (3) feet and six (6) inches.

4. Existing food handling establishments must within two (2) years of written notification, install grease trap(s) on all wastewater drain piping, except floor drains, as listed above. Floor or flush mounted, under the fixture units such as Zurn model Z-1170 or Z-1170 LT series grease trap(s) or approved equal will be permitted. Capacity will be determined upon the size, number and types of fixtures utilized by the grease trap. Minimum single-fixture grease trap capacity requirements will be fifty (50) pounds with dishwashers and twenty (20) pounds without.

5. All grease, oil and sand interceptors or traps shall be maintained by the user in continuously efficient operation at all times at his expense.

6. Approval of proposed facilities or equipment by the Health Officer, does not, in any way, guarantee that these facilities or equipment will function in the manner described by their constructor or manufacturer; nor shall it relieve a person of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose.

i. Surcharges.

1. There shall be a surcharge for high ammonia nitrogen (NH₃-N), for high biochemical oxygen demand (BOD₅) for high chemical oxygen demand (COD), and for high total suspended solids (TSS) levels in wastewater discharged into the public sanitary sewer by a nonresidential user. The surcharge rates shall be based upon actual costs for treatment of BOD and TSS, and estimates for the cost of treating COD based upon a BOD/COD ratio of .67 (2/3). The cost of treating NH₃-N shall be determined by multiplying the BOD₅ surcharge rate by 4.67, the multiple of oxygen needed to treat an ammonia ion as compared to BOD. The rates may be adjusted annually but shall be reviewed and adjusted if necessary at least biannually and will be based upon the following formulae:

$$\text{Cost/lb. BOD}_5 = \frac{(\text{Fractional WWTP BOD}_5 \text{ load}) \times (\text{Total annual O \& M cost of wastewater system})}{(\text{Annual total lbs BOD}_5 \text{ plus TSS to WWTP})}$$

$$\text{Fractional WWTP BOD}_5 \text{ load} = \frac{(\text{Total average lbs. BOD}_5 \text{ to WWTP})}{(\text{Total average lbs./day BOD}_5 \text{ plus TSS to WWTP})}$$

$$\text{Cost/lb. TSS} = \frac{(\text{Fractional WWTP TSS load}) \times (\text{Total annual O \& M cost of wastewater system})}{(\text{Annual total lbs. BOD}_5 \text{ plus TSS to WWTP})}$$

$$\text{Fractional WWTP TSS load} = (1 - \text{Fractional WWTP BOD}_5 \text{ load})$$

$$\text{Cost/lb. COD} = (\text{Cost/lb. BOD}) \times (.67)$$

$$\text{Cost/lb. NH}_3\text{-N} = (\text{Cost/lb. BOD}) \times (4.67)$$

Surcharges for waste strengths above the following discharge values may be assessed:

BOD₅ above 300 mg/L (or COD above 450 mg/L)

TSS above 300 mg/L

NH₃-N above 25 mg/L

2. Sewer surcharges shall be based upon the average of the analysis of at least two samples taken during any one month and shall remain in effect for a minimum of one month. Sewer surcharges

will be billed with the regular sewer service bill and the General Manager shall have such remedies for the collection of such costs as he has for the collection of sewer service charges.

3. A surcharge may be assessed for BOD and COD, but not for both parameters simultaneously. No reduction in sewer service charges, fees or taxes shall be permitted because of the fact that certain wastewaters discharged to the sanitary sewer contain less than the maximum allowable concentration as defined above.

j. Dilution of Wastewater. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or for any other pollutant-specific limitation developed by BGMU or the Commonwealth of Kentucky.

