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SEWER USE ORDINANCE  
CITY OF MT. STERLING  
MT. STERLING, KENTUCKY

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# SEWER USE ORDINANCE

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## ARTICLE I - GENERAL PROVISIONS

### A. Purpose and Policy

This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Mt. Sterling and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the general Pretreatment Regulations (40 CFR, Part 403).

The objectives of this ordinance are:

1. to prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or including interference with its use or disposal of municipal sludge;
2. to prevent the introduction of pollutants into the municipal wastewater system which will pass through the treatment works, inadequately treated, into receiving waters so as to cause violations of the City's KPDES permit or the atmosphere or otherwise be incompatible with the system;
3. to improve the opportunity to recycle and reclaim municipal and industrial wastewaters and sludges from the system;
4. to provide for equitable distribution of the cost of the municipal wastewater system; and
5. provide for the safety of the treatment plant employees.

This ordinance provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This ordinance shall apply to the City of Mt. Sterling and to persons outside the City who are, by contract or agreement with the City, users of the City's Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the Superintendent of the Mt. Sterling Water and Sewer Commission of the City POTW shall administer, implement and enforce the provisions of this ordinance.

### B. Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated:

1. **Act or "the Act."** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
2. **Approval Authority.** The Secretary of the Kentucky Natural Resources and Environmental Protection Cabinet or an authorized representative thereof.

3. **Authorized Representative.** An authorized representative of a user may be: (1) A principal executive officer of at least the level of vice president, if the industrial user is a corporation; (2) a general partner or proprietor if the user is a partnership or proprietorship, respectively; (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

An authorized representative of the Commission may be any person designated by the Commission to act on its behalf.

4. **Available.** As used in connection with this ordinance, means a public sewer located at the property line or point at which connection may be made with the City sanitary sewage collection facilities.
5. **Baseline Monitoring Report (BMR).** A report submitted by the industrial user, who is subject to categorical pretreatment standards and is currently discharging to or is scheduled to discharge to a POTW, within 180 days after the effective date of a categorical pretreatment standard.
6. **Biochemical Oxygen Demand (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° Celsius expressed in terms of weight and concentration in milligrams per liter (mg/l).
7. **Building Drain.** 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 five (5) feet outside the inner face of the building wall.
8. **Building Sewer.** The extension from the building drain to the public sewer or other place of disposal, also called "house connection."
9. **Building Sewer Permit.** As set forth in "Building Sewers and Connections" (Article IV).
10. **Categorical Industrial User.** An industrial user subject to categorical pretreatment standards which have been promulgated by EPA.
11. **Categorical Standards.** National Categorical Pretreatment Standards or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.
12. **Combined Sewer.** Any conduit carrying both sanitary sewage and storm water or surface water.
13. **Combined Wastestream Formula (CWF).** Procedure for calculating alternative discharge limits at industrial facilities where a regulated wastestream is combined with other non-regulated wastestreams prior to treatment (40 CFR 403.7).
14. **Commission.** The Mt. Sterling Water and Sewer Commission or its designated agent or representative, as created by ordinance of the City of Mt. Sterling, dated March 19, 1978.

