

23-2 BOWLING GREEN MUNICIPAL UTILITIES BOARD.

23-2.01 Purpose.

a. The purpose of this Subchapter shall be to provide for the proper operation and administration of the electric system and the water and sewer systems of the City in a business-like manner, free from political involvements and influence in order that the most efficient services may be rendered in a fair and equitable manner to all citizens of the City at the lowest possible rates consistent with good business practice and the general welfare of the people.

b. The Board of Commissioners hereby reaffirms its declaration, desire and intention to accept and operate the City electric distribution plant and system acquired under an agreement between the Tennessee Valley Authority, the City of Bowling Green and others, dated May 13, 1942, under the provisions of KRS 96.550 through 96.900 and does hereby accept and agree to all the provisions of the act which are hereby incorporated herein and made a part hereof.

(Ord. BG80-63, S27-16, 7/15/80)

23-2.02 Creation and Responsibility of Bowling Green Municipal Utilities Board and Disposition of Surplus Funds.

a. Pursuant to KRS 96.500-96.900, 96.350-96.510 and the declaratory judgment entered by Warren Circuit Court, Division II, in Civil Action No. 18099 on 3 March 1976, there is hereby created the Bowling Green Municipal Utilities Board (hereinafter "Board") by merging into it all of the authority and responsibilities heretofore delegated to the former Electric Plant Board and the Water and Sewer Commission.

b. The Board shall be responsible for the acquisition, administration, maintenance and operation of all of the City's electric, water and sewer plants and facilities and shall have three (3) separate and distinct divisions:

1. The Electric Division shall administer and operate the City's electric system and shall separately account for all funds, deposits, operations and maintenance of the electric system. After the establishment of proper reserves, any surplus of proceeds shall be devoted solely to the reduction of electric rates.

2. The Water and Sewer Division shall administer and operate the City's consolidated water works and sewer system as two (2) separate and distinct utilities and shall separately account for all funds, deposits, operations and maintenance of each utility. After the establishment of proper reserves, any surplus of proceeds shall be devoted solely to the reduction of water and sewer rates.

3. The General Services Division shall engage in such activities and operate such facilities as will be beneficial to the general welfare of the citizens of the City, which activities shall be approved by the Board of Commissioners. After the establishment of proper reserves, any surplus of proceeds shall be devoted to the reduction of rates, in such amounts and among such divisions as the Board determines.

c. So long as any revenue bonds regarding either the electric division or the water and sewer division remain outstanding all revenues and expenses of the three (3) separate divisions shall be segregated and all credits and funds belonging to each division shall be devoted exclusively to the payment of debt service, capital improvements and operating expenses of that division. Any expenditures incurred for the benefit of the divisions shall be apportioned on the basis of standard accounting procedures and rates charged to consumers for the furnishing of the three (3) utilities shall be established in such a manner that will protect both present and future bondholders and insure the integrity of both the electric division and the consolidated water and sewer division to the same extent that they would have been protected had their merger not been accomplished.

d. All assets and properties of every nature heretofore owned by or titled in the name of either the Electric Plant Board or the Water and Sewer Commission shall henceforth be owned by and titled in the name of the Bowling Green Municipal Utilities Board, and the Chairman of the Board is authorized to execute and deliver on behalf of either the Electric Plant Board or the Water and Sewer Commission any deed, bill of sale, assignment or other instrument necessary to properly effect and evidence this change in ownership.

(Ord. BG80-63, S27-17, 7/15/80; Ord. BG2001-5, 2/20/2001; Ord. BG2014-11, 6/3/2014)

23-2.03 Appointment of Members; Qualifications, Terms and Salaries.

a. The Board shall be composed of five (5) members.

b. The initial four (4) regular members shall be appointed by the Mayor, subject to approval by the Board of Commissioners, to terms ranging in length from one to four (4) years; one member shall serve for one year, one member for two (2) years, one member for three (3) years, one member for four (4) years. At the conclusion or termination of the term of each member, that member may be reappointed to one additional term by the Mayor with the approval of the Board of Commissioners. If that member is not reappointed, a new member shall be appointed by the Mayor with the approval of the Board of Commissioners. Each new member appointed and any member reappointed shall serve for a term of four (4) years. In no case shall any regular member serve more than eight (8) consecutive years on the Board. If any member resigns or, for any reason, ceases to be a member before the expiration of his term, the Mayor with the approval of the Board of Commissioners shall appoint a new member to serve for such member's unexpired term, pursuant to KRS 96.760. The four (4) regular members of the Board shall be residents of the City and shall have resided in the City for not less than one (1) year preceding the date of the appointment and shall be a citizen, taxpayer and legal voter of the City and otherwise qualified pursuant to KRS 96.740.

c. The fifth member shall be one of the members of the Board of Commissioners or the City Manager as designated by the Mayor with the approval of the Board of Commissioners, and his term shall be for such time as the Mayor may fix, but not beyond such appointee's term of office. That member may be reappointed to the Board by the Mayor with approval of the Board of Commissioners as long as he remains in office.

d. The salaries for the four (4) regular members of the Board shall be determined by the Board not to exceed the amount provided for by KRS 96.750; provided, however, the fifth or the ex officio member from the Board of Commissioners or City Manager shall be paid no salary as a member of this Board. Any salaries shall be paid by the Board from allowable operating revenues generated by Bowling Green Municipal Utilities.

e. No person shall be appointed as a member of the Board who has, within the last two (2) years next before his appointment, held any public office, or who is related within the third degree to the Mayor or any member of the Board of Commissioners of the City, pursuant to KRS 96.740.

f. No person shall be appointed a member of the Board who is at the time of his appointment indebted either directly or indirectly to the City or who is a surety on the official bond of any official of the City, pursuant to KRS 96.740.

g. If at any time during his term of office a regular member of the Board becomes a candidate for or is elected or appointed to any public office, he shall automatically vacate his membership on the Board and another person shall be appointed in his place, pursuant to KRS 96.740.

h. The members of the Board shall each give bond for the faithful performance of his duties in the sum of five thousand (\$5,000.00) dollars, with surety, to be approved by the Board of Commissioners. The cost of such bonds shall be paid equally from the revenue of the electric system and water and sewer system.