(Ord. BG80-63, S27-124, 7/15/80; Ord. BG86-60, 12/16/86; Ord. BG91-44, 9/3/91; Ord. BG94-2, 1/18/94; Ord. BG95-45, 12/5/95; Ord. BG2001-5, 2/20/2001; Ord. BG2004-17, 4/20/2004)

23-3.06 Control of Prohibited Wastes.

a. Regulatory Actions. If wastewaters containing any substances described in Section 23-3.05 are discharged or proposed to be discharged into the wastewater system of BGMU or to any wastewater system tributary thereto, the General Manager may take any action necessary to:

1. Prohibit the discharge of such wastewater.
2. Require a discharger to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances in conformity with this Section.
3. Require pretreatment, including storage, facilities, or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate this section.
4. Require the person making, causing or allowing the discharge to pay any additional cost or expense incurred by BGMU for handling and treating excess loads imposed on the wastewater system.
5. Take such other remedial action as may be deemed to be desirable or necessary to achieve the purpose of this Subchapter.

b. Compliance Schedule. Where pretreatment is required to meet the requirements of this Subchapter, the significant user shall submit the shortest schedule by which such additional pretreatment will be provided. The completion date in this schedule shall not be later than the compliance date established by the U.S. Environmental Protection Agency for the applicable Pretreatment Standard or applicable National Categorical Pretreatment Standard.

c. Submission of Plans. Where pretreatment or equalization of wastewater flows prior to discharge into any part of the wastewater system is required, plans, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities shall first be submitted to the General Manager for review and approval. Such approval shall not exempt the discharge or such facilities from compliance with any applicable code, ordinance, rule, regulation or order of any governmental authority. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to and prior approval of the General Manager.

d. Pretreatment Facilities Operations. If pretreatment or control of waste flows is required, such facilities shall be maintained in good working order and operated as efficiently as possible by the owner or operator at his own cost and expense, subject to the requirements of this Subchapter and all other

applicable codes, ordinances and laws. By-passing of pretreatment systems is prohibited as per 40 CFR 403.17.

e. Admission to Property. Whenever it shall be necessary for the purposes of this Subchapter, the General Manager, upon the presentation of credentials, may enter upon any property or premises at reasonable times for the purpose of:

1. Copying any records required to be kept under the provisions of this Subchapter,
2. Inspecting any monitoring equipment or method, or any pretreatment facilities, and
3. Sampling any discharge of wastewater to the wastewater system. The General Manager may enter upon the property at any hour under emergency circumstances.

f. Protection from Accidental Discharge. Each significant industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the General Manager for review, and shall be approved by him before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the significant industrial user from the responsibility to modify his facility as necessary to meet the requirements of this Chapter

g. Reporting of Possible or Actual Accidental or Intentional Discharge. If, for any reason a facility sustains or suspects it may have sustained an accidental or intentional sludge discharge of prohibited materials or other wastes regulated by this Section, the facility responsible for such discharge shall cease or contain such discharge immediately, and immediately notify the General Manager so that corrective action may be taken to protect the wastewater system. In addition, a written report, addressed to the General Manager, detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge, and corrective action taken to prevent future discharges, shall be filed by the responsible facility within five (5) days of the occurrence of the noncomplying discharge.

(Ord. BG80-63, S27-125, 7/15/80; Ord. BG91-44, 9/3/91; Ord. BG2001-5, 2/20/2001)

23-3.07 Significant Industrial Users: Reporting and Monitoring.

a. Reports.

1. Every significant industrial user who discharges into the public sanitary sewer or employs processes which generate any substances suspected of having an adverse impact on the wastewater system shall file a periodic Discharge Report at such intervals as may be designated by the General Manager. The General Manager may require any other users discharging or proposing to discharge into the wastewater system to file such periodic reports.

2. The Discharge Report shall include, but, in the discretion of the General Manager, shall not be limited to: nature of process, volume, rates of flow, mass emission rate, production quantities, hours of operation, concentrations of controlled pollutants, or other information which relates to the generation of waste. Such reports may also include the chemical constituents and quantity of liquid materials stored on site even though they are not normally discharged. In addition to Discharge Reports, the General Manager may require information in the form of self-monitoring reports.