15. **Compatible Pollutant.** Biochemical oxygen demand, suspended solids and fecal coliform bacteria; plus any additional pollutants identified in the POTW's NPDES/KPDES permit, where the POTW is designed to treat such pollutants and, in fact, does treat such pollutants to the degree required by the POTW's NPDES/KPDES permit.
16. **Composite Wastewater Sample.** A combination of individual samples of water or wastewater taken at selected intervals, generally hourly for some specified period, to minimize the effect of variability of the individual sample. Individual samples may have equal volume or may be proportioned to the flow at the time of the sampling.
17. **Concentration-based Limit.** A limit based on the relative strength of a pollutant in a wastestream, usually expressed in mg/l.
18. **Control Authority.** The entity directly administering and enforcing pretreatment standards and requirements against industrial users. The Commission may have an approved Pretreatment Program under the provisions of 40 CFR 403.11 and therefore, designated the Control Authority.
19. **Cooling Water or Noncontact Cooling Water.** The water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.
20. **County Health Department.** The Health Center of the Montgomery County Health Department and shall be applicable to that county in which the applicant resides.
21. **Daily Maximum.** The maximum allowable for any single observation in a given day.
22. **Direct Discharge.** The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Kentucky.
23. **Discharger.** Any person that discharges or causes a discharge to a public sewer.
24. **Domestic Wastewater.** The water-carried wastes produced from non-commercial or non-industrial activities and which result from normal human living processes.
25. **Easement.** An acquired legal right for the specific use of and owned by others.
26. **Environmental Protection Agency, or EPA.** The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
27. **Equipment.** All movable, non-fixed items necessary to the wastewater treatment process.
28. **Federal Pretreatment Standards.** Federal regulations for pretreatment of industrial wastewater under 40 CFR Part 307, 402, 403, 405 and other applicable regulations, as amended.
29. **Floatable Oil.** 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

proper operation of the collection system.

30. **Flow Weighted Averaging Formula (FWA).** A procedure used to calculate alternative limits for a categorical pretreatment standard where regulated and nonregulated wastestreams combine after treatment, but prior to the monitoring point as defined in 40 CFR 403.
31. **Garbage.** The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.
32. **Grab Sample.** A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
33. **Holding Tank Waste.** Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
34. **Incompatible Pollutant.** All pollutants other than compatible pollutants as defined in paragraph 13 of this article.
35. **Indirect Discharge.** The introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act, (33 U.S.C. 1317).
36. **Industrial User.** A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Act (33 U.S.C. 1342).
37. **Industrial Wastes.** The wastewater from industrial or commercial processes as distinct from domestic or sanitary wastes.
38. **Interceptor.** A device designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from normal wastes while permitting normal sewage or liquid wastes to discharge into the sewer system or drainage system by gravity. Interceptor as defined herein is commonly referred to as a grease, oil or sand trap.
39. **Interference.** A discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and (2) Therefore, is a cause of a violation of any requirement of the POTW's KPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
40. **Manager.** The person employed by the Commission as Manager of the entire municipal sewer system, or his authorized deputy, agent or representative.
41. **Maximum Daily Concentration.** The maximum concentration of a pollutant based on the

analytical results obtained from a 24 hour composite sample.

42. **May.** This is permissive (see "shall," paragraph 71.)
43. **Monthly Average.** The maximum allowable value for the average observations obtained during one month.
44. **Multi-Unit Sewer Customer.** A location served where there are two or more residential units or apartments, two or more businesses in the same building or complex or where there is any combination of business and residence in the same building or complex.
45. **National (or Kentucky) Pollutant Discharge Elimination System or NPDES/KPDES Permit.** A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1332), or a permit issued by the Commonwealth of Kentucky under this authority and referred to as KPDES.
46. **Natural Outlet.** Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface or groundwater.
47. **New Source.** Any building, structure, facility or installation from which there is or may be the discharge of pollutants, the construction of which is commenced after the publication of proposed regulations prescribing a standard of performance under Section 306 of the Act which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.
48. **Ninety Day Compliance Report.** A report submitted by an industrial user who is subject to pretreatment standards and requirements, within 90 days following the date for final compliance, indicating the nature and concentration of all pollutants in the discharge.
49. **Operation and Maintenance Expenses.** All annual operation and maintenance expenses including replacement related directly to operating and maintaining the sewage works as shown by annual audit.
50. **Ordinance.** This ordinance, unless other wise specified.
51. **Pass Through.** A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's KPDES permit (including an increase in the magnitude or duration of a violation).
52. **Periodic Compliance Report.** Reports submitted by the industrial user indicating the nature and concentration of pollutants in the effluent which are limited by categorical pretreatment standards. These reports are submitted to the Commission during the months of June and December unless otherwise specified by the Commission.
53. **Person.** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal



representatives, agent or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

54. **pH.** The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.
55. **Pollutant.** Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.
56. **Pollution.** The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.
57. **POTW Treatment Plant.** That portion of the POTW designed to provide treatment to wastewater.
58. **Pretreatment or Treatment.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes other means, except as prohibited by 40 CFR Section 403.6 (d).
59. **Pretreatment Requirements.** Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.
60. **Pretreatment Standard.** Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR Section 403.5.
61. **Production Based Standard.** A discharge limitation expressed in terms of allowable pollutant mass discharge rate per unit of production and is applied directly to an industrial user's manufacturing process.
62. **Properly Shredded Garbage.** The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.
63. **Publicly Owned Treatment Works (POTW).** A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned, in this instance, by the City and/or the Commission. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.
64. **Public Sewer.** A common sewer controlled by a governmental agency or public utility. In

general, the public sewer shall include the main sewer in the street and the service branch to the curb or property line, or a main sewer on private property and the service branch to the extent of ownership by public authority.

65. **Replacement.** Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
66. **Sanitary Sewer.** A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.
67. **Sewage.** The spent water of a community. Domestic or sanitary waste shall mean the liquid or water-carried wastes from residences, commercial buildings and institutions as distinct from industrial sewage. The terms "sewage" and "wastewater" are used interchangeably.
68. **Sewerage System or Works.** All facilities for collecting, transporting, pumping, treating and disposing of sewage and sludge, namely the sewerage system and POTW.
69. **Sewer.** A pipe or conduit that carries wastewater or drainage water.
70. **Sewer Department.** The Commission Sewer Department.
71. **Shall.** Is mandatory (see "may," paragraph 42).
72. **Significant User.** All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and Any other industrial user that: (1) discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); (2) contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or (3) is designated as such by the Commission as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).
73. **Slug.** Any discharge of water or wastewater which, in concentration of any given constituent or in 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 and/or adversely affects the POTW.
74. **Specifications.** The Commission's specifications for water and sewer system design, construction and inspection, latest revision.
75. **Standard Industrial Classification (SIC).** A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, U.S. Bureau of the Budget, 1972.
76. **Standard Methods.** The examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water and Wastewater, published jointly

by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation and as set forth in the Congressional Record 40 CFR 136.

77. **State.** Commonwealth of Kentucky.
78. **Storm Drain (Sometimes Termed "Storm Sewer").** A drain or sewer for conveying water, groundwater, surface water or unpolluted water from any source.
79. **Storm Water.** Any flow occurring during or following any form of natural precipitation and resulting therefrom.
80. **Superintendent.** The Superintendent of wastewater facilities of the City of Mt. Sterling Water and Sewer Commission or his authorized deputy, agent or representative.
81. **Surcharge.** A charge for services in addition to the basic sewer user and debt service charges, for those users whose contributions contain Total Suspended Solids (TSS), Biochemical Oxygen Demand (BOD<sub>5</sub>), or Ammonia-nitrogen (NH<sub>3</sub>-N) in concentrations which exceed limits specified herein for such pollutants. Where authorized by the Commission, payment of a surcharge will authorize the discharge of the referenced pollutants so long as the discharge does not cause pass through or interference.
82. **Suspended Solids (TSS).** 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 laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater and 40 CFR 136.
83. **Toxic Pollutant.** Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA Section 307 (a) or other Acts.
84. **Unpolluted Water.** Water of quality equal to or better than the treatment works effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
85. **User.** Any person who contributes, causes or permits the contribution of wastewater into the POTW.
86. **User Charge.** A system of charges levied on all users, including but not limited to, persons, firms, corporations or governmental entities that discharge, cause or permit the discharge of sewage into the POTW for the cost of operation and maintenance, including replacement, of such works.
87. **Wastewater.** The spent water of a community. Sanitary or domestic wastes shall mean the liquid and water carried wastes from residences, commercial buildings and institutions as distinct from industrial waste.
88. **Wastewater Contribution Permit.** As set forth in the Administration Section of this ordinance.