(Ord. BG80-63, S27-18, 7/15/80; Ord. BG91-10, 3/19/91; Ord. BG99-05, 2/18/99; Ord. BG2001-5, 2/20/2001; Ord. BG2012-42, 1/15/2013)

23-2.04 Meetings and Minutes.

a. The Board shall hold regular public meetings at least once each month at such regular time and place as the Board may determine pursuant to KRS 96.770, and the Board may have as many special meetings as it shall desire.

b. Special meetings of the Board will be called by the Chairman or by any two (2) members of the Board, provided written notice is delivered to each member in advance of the meeting; stating the time and purpose of the meeting pursuant to KRS 96.770.

c. No meeting of the Board shall be held unless a majority of the members are present and all acts of such Board shall be by a majority vote of those present.

d. The Secretary of the Board shall keep minutes of all meetings.

(Ord. BG80-63, S27-19, 7/15/80; Ord. BG99-05, 2/18/99; Ord. BG2001-5, 2/20/2001; Ord. BG2012-42, 1/15/2013)

23-2.05 Officers.

The Board shall hold a meeting and elect its Chairman and its Secretary-Treasurer, but neither officer shall be paid any extra compensation above their salary as members of the Board.

(Ord. BG80-63, S27-20, 7/15/80; Ord. BG2001-5, 2/20/2001; Ord. BG2012-42, 1/15/2013; Ord. BG2014-11, 6/3/2014)

23-2.06 Employees' Bond.

The Board shall require all its agents and employees, who may collect money for it, or have access thereto, to execute bonds with good surety in favor of Bowling Green Municipal Utilities (hereinafter "BGMU") for the faithful discharge of their duties and the faithful accounting for all money, funds or property reaching their hands as such.

(Ord. BG80-63, S27-21, 7/15/80; Ord. BG2001-5, 2/20/2001)

23-2.07 Removal of Members.

Any regular member of the Board may be removed from office for cause, inefficiency, neglect of duty, misfeasance, nonfeasance or malfeasance in office. Charges for removal of any member may be preferred by the Mayor, any member of the Board of Commissioners or by any citizen of the City. When charges are preferred against any member, notice shall be served upon the member of the time and place of the hearing on such charges and the hearing shall be held by the Board of Commissioners not less than three (3) days nor more than ten (10) days after the service of such notice upon the member. All rules of evidence recognized by courts of the State shall be observed in the hearing on such charges. A verdict shall be rendered by a majority of the members of the Board of Commissioners voting thereon. There shall be no appeal from the decision of the Board of Commissioners on such hearing. The members appointed pursuant to this Chapter shall accept the provisions of same and the rules set forth herein shall govern.

(Ord. BG80-63, S27-23, 7/15/80; Ord. BG2001-5, 2/20/2001; Ord. BG2014-11, 6/3/2014)

23-2.08 Political Activities Prohibited by Members and Employees.

No member of the Board shall use his office for political purposes, nor attempt to exercise political influence on any employee of the Board or collect or attempt to collect from any employee a political contribution for any candidate, group of candidates or for any political fund. Violation of this provision shall be deemed cause for removal by the Board of Commissioners.

(Ord. BG80-63, S27-24, 7/15/80; Ord. BG2001-5, 2/20/2001; Ord. BG2014-11, 6/3/2014)

23-2.09 Rules and Bylaws.

The Board shall adopt rules, regulations and bylaws which shall be kept in a permanent record and shall remain in the custody of the Secretary of the Board, pursuant to KRS 96.770. The Board shall provide to the members of the Board of Commissioners copies of any proposed additions, revisions, or deletions to the By-Laws. (Ord. BG80-63, S27-25, 7/15/80; Ord. BG2001-5, 2/20/2001; Ord. BG2014-11, 6/3/2014)

23-2.10 Annual Independent Audit.

The Board shall have a certified public accountant audit its financial affairs and records at least once each year. Such audit, or a copy thereof, shall be filed with the City Manager and Board of Commissioners signed by the accountant who made it, and the Board shall then file a complete report of its operations for the preceding year. (Ord. BG80-63, S27-27, 7/15/80; Ord. BG2001-5, 2/20/2001; Ord. BG2014-11, 6/3/2014)

23-2.11 Deposit of Collections and Investment Policy.

All funds collected from its customers by the Board from all divisions shall be deposited daily into banks or other institutions in accordance with the Investment Policy of the Board now in effect or as amended. All funds collected by the Board shall be invested and utilized in accordance with the Investment Policy of the Board now in effect or as amended. (Ord. BG80-63, S27-28, 7/15/80; Ord. BG95-33, 8/15/95; Ord. BG2001-5, 2/20/2001; Ord. BG2014-11, 6/3/2014)

23-2.12 City's Liability for Salaries and Other Obligations.

The City shall not be liable for the payment of any salaries or compensation to any of the members of the Board or for the payment of any salary, compensation or expenses of any employed by the Board, pursuant to KRS 96.750. Likewise, the City shall in no way be liable for the payment of any indebtedness or obligations of any nature incurred by the Board. All of these foregoing obligations shall be payable solely out of the revenues obtained by the Board, in accordance with KRS 96.550 to 96.900. (Ord. BG80-63, S27-29, 7/15/80; Ord. BG2001-5, 2/20/2001; Ord. BG2014-11, 6/3/2014)

23-2.13 Insurance.