3. Within one hundred and eighty (180) days after the effective date of a National Categorical Pretreatment Standard, all significant industrial users subject to such Standards and currently discharging

or scheduled to discharge to the wastewater system shall be required to submit to the General Manager a report containing the information required in Section 403.12(b) of the Regulations and the compliance schedules and reports required in Sections 403.12(c), (d) and (c) of the Regulations.

4. Reports submitted to the General Manager must be signed by an authorized representative of the significant industrial user. An authorized representative may be (a) a Principal executive officer of at least the level of vice president, if the significant industrial user is a corporation, (b) a general partner or proprietor, if the significant industrial user is a partnership or sole proprietorship, or (c) a duly authorized representative of any of the above individuals, if such representative is responsible for the overall operation of the facility from which the discharge originates.

5. All sample collection and testing methods shall be those as described in 40 CFR 136, and 40 CFR 261, or other approved EPA methods.

6. All sampling analysis done in accordance with U.S. EPA procedures by the significant industrial user during a reporting period shall be submitted to the General Manager, regardless of whether or not that analysis was required by the user's discharge permit.

7. The significant industrial user must receive the approval of the General Manager before changing the sampling point and/or monitoring facilities to be used in all required sampling.

8. All significant industrial users must notify the General Manager within 24 hours of first becoming aware of a permit violation through self monitoring. This notification shall include the date of violation, the parameter violated and the amount in exceedance. Within ten (10) days of first becoming aware of this violation, user must re-sample for the parameter(s) violated and submit this sample results to BGMU.

9. All industrial users shall report any change of discharge volume or pollutant concentration.

b. Records and Monitoring.

1. All significant industrial users who discharge or propose to discharge wastewaters to the wastewater system shall maintain such records of production and related factors, effluent flows, and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this Subchapter and any applicable State or Federal pretreatment standards or requirements.

2. Such records shall be made available upon request by the General Manager. All such records relating to compliance with pretreatment standards shall be made available to officials of the U.S. Environmental Protection Agency and the State of Kentucky Natural Resources and Environmental Protection Cabinet upon demand. A summary of such data indicating the significant industrial user's compliance with this Chapter shall be prepared semi-annually and submitted to the General Manager. In addition the General Manager may inspect and copy all records pertaining to the user's wastewater discharge.

3. Any significant industrial user shall install at his own cost and expense suitable monitoring equipment to facilitate the accurate observation, sampling and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.

4. The monitoring equipment shall be located and maintained on the significant industrial user's premises in a readily accessible location in the opinion of the General Manager. When such a location would be impractical or cause undue hardship on the significant industrial user, the General Manager may allow such facility to be constructed in the public street or sidewalk area with the approval of the

public agency having jurisdiction over such street or sidewalk, and located so that it will not be obstructed by public utilities, landscaping, or parked vehicles.

5. When more than one significant industrial user can discharge into a common sewer, the General Manager may require installation of separate monitoring equipment for each significant industrial user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single significant industrial user, the General Manager may require that separate monitoring facilities be installed for each separate discharge.

6. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the General Manager's requirements and all applicable construction standards and specifications.

c. Inspection, Sampling and Analysis.

1. Compliance Determination. Compliance determinations with respect to Section 23-3.05 may be made on the basis of either instantaneous grab samples or composite samples of wastewater as may be appropriate for the parameter. Composite samples may be taken over twenty-four (24) hour period, or over a time span, as determined necessary by the General Manager to meet the needs of specific circumstances.

2. Analysis of Discharges. At the owner's expense, laboratory analysis of discharge samples shall be performed by a laboratory, acceptable to the General Manager, in accordance with methods as outlined in 40 CFR 136 and 40 CFR 261, or other approved EPA methods.

3. Sampling Frequency. Sampling of discharges for the purpose of compliance determination with respect to Section 23-3.05 will be done at such intervals as the General Manager may designate.

4. Copies of records of all samples and/or monitoring activities must be kept by the significant industrial user for a minimum of three (3) years.

d. Public Access to Information; Exceptions.