89. **Wastewater Facilities.** The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.
90. **Wastewater Treatment Works.** An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant" or "sewage treatment plant."
91. **Watercourse.** A natural or artificial channel for the passage of water either continuously or intermittently.
92. **Waters of the State.** All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

### C. Abbreviations

The following abbreviations shall have the designated meanings:

ADMI - American Dye Manufacturers Institute  
ASTM - American Society of Testing and Materials  
BMP - Best Management Practice  
BPJ - Best Professional Judgement  
BOD - Biochemical Oxygen Demand  
CFR - Code of Federal Regulations  
CWA - Clean Water Act of 1979  
EPA - Environmental Protection Agency  
FR - Federal Register  
GC/MS - Gas Chromatograph/Mass Spectrophotometer  
gpd - gallons per day  
IU - Industrial User  
KPDES - Kentucky Pollutant Discharge Elimination System  
l - Liter  
mg - Milligrams  
mg/l - Milligrams per liter  
MSWSC - Mt. Sterling Water and Sewer Commission  
NPDES - National Pollutant Discharge Elimination System  
POTW - Publicly Owned Treatment Works  
QA - Quality Assurance  
QC - Quality Control  
RCRA - Resource Conservation and Recovery Act  
SIC - Standard Industrial Classification  
SIU - Significant Industrial User  
SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.  
TSS - Total suspended solids  
TTO - Total Toxic Organics  
USC - United States Code

## ARTICLE II - USE OF PUBLIC SEWERS

### A. Mandatory Sewer Connection

1. The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Commission service area 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 Commission is hereby required, at the owner's expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.
2. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater where public sanitary sewer service is available, as defined in paragraph 1, except as provided for in "Private Wastewater Disposal" (Article III). The existence within the City, wherever the services of the Commission sanitary sewage collection, treatment and disposal facilities are available, or may hereafter be made available (as the term "available" is hereinbefore defined), of septic tanks, seepage laterals, privys, earthpits, cesspools, sanitary waste vaults, sewage drainage fields, private sewage disposal systems, or any other such facilities or works for the disposition of sanitary sewage wastes, other than the facilities of the Commission, is hereby declared to be a menace to the public health, safety and general welfare of the citizens and inhabitants of the City and is hereby determined and declared to constitute a public nuisance. The existence of such facilities as toilets, sinks, wash basins, showerbaths, bathtubs, any commercial or industrial machinery or device producing a liquid waste product, etc., in or upon any improved property or premises in said City where the facilities of the Commission's sewage collection, treatment and disposal system are available, or may hereafter be made available, is similarly declared to be a menace to the public health and general welfare of the City and its inhabitants unless such facilities are connected to the sewage collection, treatment and disposal system. The Superintendent may prescribe the type and manner of connection to said facilities and may require that each connection be supervised and inspected by an authorized and qualified agent of the Commission.
3. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer system in compliance with this ordinance within ninety (90) days after such line is placed into service or within ninety (90) days of official notice to do so. Any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material or salvaged and removed.

### B. Unlawful Discharge to Storm Sewers or Natural Outlets

1. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner, on public or private property within the City of Mt. Sterling or in any area under the jurisdiction of said City and/or Commission or into any sewer which connects to the storm sewer system of the City of Mt. Sterling, any objectionable wastewater or industrial wastes.

2. It shall be unlawful to discharge, to any natural outlet within the City of Mt. Sterling or in any area under the jurisdiction of said City and/or Commission, any wastewater or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance. No provision of this ordinance shall be construed to relieve the owner of a discharge to any natural outlet of the responsibility for complying with applicable State and Federal Regulations governing such discharge.
3. The storm sewer system is the responsibility of the City of Mt. Sterling and not the Water and Sewer Commission.

**C. Compliance with Local, State and Federal Laws**

1. The discharge of any wastewater into the public sewer system by any person is unlawful except in compliance with the provisions of this ordinance and any more stringent State or Federal Standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977, and subsequent amendments.