The Board shall purchase such insurance as it considers advisable in connection with the properties, assets and operation of the electric system, water and sewer system, and general services system so that the City of Bowling Green and the Board shall be adequately protected and indemnified against any loss and damage that may be occasioned by loss or damage to properties of the systems or that might result from the operation of the systems. (Ord. BG80-63, S27-30, 7/15/80; Ord. BG2001-5, 2/20/2001; Ord. BG2014-11, 6/3/2014)

23-2.14 General Manager.

a. Pursuant to KRS 96.780, the Board shall appoint and employ a General Manager who shall be qualified by training and experience for the general management of the operation of the electric system, general services system and water and sewer system. The term General Manager shall be equivalent to the term "Superintendent" as used in KRS 96.780 and throughout KRS 96.550 to 96.900.

b. The General Manager's salary shall be fixed by the Board and he shall have such authority as set out in KRS 96.780, and as further delegated to him hereinafter and as delegated to him by the Board.

c. The Board shall fix a reasonable bond which shall be executed by the General Manager for the faithful performance of his duties and the accounting of all funds coming into his hand by virtue of his office. The cost of such bond shall be paid equally out of the revenue of the electric system, water and sewer system and general services system.

d. The General Manager shall have the control of all actual construction, and repairs, the immediate management and operation of the electric system, water and sewer system and general services system and the enforcement and execution of all rules, regulations, programs, plans and decisions made or adopted by the Board pursuant to KRS 96.780.

e. The General Manager shall let all contracts subject to the approval of the Board and all contracts shall be in the name of the Board and shall be signed by the General Manager and attested by the Secretary or Chairman of the Board if required pursuant to KRS 96.780.

f. The General Manager shall make and keep or cause to be made and kept full and proper books and records, subject to the supervision and direction of the Board and the provisions of applicable contracts, pursuant to KRS 96.780.

g. The General Manager shall appoint all employees and fix their duties and compensation, subject to and with the approval of the Board, pursuant to KRS 96.780.

h. The General Manager shall be removable by such Board for inefficiency, neglect of duty, misfeasance or malfeasance, pursuant to KRS 96.780. (Ord. BG80-63, S27-31, 7/15/80; Ord. BG99-05, 2/18/99; Ord. BG2001-5, 2/20/2001; Ord. BG2014-11, 6/3/2014)

23-2.15 Employees; Purchases and Salaries.

a. The General Manager shall not have the right to pay any bonuses other than Christmas salary bonuses or incentives.

b. No employee of the Board and no one engaged by the Board shall have authority to purchase supplies for the systems or to contract indebtedness therefore unless specifically authorized to do so by such Board. All such contracts or obligations shall be in writing upon serially numbered orders or contract forms. These shall be issued in such multiple copies as such Board may require. (Ord. BG80-63, S27-32, 7/15/80; Ord. BG99-05, 2/18/99; Ord. BG2001-5, 2/20/2001; Ord. BG2014-11, 6/3/2014)

23-2.16 Rate Schedules, Rules and Regulations.

A copy of the schedule of the current rates and charges in effect and a copy of all rules and regulations of the Board relating to the electric, general services and water and sewer systems shall be kept on public file in the office of the Board pursuant to KRS 96.780. (Ord. BG80-63, S27-33, 7/15/80; Ord. BG2001-5, 2/20/2001; Ord. BG2014-11, 6/3/2014)

23-2.17 Billings for All Utilities.

The Board, for the rendition of electric services and water and sewer services shall bill for all services rendered to each customer on one monthly bill which shall show each separate item charged for, same to be collected and enforced together. All monthly charges for electric services and water and sewer services rendered shall be due on the final date shown on the monthly bills. Should any monthly bill remain unpaid and delinquent for a period of eight (8) days subsequent to the final payment date shown on the bill, all electric services and water and sewer services may be discontinued and such service may be reinstated before all delinquent charges are paid in full and a reconnection charge is paid in full. (Ord. BG80-63, S27-35, 7/15/80; Ord. BG2001-5, 2/20/2001; Ord. BG2014-11, 6/3/2014)

23-2.18 Annual Reports; Contents.

a. Electric Division. The Board shall file an annual report with the Board of Commissioners of the operation and condition of the electric utility including all receipts and expenditures, balances on hand in various funds, the status of such funds and such a statistical report, with summary of the financial operations of the electric utility, as will provide the Board of Commissioners with sufficient and adequate information relative thereto. The Board shall maintain and make available upon request monthly reports of the operation and condition of the electric utility.

b. Water and Sewer Division.

1. Water Utility. The Board shall file an annual report with the Board of Commissioners of the operation and condition of the water utility including all receipts and expenditures, balances on hand in various funds, the status of such funds and such a statistical report, with summary of the financial operations of the water utility, as will provide the Board of Commissioners with sufficient and adequate information relative thereto. The Board shall maintain and make available upon request monthly reports of the operation and condition of the water utility.

2. Sewer Utility. The Board shall file an annual report with the Board of Commissioners of the operation and condition of the sewerage utility including all receipts and expenditures, balances on hand in various funds, the status of such funds and such a statistical report, with summary of the financial operations of the sewerage system, as will provide the Board of Commissioners with sufficient and adequate information relative thereto. The Board shall maintain and make available upon request monthly reports of the operation and condition of the sewer utility.

c. General Services Division. The Board shall file an annual report with the Board of Commissioners of the operation and condition of the general services division including all receipts and expenditures, balances on hand in various funds, the status of such funds and such a statistical report, with summary of the financial operations of the general services division as will provide the Board of Commissioners with sufficient and adequate information relative thereto. The Board shall maintain and make available upon request monthly reports of the operation and condition of the general services division. (Ord. BG80-63, S27-36, 7/15/80; Ord. BG2001-5, 2/20/2001; Ord. BG2014-11, 6/3/2014)

23-2.19 Board's Duties Regarding Bond Issues.

The Board shall be charged with the responsibility of carrying out all the duties, obligations and requirements of existing bond issues affecting the water and sewerage utilities and shall comply with the provisions thereof for and on behalf of the City. However, this provision shall not be interpreted to relieve the City of the performance of its contract under the bond issues but merely provides a method of carrying out the obligations thereunder through the Board. (Ord. BG80-63, S27-37, 7/15/80; Ord. BG2001-5, 2/20/2001; Ord. BG2014-11, 6/3/2014)

23-2.20 Powers Generally.