1. Information and data on a user obtained from reports, questionnaires, and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of BGMU that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

2. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to the Subchapter, the National Pollutant Discharge Elimination System (NPDES) Permit, and/or the Pretreatment Standards; provided however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

3. Information accepted by BGMU as confidential, shall not be transmitted to the general public by BGMU until the expiration of three (3) days following the giving of written notice by BGMU to the user of BGMU's intention to divulge such information to the general public. The Kentucky NREPC shall have unrestricted access to all information submitted to BGMU to include that information deemed confidential.

e. Permit to Discharge.

1. No person shall discharge or cause to be discharged any industrial wastewater directly or indirectly to sewerage facilities owned by BGMU without first obtaining a permit from BGMU for industrial wastewater discharge when deemed necessary. This regulatory authority shall extend to any extra jurisdictional agencies or industries which contribute wastewater to BGMU's wastewater system.

2. The permit for industrial wastewater discharge may require pretreatment of industrial wastewaters before discharge, restriction of peak flow discharges, discharge of certain wastewater only to specified sewers of BGMU, relocation of point of discharge, prohibition of discharge of certain wastewater components, restriction of discharge to certain hours of the day, payment of additional charges to defray increased costs of BGMU created by the wastewater discharge and such other conditions as may be required to effectuate the purpose of this Chapter.

3. No permit for industrial wastewater discharge is transferable without the prior written consent of the General Manager.

4. No person shall discharge industrial wastewaters in excess of the quantity or quality limitations set by the permit for industrial wastewater discharge. Any person desiring to discharge wastewaters or use facilities which are not in conformance with the permit should apply to BGMU for an amended permit with regard to quantity.

5. Applicants for a permit for industrial wastewater discharge shall complete an application for wastewater discharge permit available at the general offices of BGMU one hundred eighty day (180) prior to permit validation. Baseline Monitoring Reports (BMR) and Industrial Waste Survey Questionnaire (IWSQ) must be submitted as well.

6. Upon receipt of the permit fee prescribed in BGMU's schedule of charges and fees, and of all required information, the application shall be processed and, upon approval, be signed by the General Manager and one (1) copy returned to the applicant.

7. The application shall be approved if the applicant has complied with all applicable requirements of this Subchapter and furnished to BGMU all required information and if the General Manager determines that there is adequate capacity in the wastewater system.

8. Upon approval of the permit application, BGMU will issue a wastewater discharge permit incorporating discharge conditions, monitoring schedules and locations, compliance schedules, etc., tailored to the individual industrial user. This wastewater discharge permit shall be issued for a specified time period not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by BGMU during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

9. All industrial users shall submit periodic reports regarding the nature and concentration of all pollutants as outlined in their wastewater discharge permit. Production rates shall be reported by industrial users subject to production based standards. In addition, within ninety (90) days following date for final compliance with applicable pretreatment standards or, in the case of a new source, ninety (90) days prior to commencement of the introduction of wastewater into the wastewater treatment plant, any user subject to pretreatment standards and/or local requirements shall submit to the General Manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated processes which are limited by pretreatment standards and/or local requirements. This report shall

include schematic drawings or other descriptions of any pretreatment equipment. New sources are required to be in compliance with pretreatment standards and/or local limits upon commencement of introduction of wastewater to the wastewater treatment system. All sampling and testing shall follow the methods as outlined in 40 CFR 136, 40 CFR 261, or other approved EPA methods. This statement shall be signed by an authorized representative of the industrial user, and certified by a qualified professional.

10. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or for any other pollutant-specific limitation developed by BGMU or the Commonwealth of Kentucky. The General Manager may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, all reports shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, of production and mass where requested by the General Manager, of pollutants contained therein which are limited by the applicable pretreatment standards. All analyses shall be performed in accordance with procedures established by the EPA Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

11. The General Manager may suspend a permit for industrial wastewater discharge for a period of not to exceed sixty (60) days when such suspension is necessary in order to stop a discharge which presents an imminent hazard to the public health, safety, or welfare, to the local environment or to BGMU's wastewater system.