**D. Discharge of Unpolluted Waters into Sewer**

1. No person(s) shall discharge, or cause to be discharged, through any leak, defect or connection any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer, building sewer, building drain or building plumbing. The Superintendent or his representative shall have the right, at any time, to inspect the inside or outside of buildings or smoke test for connections, leaks or defects to building sewers and require disconnection or repair of any pipes carrying such water to the building sewer. Such waters shall not be removed through the dual use of a sanitary drain sump or a sump pump to building sanitary sewer. Discharge of such waters by a manual switch-over from sanitary sewer to storm drainage will not be an acceptable method of separation. In case both storm and sanitary sewage is present, separate drainage or pumping systems shall be included.
2. Stormwater, groundwater and all other unpolluted drainage may be discharged to such sewers as are used as storm sewers approved by the Superintendent. Unpolluted cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer or natural outlet. Under no circumstances shall sanitary sewage be discharged to a storm sewer.
3. The owners of any building sewers having such connections, leaks or defects shall bear all costs incidental to removal of such sources.

### **ARTICLE III - PRIVATE WASTEWATER DISPOSAL**

#### **A. Public Sewer Not Available**

1. Where a public sanitary sewer is not available under the provisions of "Use of Public Sewer" (Article II), the building sewer shall be connected, until the public sewer system is available, to a private wastewater disposal system complying with the provisions of applicable local and state regulations.
2. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City and/or Commission. When it becomes necessary, the sludge may be disposed of only as approved by the Commission, by operators licensed by the Commission for such purposes.
3. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by applicable local or state regulations.
4. Holders of NPDES/KPDES Permits Excepted. Industries with current NPDES/KPDES permits may discharge at permitted discharge points provided they are in compliance with the conditions of said permit.

#### **B. Requirements for Installation**

1. The type, capacity, location and layout of a private sewage disposal system shall comply with all local or State regulations. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit issued by the Commission after approval of the system by the local and State authorities if required. The application for such permit shall be made on a form furnished by the Commission which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent.
2. A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the local and State authorities, if required. They shall be allowed to inspect the work at any stage of construction and in any event the applicant for the permit shall notify the Commission when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Commission, Saturdays, Sundays and holidays excepted.

## ARTICLE IV - BUILDING SEWERS AND CONNECTIONS

### A. Permits

1. There shall be two (2) classes of building sewer permits required; (a) for residential and (b) for service to commercial and industrial establishments. Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the Superintendent. Details regarding commercial and industrial permits include but are not limited to those required by this ordinance. Permit, tap-on and inspection fees shall be paid to the Commission at the time the application is filed.
2. Users shall notify the Superintendent of any proposed new introduction of wastewater constituents or any proposed substantial change in the volume or character of the wastewater constituents being introduced into the POTW. The Superintendent may deny or condition the new introduction or change in discharge based on the information submitted in the notification or additional information as may be requested.
3. No unauthorized person(s) shall uncover, plug or make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining written permission from the Commission.

### B. Prohibited Connections

1. No person shall make connection of roof downspouts, basement wall seepage or floor seepage, 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. Any such connections which already exist on the effective date of this ordinance shall be completely and permanently disconnected within sixty (60) days of the effective date of this ordinance. The owners of any building sewers having such connections, leaks or defects shall bear all costs incidental to removal of such sources. Pipes, sumps and pumps for such sources of ground and surface water shall be separate from wastewater facilities. Removal of such sources of water without presence of separate facilities shall be evidence of drainage to public sanitary sewer.
2. Floor, basement or crawl space drains which are lower than ground surfaces surrounding the building shall not be connected to the building sanitary sewer. No sanitary inlet which is lower than six (6) inches above the top of the lowest of the two adjacent public sanitary sewer manholes shall be connected by direct drainage to the building sanitary sewer.