The Board shall have all of the authority granted to it under KRS 96.550 through 96.900 and in addition thereto shall have full authority to:

a. Hold Property. Acquire, hold and dispose of property, real and personal, tangible and intangible, necessary or incident to the proper conduct of its business, pursuant to KRS 96.570.

b. Control Water and Sewer Plants. Construct, acquire, own, lease, operate, maintain and improve the water and sewer plants and provide water and sewer service to any user or consumer within and without the boundaries of any municipality and charge and collect reasonable rates therefore.

c. Operate Pipelines, Etc. Construct, own, lease, operate and control any and all works, pipelines, buildings and other facilities across, along or under any street or public highway and over any lands which are now or may be the property of the Commonwealth or of any County or municipality within this Commonwealth. The water and sewer system shall, however, at its own

expense, restore any such street or highway in its former condition and state as nearly as may be possible, and shall not use the same in a manner as to impair its usefulness, or to interfere with or obstruct the maintenance thereof. Before exercising these powers, the Board shall obtain a permit, or consent or approval in writing from the City or the Fiscal Court or the Department of Highways having appropriate jurisdiction over any and all of such respective streets or public highways.

d. **Accept Gifts.** Accept gifts, grants of property, real or personal, including money from any person, municipality or federal agency or both, and to accept voluntary and uncompensated services; provided, however, when engineering services are required by any municipality or any board or any appraisers or Board of Appraisers, appointed pursuant to the provisions of this Chapter, to render any services authorized or required or incident to surveys, plans, estimate of cost or the valuation of property or in the preparation of reports authorized by this Chapter, no engineer who is engaged in whole or in part in the business of buying or selling equipment machinery, fixtures, materials, supplies, or the sale or purchase of bonds shall be eligible for employment or for any services whatsoever under the provisions of this Chapter, pursuant to KRS 96.570.

e. **Issue Bonds.** To issue bonds to finance improvements, provide for the rights of holders of the bonds and to secure the bonds as hereinafter provided and pledge all or any of the needed revenues derived from the water and sewer service to the payment of such debts or repayment of money borrowed.

f. **Make Property Transactions.** Acquire, hold and dispose of any property, real or personal, tangible or intangible or any right or interest in any such property in connection with any water or sewer plants and whether or not subject to mortgages, liens, charges or other encumbrances.

g. **Contracts.** Make contracts and execute instruments containing such covenants, terms and conditions as in the discretion of the Board may be necessary, proper or advisable for the purpose of obtaining loans from any source or grants thereon or other financial assistance from any governmental agency, including but without limitation, covenants, terms and conditions with respect to the acquisition or construction of the water and sewerage system or any improvement thereto with money in whole or in part borrowed from or granted by any governmental agency; make all other contracts and execute all other instruments as in the discretion of the Board may be advisable in or for the furtherance of the improvement, operation and maintenance of the water and sewer plant and furnishing water and sewer service; and carry out and perform the covenants, terms and conditions of all such contracts or instruments.

h. **Conduct Surveys.** Enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations in connection with the acquisition, improvement, operation or maintenance of any water line and the furnishing of water and sewer services.

i. **Execute All Powers.** Do all acts and things necessary or convenient to carry out the powers expressly given in this Chapter.

j. **Additional Contract Power.** Make any contracts necessary or convenient for the full exercise of the powers herein granted, or as provided in Kentucky Revised Statutes.

k. **Power Subject to State Law.** In the management and operation of the utility, the Board's powers shall be subject to all relevant and pertinent provisions of the Kentucky Revised Statutes.

l. **Future Improvements.** The right to make all future improvements, to issue bonds and provide for the payment thereof shall be subject to provisions of the Kentucky Revised Statutes.

m. **Establish, Charge and Collect Utility Fees.** The Board shall have the express authority to establish, charge and collect privilege fees from customers connecting to the extended utility lines described in KRS 96.539 for the purpose of making the refunds to the person (including the Board and/or the City where applicable) who have paid for the construction of water or sewer line extensions to unserved customers and areas, and the privilege fees so established shall not require approval by the Board of Commissioners of the City. The Board shall also have the power to continue to charge and collect privilege fees established prior to the effective date of KRS 96.539 (July 15, 1980), under contract or by any rule, regulation or resolution of the Board or its predecessor.

(Ord. BG80-63, S27-40, 7/15/80; Ord. BG80-62, 7/8/80; Ord. BG2001-5, 2/20/2001; Ord. BG2014-11, 6/3/2014)

23-2.21 Eminent Domain Power and Procedure.

a. The Board shall have the right to acquire, by the exercise of power of eminent domain all lands, easements, rights-of-way, either upon or under or above the ground, any and all real estate or personal property reasonably necessary or desirable in connection with the construction or operation or maintenance of the water and sewer plant or improvements or extensions thereto; and it is hereby declared to be superior and paramount right and superior and paramount to any other public use. Prior to commencing any condemnation or eminent domain proceeding, approval of same must be received from the Board of Commissioners pursuant to KRS 96.080 and the Kentucky Eminent Domain Act.

b. The condemnation or eminent domain proceedings shall be brought pursuant to KRS Chapter 416 in the name of the Board and title to the property so condemned shall be taken in the name of the Board.

(Ord. BG80-63, S27-42, 7/15/80; Ord. BG84-17, 5/1/84; Ord. BG2001-5, 2/20/2001; Ord. BG2014-11, 6/3/2014)

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.

“Best Management Practices” (BMP’s) shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in [23-3.05: Prohibitions and Limitations on the use of the Public Sanitary Sewers](#). BMP’s may include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

“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.

“Fats, Oils and Grease” (FOG) shall mean organic polar compounds derived from animal and/or plant sources. FOG may be referred to as “grease” or “greases”.

“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.