12. Any discharger notified of a suspension of this permit shall immediately cease and desist the discharge of such industrial wastewater to the sewerage system. In the event of a failure of the discharger to comply voluntarily with the suspension order, the General Manager shall take such steps as are reasonably necessary to insure compliance.

13. Any suspended discharger may file with the General Manager, a request for a meeting with the Board of Directors. The Board shall meet within thirty (30) days of the receipt by the General Manager such request. The Board shall hold a meeting on the suspension and either confirm or revoke the action of the General Manager. Reasonable notice of the meeting shall be given to the suspended discharger. At this meeting the suspended discharger may appear personally or through counsel, and present evidence in his own behalf.

14. In the event that the Board fails to meet within the time set forth above or fails to make a determination within a reasonable time after the close of the meeting, the order of suspension shall be stayed until a determination is made either confirming or revoking the action of the General Manager.

15. The General Manager shall reinstate the permit on proof of satisfactory compliance with all discharge requirements of BGMU.

16. The General Manager may revoke a permit for Industrial Wastewater Discharge on a finding that the discharger has violated any provisions of this Chapter. No revocation shall be ordered until a meeting on the question has been held by the Board. At this meeting, the discharger may appear personally or through counsel and present evidence in his/her own behalf. Notice of the meeting shall be given to the discharger at least fifteen (15) days prior to the date of the meeting.

17. Any discharger whose permit has been revoked shall immediately stop all discharge of any liquid carried wastes covered by the permit to any public sewer that is tributary to the wastewater system of BGMU. The General Manager may disconnect or permanently block from such public sewer the

industrial connection sewer of any discharger whose permit has been revoked if such action is necessary to ensure compliance with the order of revocation.

18. Before any further discharge of industrial wastewater may be made by the discharger, he must apply for a new permit for Industrial Wastewater Discharge, pay all charges that would be required upon initial application together with all delinquent fees, charges and penalties and such other sums as the discharger may owe to BGMU. Cost incurred by BGMU in revoking the permit and disconnecting the industrial connection sewer shall be paid for by the discharger before issuance of a new permit for industrial wastewater discharge.

19. BGMU may suspend the wastewater treatment services and/or a wastewater discharge permit when such suspension is necessary, in the opinion of BGMU, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the wastewater treatment plant or causes BGMU to violate any condition of its NPDES Permit.

20. Any person notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, BGMU shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the wastewater treatment plant or endangerment to any individuals. BGMU shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to BGMU within fifteen (15) days of the date of occurrence.

21. The General Manager may deny or conditionally approve, new or increased contributions of pollutants or changes in the nature of pollutants to the POTW by users where such contributions do not meet applied Pretreatment Standards and Regulations, or conditions of this Chapter.

Any user who meets the criteria for significant non-compliance shall submit a compliance schedule outlining the steps which the user plans to take to achieve compliance. This compliance schedule shall include milestone dates. The user shall submit reports within fourteen (14) days past each milestone date. These reports will confirm the completion of the schedules plan for the milestone date. If the user has not met the expectations of the compliance schedule the user will explain why and how the user will accelerate activities to meet the final compliance milestone date. Within fourteen (14) days past the final compliance milestone date the user will submit a report with a statement, indicating that the user is consistently meeting the conditions of this Subchapter and the user will provide sufficient analytical data to support this statement.

22. Where an effluent from an industrial process is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived for the discharge permit by the General Manager. These alternative limits shall be applied to the mixed effluent. These alternative limits shall be calculated using the Combined Wastestream Formulae and/or Flow-Weighted Average Formulae given in 40 CFR 403.6(e). Where the effluent limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutants per units or production (production-based standard), the General Manager may convert the limits to equivalent limitations expressed either as mass of pollutant that may be discharged per day or effluent concentration for purposes of calculating effluent permit limitations applicable to the permittee. The permittee shall be subject to all permit limits calculated in this manner under 40 CFR 403.6(c) and must fully comply with these alternative limits. All categorical industrial users subject to production-based standards must report production rates annually so that alternative permit limits can be calculated if necessary. The categorical industrial user must notify the General Manager thirty (30) days in advance of any change in production levels that might affect the flow or other data used to calculate the effluent limits in the discharge permit.