“Food Service Establishment” (FSE) shall mean any property, establishment, business or facility engaged in preparing, serving, packaging, or making food or beverages available for sale or consumption. FSE’s include, but are not limited to bakeries, cafeterias, cafes, restaurants, hotels, retirement centers, nursing homes, lounges, churches, correctional facilities, schools, hospitals, prisons, grocery stores, markets, mobile food units, or other food preparation or packaging establishments or facilities. Single family residences are not a FSE; however, multi-residential facilities may be considered a FSE at the discretion of BGMU.

“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.

“Instantaneous Limits” shall mean the maximum allowable concentration of a pollutant determined from the analysis of any discrete or composite sample collected, independent of the flow rate and the duration of the sampling event.

“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 Subchapter).

“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 (7).

“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” in this Subchapter.

“Shall” is mandatory.

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

- Has a discharge flow of twenty-five thousand (25,000) gallons or more of wastewater per average work day, excluding domestic wastewater; or
- Has a flow or pollutant loading greater than five (5%) percent of the design capacity of the wastewater treatment plant; or
- Has in his waste toxic pollutants requiring pretreatment standards prescribed in Section 23-3.05, paragraph c of this Subchapter; or
- 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
- 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:

- 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;
- 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);
- 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);
- Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in BGMU’s exercise of its emergency authority to halt or prevent such a discharge;
- 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;
- 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;
- Failure to accurately report non-compliance;
- 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 Subchapter, wastewater is either domestic wastewater, as defined in this Section, or industrial wastewater, as defined in this Section, 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 waste-water 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; Ord. BG2013-32, 9/17/2013; Ord. BG2014-11, 6/3/2014)

23-3.02 Use of Public Sanitary Sewers Required.

- It shall be unlawful to discharge to any natural out-let 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.
- 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.
- 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.
- 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 hereinabove 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 hereinabove, 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 Commonwealth 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 Section, 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 Subsection 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; Ord. BG2014-11, 6/3/2014)

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 the 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 Commonwealth of Kentucky Plumbing Code, BGMU's "Water and Sewer System Improvement Specification Manual," or other applicable rules and regulations of the Commonwealth and 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, in accordance to the specifications outlined in BGMU's "Water and Sewer System Improvement Specification Manual." 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 down-spouts, 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 Commonwealth of Kentucky Plumbing Code, BGMU's "Water and Sewer System Improvement Specification Manual," or other applicable rules and regulations of the Commonwealth or 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, park-ways, 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; Ord. BG2014-11, 6/3/2014)

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 Subchapter, 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 waste-water 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 waste-water 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) milligrams per liter whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees and one hundred fifty (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 fifty (50 mg/l) milligrams per liter.
 - (c) All FSEs are required to comply with BGMU Fats, Oils and Grease (FOG) Management Policy (see Section [23-3.05\(h\)](#)).
 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 one hundred forty (140) degrees Fahrenheit. At no time shall two (2) successive readings at two (2) 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 two and thirteen hundredths (2.13 mg/l) milligrams per liter.

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 life, 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. Users are required to incorporate hydraulic slug control into the BMP for each facility. BGMU shall evaluate the slug control plan within one (1) year of the user's designation as a Significant Industrial User. This Sewer Use Ordinance stands as authority to enforce these slug control requirements.
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 six (6) to eleven (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 forty (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 sixty (60) day prior notification of such discharge to the General Manager of BGMU. 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:

Constituents	Limits mg/l*
Arsenic	0.69
Cadmium	0.02
Chlorides	1,600

*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	1.31
Chromium, Total	2.77
Copper	1.12
Cyanides, Total	0.15
Lead	0.200
Mercury	0.001
Molybdenum	6.535
Nickel	1.89
pH	6-11 s.u.
Selenium	0.04
Silver	0.106
Sulfides	5.0
Zinc	2.2

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 waste-water 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 Subchapter 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.
 3. All grease pumpers/haulers shall meet grease waste pumping, record keeping, and other requirements of the BGMU FOG Management Policy.
- h. Fats, Oil, Grease (and Sand) Interceptors and Traps.
 1. All FSEs are required to comply with BGMU FOG Management Policy. Grease interceptors must be approved, designed, installed and maintained in accordance with the BGMU standards as set forth in BGMU FOG Management Policy. Failure to meet the requirements of the BGMU FOG Management Policy will result in enforcement action, which may include fines, penalties and compliance schedule requirements. If BGMU employees are required to remediate and/or to clean out the wastewater collection lines as a result of a partial blockage or

stoppage due to a defective or clogged grease interceptor or grease trap, the property owner and/or user shall be further required to pay the costs of BGMU labor and materials required to clean out the wastewater lines.

2. All existing FSEs shall be required to submit plans and install a grease interceptor in accordance with the BGMU FOG Management Policy within ninety (90) days after notification by BGMU, at the owner's expense, if and when BGMU determines that a potential fats, oils and grease problem exists which is capable of causing interference, damage or operational problems to structures or equipment in the wastewater system. BGMU shall retain the right to inspect and approve installation of the grease interceptor at the FSE.

3. The type, capacity, configuration and components of all grease control equipment (interceptors or traps) shall be in accordance with the BGMU FOG Management Policy. Grease control equipment shall be 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. BGMU approval of grease control equipment shall be given prior to Health Department transmittal of general facility plumbing plans to Frankfort for State approval.

4. Any FSE upgrading an existing FSE, or a FSE which experiences a change of ownership, whether by sale of substantially all of the assets, or by transfer of stock, ownership units, partnership interests or otherwise, or for all other FSEs effective June 1, 2019, shall be required to install and maintain a grease interceptor in accordance with the BGMU FOG Management Policy.

5. All FOG and sand interceptors and traps shall be maintained in continuously efficient operation at all times at the expense of the user. Grease interceptor and grease trap maintenance requirements are provided in the BGMU FOG Management Policy.

6. New multi-unit facilities (strip malls, strip centers, etc.) shall install grease interceptors in accordance with the BGMU FOG Management Policy. New multi-unit facilities must have two (2) separate wastewater line connections at each unit within the multi-unit facility. One (1) wastewater line will be for sanitary wastewater and one (1) wastewater line will be for the kitchen area, or potential kitchen area, of each unit. New multi-unit facility owners shall contact BGMU prior to conducting private plumbing work at the multi-unit facility site.

7. Approval of proposed facilities or equipment by the Health Officer or BGMU 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 ($\text{NH}_3\text{-N}$), for high biochemical oxygen demand (BOD_5), 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_5 and TSS, and estimates for the cost of treating COD based upon a BOD_5/COD ratio of 0.67 (2/3). The cost of treating $\text{NH}_3\text{-N}$ shall be determined by multiplying the BOD_5 surcharge rate by 4.67, the multiple of oxygen needed to treat an ammonia ion as compared to BOD_5 . 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:

$$\text{Cost/lb. } \text{BOD}_5 = (\text{Fractional WWTP } \text{BOD}_5 \text{ load}) \times$$

(Total annual O & M cost of wastewater system)

(Annual total lbs BOD_5 plus TSS to WWTP)

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

(Total average lbs./day BOD_5 plus TSS to WWTP)

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

(Annual total lbs. BOD_5 plus TSS to WWTP)

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

$$\text{Cost/lb. COD} = (\text{Cost/lb. } \text{BOD}_5) \times (.67)$$

$$\text{Cost/lb. } \text{NH}_3\text{-N} = (\text{Cost/lb. } \text{BOD}_5) \times (4.67)$$

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

BOD_5 above 300 mg/L (or COD above 450 mg/L)

TSS above 300 mg/L

$\text{NH}_3\text{-N}$ above 25 mg/L

2. Sewer surcharges shall be based upon the average of the analysis of at least two (2) samples taken during any one (1) month and shall remain in effect for a minimum of one (1) 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_5 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; Ord. BG2012-42, 1/15/2013; Ord. BG2013-32, 9/17/2013; Ord. BG2014-11, 6/3/2014; Ord. BG2014-29, 11/18/2014)

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 Industrial 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 (EPA) 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 Chapter,

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 Subchapter. 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 Subchapter.

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; Ord. BG2013-32, 9/17/2013; Ord. BG2014-11, 6/3/2014)

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 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.
6. 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.
7. All Significant Industrial Users must notify the General Manager within twenty-four (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. With ten (10) days of first becoming aware of this violation, Significant Industrial User must re-sample for the parameter(s) violated and submit this sample results to BGMU.
8. All Significant 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. These records shall also include the date, exact place, method and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or BGMU, or where the User has been specifically notified of a longer retention period by the General Manager.
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 (1) 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. If the POTW samples a Significant Industrial User and determines a violation has occurred BGMU shall sample, at the owners expense, a second time within thirty (30) days.
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. Sample Collection. All sample collection and testing methods shall be those as described in 40 CFR 136 and 40 CFR 261, or other approved EPA methods.
5. Monitoring Equipment. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a Significant Industrial User to keep those facilities in good working order shall not be grounds for the Significant Industrial User to claim that sample records are unrepresentative of its discharge.
6. Sample Collection Methods. The User must collect wastewater samples using the twenty-four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the General Manager. Where time-proportional composite sampling or grab sampling is authorized, the samples must be representative of the discharge. Using Protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
7. Use of Grab Samples. For sampling required in support of baseline monitoring and 90-day compliance reports a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, BGMU may authorize a lower minimum. The Significant Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Regulations.
8. All Samples will be representative and based on composite or composited grab samples taken at a minimum of every four (4) hours while discharging.
9. 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. These permits shall include the permit issuance, effective and expiration dates; a statement that the permit is non-transferable; effluent limits based on applicable Pretreatment Standards; self-monitoring, sampling, reporting, notification and record keeping requirements; the waiver process to seek relief for monitoring a pollutant neither present or

expected to be present in a discharge; a statement of applicable penalties for violation of the Pretreatment Standards and Regulations; requirements to control slug discharges; and language detailing any grants by BGMU General Manager authorizing waivers from monitoring.

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 Significant 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 EPA 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 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 Significant Industrial 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 Significant Industrial Users where such contributions do not meet applied Pretreatment Standards and Regulations, or conditions of this Chapter.

Any Significant Industrial User who meets the criteria for Significant Non-Compliance shall submit a compliance schedule outlining the steps which the Significant Industrial User plans to take to achieve compliance. This compliance schedule shall include milestone dates. The Significant Industrial 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 Significant Industrial User has not met the expectations of the compliance schedule the Significant Industrial User will explain why and how the Significant Industrial User will accelerate activities to meet the final compliance milestone date. Within fourteen (14) days past the final compliance milestone date the Significant Industrial User will submit a report with a statement, indicating that the Significant Industrial User is consistently meeting the conditions of this Subchapter and the Significant Industrial User will provide sufficient analytical data to support this statement.

The definition of Significant Non-Compliance is expanded to include 40 CFR 403.8 (f) (2) (viii) (A-C). Per 40 CFR 403.12 (b) (e) and (h), all Significant Industrial User reports shall include any BMP's required and BMP compliance information. Documentation of compliance with BMP information shall be maintained by the SIU and BGMU.

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 unit 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; Ord. BG2013-32, 9/17/2013; Ord. BG2014-11, 6/3/2014)

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 Subchapter, and as permitted through 40 CFR Subchapter N, 401 through 471 and 401 KAR 5:057 may take the following enforcement steps against Significant Industrial Users in noncompliance with this Subchapter. 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 BGMU or his designee. This designee shall be the duly authorized employee as authorized under 40 CFR 403.12 (m).