(Ord. BG80-63, S27-126, 7/15/80, Ord. BG86-60, 12/16/86; Ord. BG91-44, 9/3/91; Ord. BG2001-5, 2/20/2001)

23-3.08 Powers and Authority of Inspectors.

a. The General Manager and other duly authorized employees of BGMU bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurements, sampling and testing in accordance with the provisions of this Chapter. The General Manager, or his representative, shall have the authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries even beyond that point having a direct bearing on the kind and source of discharge to the public sanitary sewer.

b. While performing the necessary work on private properties referred to in Section 23-3.08, paragraph a above, the General Manager or duly authorized employees of BGMU shall observe all safety rules established by the owner which are applicable to the premises.

c. The General Manager and other duly authorized employees of BGMU bearing proper credentials and identification shall be permitted to enter all private properties through which BGMU holds negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater system lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. BG80-63, S27-127, 7/15/80; Ord. BG91-44, 9/3/91; Ord. BG2001-5, 2/20/2001)

23-3.09 Enforcement and Abatement.

a. General. BGMU through the General Manager or his designee, to insure compliance with this Chapter, and as permitted through 40 CFR Subchapter N, 401 through 471 and 401 KAR 5:057 may take the following enforcement steps against users in noncompliance with this Chapter. The remedies available to the General Manager include injunctive relief, civil and criminal penalties, immediate discontinuance of discharges and/or water and/or electric service and the publishing of the list of significant violators annually. The enforcement authority shall be vested in the General Manager of the POTW or his/her designee.

All violations of requirements of this Chapter must be reviewed and responded to by the General Manager or his representative. In general, the General Manager shall notify the industrial user when a violation occurs. For all violations, the General Manager shall receive an explanation and, as appropriate, a plan from the industrial user to correct the violation within a specific time period. If the violation(s) persist or the explanation and/or plan are not adequate, the General Manager's response shall be more formal and commitments or schedules, as appropriate, for compliance will be established in an enforceable document. The enforcement response selected will be related to the seriousness of the violation. Enforcement responses will be escalated if compliance is not achieved expeditiously after the initial action. A significant violation will require a formal enforcement action. The full scale of enforcement actions will be detailed in BGMU's Pretreatment Program Enforcement Response Plan.

b. Enforcement Action.

1. Informal Notice. These actions include statements made to the industrial user during sampling and/or inspection visits, telephone calls to the appropriate company official, informal meetings, warning or reminder letters. These informal notices shall be used for minor violations.

2. Formal Notice. These actions include the following:

(a) Notice of Violation. Any person found to be violating any provision of this Subchapter, wastewater discharge permit or any order issued hereunder shall be served by the POTW Manager with a written notice stating the nature of the violation.

(b) Administrative Order/Fines. Any person who, after receiving a Notice of Violation, and continue to discharge in violation of this Chapter or of the pretreatment standard or requirements or is determined to be a chronic or persistent violator, shall be ordered to appear before the General Manager. At said appearance, a compliance schedule will be given to the violating user and an administrative fine assessed. The fine shall be determined on a case-by-case basis which shall consider the type, severity, duration and number of violations, severity of impact on the POTW, impact on human health, user's economic benefit from the violation, past history of the user, and good-faith efforts made by the user. The fine shall be a non-arbitrary but appropriate amount as defined in Section 23-3.10 in this Subchapter.

The administrative order may take any of the following four (4) forms:

(1) Consent Order. The General Manager is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified in the order. Consent Orders shall have the same force and effect as all other administrative orders.