All violations of requirements of this Subchapter must be reviewed and responded to by the General Manager or his representative. In general, the General Manager shall notify the Significant Industrial User when a violation occurs. For all violations, the General Manager shall receive an explanation and, as appropriate, a plan from the Significant 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 Significant 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 BGMU's General 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, the Significant Industrial User's economic benefit from the violation, past history of the Significant Industrial User, and good-faith efforts made by the Significant Industrial 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 Significant Industrial User responsible for the noncompliance. Such orders will include specific action to be taken by the Significant 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 a Significant Industrial User has violated or continues to violate this Chapter or permit or order issued hereunder, he may issue an order to the Significant 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 a Significant 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 Significant Industrial 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 Significant Industrial 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 Significant Industrial 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 Significant Industrial 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 Significant 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;

and,

(ii) Take the evidence.

c. Revocation of Permit. Any Significant Industrial 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 Significant Industrial User may also have water service terminated. Any Significant Industrial 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 Significant Industrial User to factually report the wastewater constituents and characteristics of its discharge;

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

3. Refusal of reasonable access to the Significant Industrial 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 Significant Industrial User violating any of the provisions of this Chapter, discharge permit or other order issued here-under 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 Significant Industrial 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 a Significant 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 Significant Industrial 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 Significant Industrial 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 Significant 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 Significant Industrial User who will-fully or negligently violates any provisions of this Subchapter, any orders or permits issued hereunder, or any other pretreat-ment 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 Significant Industrial 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 Significant Industrial User of such violation; however, failure of the General Manager to provide notice to the Significant Industrial User shall not in any way relieve the Significant Industrial 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 Significant Industrial 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 Significant Industrial User to furnish satisfactory evidence of corrective action within time prescribed by notice. In the event the Significant Industrial 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 Significant Industrial 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.

1. 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 Significant Industrial 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 Significant Industrial 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 Significant Industrial User for the work required to clean or repair the facility and these charges will be billed directly to the Significant Industrial 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; Ord. BG2013-32, 9/17/2013; Ord. BG2014-11, 6/3/2014)

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 Significant Industrial 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; Ord. BG2013-32, 9/17/2013)

23-4 WATER SYSTEM.

23-4.01 Definitions.

As used in this Subchapter:

"Act" shall mean the Safe Drinking Water Act of 1974, P.L. 93-523 (42USC & 300f, et seq.).

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

"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.

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

"Cross Connection" shall mean a physical connection or arrangement between two (2) otherwise separate systems, one (1) of which contains potable water and the other being either water of unknown or questionable safety, or steam, gas or chemicals, whereby there may be flow from one (1) system to the other, the direction of flow depending on the pressure differential between the two (2) systems.

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

"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.

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

"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 (7).

"Plumbing Inspector" shall mean the individual assigned by the Commonwealth 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.

"Shall" is mandatory.

"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.

"User" shall mean any person, entity or organization that is connected to and uses water from BGMU.

"Water Distribution System" shall mean the structures, equipment and processes owned and maintained by BGMU, or any public or private utility that purchases water from the BGMU system.

"Water Treatment Plant" (WTP) shall mean an arrangement of devices and structures for treatment and pumping of potable water.

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

23-4.02 Water Shortage Response.

a. Whenever the General Manager of BGMU and the Manager or the acting Manager of the Warren County Water District (WCWD), the public purveyors of potable water in the City of Bowling Green and Warren County, find that a potential shortage of the supply of treated water exists or will exist, upon written certification thereof to the Mayor of the City of Bowling Green and the Judge Executive of Warren County, the Mayor and the Judge Executive may publicly declare a "Water Shortage Advisory" pursuant to KRS Chapter 39A. In addition to the declaration, the Mayor and the Judge Executive shall call upon all customers of BGMU and the WCDW to employ voluntary water conservation and to eliminate the waste of all treated water.

b. Whenever the General Manager of BGMU and the Manager of the WCDW, the public purveyors of potable water in the City and Warren County, find that a condition exists where they will not be able to meet the expected needs of their customers, upon written certification thereof to the Mayor and the Judge Executive, the Mayor and Judge Executive may publicly declare a "Water Shortage Alert". In addition to the declaration, the Mayor and Judge Executive may call upon all customers of BGMU and the WCDW to employ voluntary water conservation and to eliminate the waste of all treated water and to use treated water outside of buildings (such usage to include but not limited to car washing, driveway washing, filling of swimming pools, use and filling of fountains and watering of lawns, bushes and trees) only in accordance with the following schedule:

1. Outside use for addresses ending in an odd number shall be limited to Tuesdays, Thursdays and Saturdays; and,

2. Outside use for addresses ending in an even number shall be limited to Wednesdays, Fridays and Sundays.

BGMU shall also be authorized to implement a twenty (20%) percent Water Shortage Alert surcharge on all water used in excess of the user's six (6) month average usage immediately preceding the month of the Water Shortage Alert.

c. Whenever the General Manager of BGMU and the Manager of the WCWD find that BGMU and the WCWD are unable to meet the expected needs of their customers and that such a condition will exist for some period of time in the future, and upon written certification thereof to the Mayor and Judge Executive, the Mayor and Judge Executive may publicly declare a "Water Shortage Emergency". In addition to the declaration, the Mayor and Judge Executive may call upon all customers of BGMU and the WCWD to employ voluntary water conservation

and to eliminate the waste of all treated water, to eliminate the use of water outside of buildings and to use water only as necessary to maintain minimum standards of hygiene and sanitation and to provide for essential health and public protection purposes. BGMU shall also be authorized to implement a fifty (50%) percent Water Shortage Emergency surcharge on all water used in excess of the user's six (6) month average usage immediately preceding the Water Shortage Emergency.

d. Whenever the General Manager of BGMU and the Manager of WCWD find that BGMU and WCWD are unable to meet the expected needs of their customers and that such a condition will exist for some period of time in the future, and upon written certification thereof to the Mayor and the Judge Executive, the Mayor and the Judge Executive shall publicly declare a "Water Shortage Rationing". In addition to the declaration, the Mayor and the Judge Executive shall call upon all customers of BGMU and WCWD to employ the use of water conservation and to eliminate the waste of all treated water, to eliminate the use of water outside of buildings and to use water only as necessary to maintain minimum standards of hygiene and sanitation and to provide for essential health and public protection purposes. The Mayor and the Judge Executive shall authorize BGMU and WCWD to implement water rationing procedures as defined in BGMU's Drought Response Plan. Rationing shall be administered commensurate with the length and severity of the drought. BGMU shall also be authorized to implement a one hundred (100%) percent Water Shortage Rationing surcharge on all water used in excess of the user's six (6) month average immediately preceding the Water Shortage Rationing.

e. Whenever the Mayor and Judge Executive have declared a "Water Shortage Alert," "Water Shortage Emergency" or "Water Shortage Rationing" pursuant to this Section, they or BGMU and WCWD, with the approval of the Mayor and the Judge Executive, may promulgate such administrative regulations governing all water usage in Bowling Green and Warren County by all customers of BGMU and the WCWD as may, in the discretion of the Mayor and Judge Executive appear necessary to protect the health and public safety of the residents in Bowling Green and Warren County in a manner consistent with the terms of this Section.

f. The declaration of a "Water Shortage Advisory," "Water Shortage Alert," "Water Shortage Emergency" or "Water Shortage Rationing" shall continue until the General Manager of BGMU and the Manager of the WCWD find that the conditions calling for the declaration no longer exist and upon written certification thereof to the Mayor and Judge Executive, the Mayor and Judge Executive may publicly declare the condition no longer existing.

g. In the event there is a water supply shortage in the service area of either BGMU or WCWD, but not both, then the appropriate member of management of the utility experiencing the shortage shall only make the certifications referred to above to the public official who appoints the members of its governing body and that public official may act alone as provided above.

h. Any person who violates the provisions of a "Water Shortage Alert" shall be subject to a fine not to exceed two hundred fifty (\$250.00) dollars. Any person who violates the provisions of a "Water Shortage Emergency" shall be subject to a fine not to exceed two hundred fifty (\$250.00) dollars and up to ninety (90) days imprisonment. Any person who violates the provisions of a "Water Shortage Rationing" shall be subject to a fine not to exceed five hundred (\$500.00) dollars and up to ninety (90) days imprisonment. Each day in violation of the terms of this Section shall constitute a separate offense.

(Ord. BG99-37, 8/10/99; Ord. BG2001-5, 2/20/2001; Ord. BG2014-11, 6/3/2014)

23-4.03 Cross-Connection Control.

BGMU shall implement cross-connection control measures as specified in BGMU's "Policy on Cross-Connection Control". BGMU shall be authorized to install (or contract for installation) appropriate Cross-Connection Control devices as specified in the "Policy on Cross-Connection Control". These devices shall be approved by BGMU so as to prevent cross-connections that could contaminate the public water supply. The cost for all cross-connection control devices and their installation shall be borne by the owner and/or entity (customer) connected to the public water supply. BGMU shall administer the "Policy on Cross-Connection Control" according to the requirements of Kentucky Administrative Regulations 401KAR 8:020, and other regulations as may be appropriate.

(Ord. BG2014-11, 6/3/2014)

23-4.04 Installation, Maintenance and Inspection of Fire Hydrants.

a. The Water and Sewer Division is authorized and it shall be responsible for the proper installation, maintenance and inspection of all fire hydrants within its service area including all those presently existing and all those hereafter added by installation. As a part of its inspection responsibility, the Water and Sewer Division shall flush and flow test each fire hydrant and maintain records of the performance of each fire hydrant and also shall conduct all other tests and inspections required by the insurance service office and any State or Federal regulations.

b. The City may reimburse the Water and Sewer Division for its costs in performing its foregoing duties and installation, maintenance and inspection of said fire hydrants.

(Ord. BG80-63, S27-41, 7/15/80; Ord. BG2001-5, 2/20/2001; Ord. BG2014-11, 6/3/2014)

23-4.05 Fire Lines and Metering Policy.

The City of Bowling Green encourages the use of fire sprinklers/suppression systems in all commercial, industrial and multi-family residential buildings and facilities. Each facility served by a fire sprinkler system shall be required to have a backflow prevention device, as specified in Section [23-4.03](#). Each facility that is separately served with/by a fire line connection from a BGMU water main shall be equipped with a flow metering device as specified in BGMU's "Policy on Fire Line Connection and Metering". The cost for all backflow prevention and metering devices and their installation shall be borne by the entity (customer) connected to the public water supply.

(Ord. BG2014-11, 6/3/2014)

23-4.06 Power of 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 fire suppression, metallurgical, chemical, oil, refining, ceramic, paper, medical facilities, nursing homes, mortuaries or other industries that could present a risk for cross-connections. While performing the necessary work on private properties referred to in Sections [23-4.03](#) and [23-4.05](#) 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.

b. 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 and/or prescriptive easements for the purposes of, but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the water system lying within the easement. All entry and subsequent work on the easement, if any, shall be done in full accordance with the terms of the duly negotiated and/or prescriptive easements pertaining to the private property involved.

(Ord. BG2014-11, 6/3/2014)

23-4.07 Prohibitions and Limitations on use of the Public Potable Water System.

This Section establishes limitations and prohibitions on the access and use of the public potable water system. These limitations and prohibitions are required to meet standards established in the Safe Drinking Water Act, as well as to meet the requirements of Homeland Security. The specific prohibitions and limitations contained in this Section are subject to change when necessary to enable the General Manager to authorize efficient water treatment, protect the integrity of the water treatment plant and the potable water distribution system, and to protect the public health and environment.

The ultimate goal to be achieved by adherence to this Section is to protect the ability of the BGMU water treatment system to produce a safe and satisfactory public supply of water and deliver this water to its customers without violating any applicable State or Federal regulation.

a. 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 potable water treatment plant, the potable water distribution system or any attached portion of the system, including but not limited to: tanks, pumping stations, valves, meters and hydrants.

b. No person without the permission of the General Manager or Water/Wastewater Systems Manager shall be allowed onto the premises of the potable water treatment plant or on the grounds of any portion of the potable water distribution system.

(Ord. BG2014-11, 6/3/2014)