(2) Compliance Order. When the General Manager finds that an industrial user has violated or continues to violate this Chapter or permit or order issued hereunder, he may issue an order to the industrial user responsible for the violation directing that following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices and other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.

(3) Cease and Desist Order. When the General Manager finds that an industrial user has violated or continues to violate this Chapter or any permit or order issued hereunder, the General Manager may issue an order to cease and desist all such violations to the user and direct those persons in noncompliance to:

(i) Comply forthwith;

(ii) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(4) Show Cause Hearing. The General Manager may issue to any user who causes or contributes to violations of this Chapter, discharge permit or order issued hereunder, an order to appear and show cause why more severe enforcement action should not be taken. A notice shall be served on the user specifying the time and place of the hearing to be held by the General Manager regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the user to show cause before the General Manager why more severe enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of the facility. Whether or not a duly notified industrial user or its representative appears, immediate enforcement action may be pursued.

BGMU itself may conduct the hearing and take evidence or may designate a representative to:

(i) Issue in the name of BGMU notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(ii) Take the evidence.

c. Revocation of Permit. Any user violating any of the provisions of this Chapter or discharge permit or other order issued hereunder shall be subject to termination of its authority to discharge sewage into the public sewer system. Such termination shall be immediate if necessary for the protection of the POTW. Said user may also have water service terminated. Any user who violated any condition(s) of this Chapter, discharge permit, order or applicable State or Federal regulation is subject to having its Industrial User Discharge Permit revoked in accordance with the procedures of this Chapter. Violations resulting in immediate permit revocation shall include, but not be limited to, the following:

1. Failure of user to factually report the wastewater constituents and characteristics of its discharge;

2. Failure of the user to report significant changes in operations, processes, wastewater constituents and characteristics;

3. Refusal of reasonable access to the user's premises for the purposes of inspection and sampling; and,

4. Violation(s) of any condition of the Industrial User Discharge Permit.

d. Liability. Any user violating any of the provisions of this Chapter, discharge permit or other order issued hereunder shall become liable to BGMU for any expense, loss or damage occasioned by BGMU by reason of such violation. This civil liability is as provided by State and Federal regulations.

e. Misrepresentations and/or Falsifying of Documents. Any user who knowingly and/or negligently makes any false statements, representations or certification of any application, record, report, plan or other document filed or required pursuant to this Subchapter or Industrial User Discharge Permit or who falsifies, tampers with or knowingly and/or negligently renders inaccurate any monitoring device or method required under this Subchapter, shall be guilty of a misdemeanor and shall be fined at least one thousand (\$1,000.00) dollars per violation or imprisoned for not more than twelve (12) months or both.

f. Destruction of POTW and Legal Action. No person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the POTW system. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct. It shall be noted that the Clean Water Act does not require proof of specific intent to obtain conviction.

g. Judicial Action. If any person(s) discharges sewage, industrial wastes or other wastes into BGMU's wastewater disposal system contrary to the provisions of this Chapter, discharge permit, any order of the General Manager or BGMU, or Federal or State pretreatment requirements, BGMU may commence an action for appropriate legal and/or equitable relief in the appropriate court of this jurisdiction. In addition to the penalties provided herein, BGMU may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person(s) found to have violated this Subchapter or the orders, rules, regulations and permits issued hereunder.

h. Termination of Service. The General Manager may suspend the wastewater treatment service and/or wastewater discharge permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of the public, the POTW system or the environment. Any user notified of suspension of the wastewater treatment service and/or the discharge permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the General Manager shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. Any industrial user responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the General Manager.

i. Criminal Prosecution. Any industrial user who willfully or negligently violates any provisions of this Subchapter, any orders or permits insured hereunder, or any other pretreatment requirements shall be guilty of a misdemeanor and be, upon conviction, fined at least one thousand (\$1,000.00) dollars per violation per day or imprisoned for not more than one (1) year or both.

j. Public Nuisance. The discharge of wastewater in any manner in violation of this Subchapter is hereby declared a public nuisance and shall be corrected or abated as provided herein.

k. Violations Not Involving Imminent Danger.

1. Notification to user of actual or threatened violation. Whenever the General Manager determines or has reasonable cause to believe that a discharge of wastewater has occurred, or is about to occur, in violation of the provisions of this Subchapter, or any other applicable law or regulation, he shall notify the user of such violation; however, failure of the General Manager to provide notice to the user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge. The notice shall state:

(a) The nature of the actual or threatened violation of this Section.

(b) The time within which the user must take appropriate measures to prevent any threatened violation, or the recurrence of any actual violations, and to furnish evidence to the General Manager that such corrective action has been taken.

2. Proceedings in the event of failure of user to furnish satisfactory evidence of corrective action within time prescribed by notice. In the event the user fails to furnish satisfactory evidence to the General Manager that corrective action has been taken within the time prescribed by the notice (or any extensions of time granted by the General Manager), the General Manager may:

(a) Suspend the water, sewer and/or electric service if this action will serve to prevent any further violations by the user.

(b) Sever his sewer connection(s), or take such other steps as may be required in order to insure that no prohibited wastewater is introduced into the public sanitary sewer.

l. Violations Involving Imminent Danger.

1. The General Manager may suspend the water and/or electric service when such suspension is necessary, in the opinion of the General Manager, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons to the environment, causes interference to the wastewater system or causes BGMU to violate any condition of its NPDES Permit.

2. Any person notified of a suspension of his water and/or electric service shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the General Manager shall take such steps as deemed necessary including immediate severance of the sewer connection to prevent or minimize damage to the wastewater system or endangerment to any individuals. The General Manager shall reinstate the water, sewer and/or electric service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the General Manager within five (5) days of the date of occurrence.

m. Assessment of Damages to Users. When a discharge of wastewater causes an obstruction, damage, or any other impairment to the wastewater system, the General Manager may assess a charge against the user for the work required to clean or repair the facility and these charges will be billed directly to the user when costs are final. The General Manager shall have such remedies for the collection of such costs as he has for the collection of sewer service charges.

n. Judicial Relief. In cases of violations of this Subchapter, BGMU shall have the right to seek injunctive relief and any other relief of a civil or criminal nature against the violators, which right shall be in addition to the right to take non-judicial action as set out in paragraphs b and c of the Section. In any judicial action of a civil nature, BGMU shall have the right to recover from the violator of this Subchapter any actual damages sustained, including the costs, if any, incurred by BGMU, in corrective or preventive action taken for the purpose of protecting the integrity of the wastewater system, reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation.

(Ord. BG80-63, S27-128, 7/15/80; Ord. BG86-60, 12/16/86; Ord. BG91-44, 9/3/91; Ord. BG95-45, 12/5/95; Ord. BG2001-5, 2/20/2001)

23-3.10 Penalty.

Any person who is found to have violated any provision of this Subchapter, may, under Administrative Order, be fined not less than one hundred (\$100.00) dollars, nor more than one thousand (\$1,000.00) dollars for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, BGMU may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law allows against the person found to have violated this Subchapter or the orders, rules and regulations issued hereunder.

(Ord. BG80-63, S27-129, 7/15/80; Ord. BG91-44, 9/3/91; Ord. BG2001-5, 2/20/2001)

23-3.11 Public Notification of Significant Non-Compliance.

On an annual basis, a public notice shall be published one time only, in the largest daily newspaper published in the publication area, of users which, during the previous twelve (12) months, met the criteria for the "Significant Non-Compliance" as defined in this Subchapter.

(Ord. BG80-63, S27-130, 7/15/80; Ord. BG91-44, 9/3/91)

Endnotes

State law reference: Plumbing regulations provided by the County under the provisions of Chapter 3.18, * Kentucky Revised Statutes; power of a second class city to operate water and sewerage system and - power of city to operate a garbage disposal service or delegate such authority to a commission, KRS 76.005 to 76.210.