### C. Design and Installation

1. 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, courtyard or driveway, the sewer from



the front building may be extended to the rear building and the whole considered as one building sewer, but the Commission does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

2. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance. Permit and inspection fees and tap-on fees for new buildings using existing building sewers shall be the same as for new building sewers. If additional sewer consumers or additional facilities are added to the old building sewers, additional sewer tap fees shall be charged accordingly even though no new sewer tap is actually made into the POTW.
3. Extension of customer service lines from any point on the customers side of the tap for delivery of waste from any location other than that of the customer in whose name the tap is registered shall not be permitted.
4. The building sewer shall be cast iron soil pipe, ASTM A-74, latest revision, PVC (polyvinyl-chloride) sewer pipe, ASTM D-3034, latest revision, or ductile iron pipe, AWWA Specification C-151 cement lined, and shall meet requirements of State plumbing code. Joints shall be as set out hereinafter. Any part of the building sewer that is located within five feet of a water service pipe shall be constructed with cast iron soil pipe or ductile iron pipe, unless the building sewer is at least one foot deeper in the ground than the water service line. In the latter case, vitrified clay pipe may be used. Cast iron soil pipe or ductile iron pipe may be required by the Commission where the building sewer is exposed to damage or stoppage by tree roots. Cast iron soil pipe or ductile iron pipe shall be used in filled or unstable ground, in areas where the cover over the building sewer is less than three feet, or in areas where the sewer is subject to vehicular or other external loads.
5. 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 local and state building and plumbing codes and other applicable rules and regulations of the City and/or Commission. In general, the building sewer shall not be less than four inches in diameter. The slope of the building sewer shall in no event be less than one eighth (1/8) inch per foot.
6. In the absence of local code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WEF Manual of Practice No. 9 shall apply.
7. No building sewer shall be laid parallel to within three feet (3') of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford 24 inches of cover over pipe except where exposed to vehicular traffic. Portions of the building sewer subject to vehicular traffic shall have a minimum cover of 36 inches or be encased in a six-inch envelope of concrete. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible.
8. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City and/or Commission for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Fees for connection shall be as follows:

**Residential - To include homes, apartments, mobile homes**

I.	Single Family Dwelling	\$375.00	each
II.	Multi-Family Units (under one roof)		
	First 4 units	\$375.00	each
	Units 5 thru 10	\$260.00	each
	Units 11 thru 20	\$188.00	each
	Units 21 and above	\$150.00	each

**Commercial/Industrial Establishments - to include industrial, business, professional or public establishments**

I.	Single Commercial Establishments	\$750.00	each
II.	Multi-Commercial Establishments (under one roof with separate sanitary facilities*)		
	First 4 units	\$750.00	each
	Units 5 thru 10	\$525.00	each
	Units 10 and above	\$375.00	each

\* An owner developer may elect to pay a fee based upon square footage of floor space regardless of the number of establishments under one roof.

**Fees** \$1.00 per sq. ft.

(Minimum charge city or county shall be 750 sq. ft. and a discount of 30% for all sq. ft. over 3000 sq. ft.)

III.	Hotels, Motels, Hospitals	\$750.00	each
	Plus	\$375.00	per room

**Special Tap-Ons**

The Mt. Sterling Water and Sewer Commission shall set tap-on rates for the following categories:

- a. Any commercial building having more than 20,000 square feet.
- b. Any commercial building employing more than 50 people.
- c. Any establishments discharging heavy, polluted waters.
- d. Any property that has caused a direct cost to the Mt. Sterling POTW due to construction of lines to serve that property.

9. The owner shall ensure that all excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.
10. In all buildings in which any sanitary facility drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by an approved means and discharged to the building sewer. Drain pipe and sump for collection of such sanitary drainage shall be above basement floor or in a separate watertight or drained sump or channel.
11. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent and all such trenches shall be kept open until the pipe has been inspected, tested and approved by the Superintendent. Except where bends are supplied, trenches shall be straight in direction and grade to accommodate prefabricated joints. Trenches shall be at least 20 inches wide at right angles to the center line of the pipe. Building sanitary sewers laid in undisturbed ground must be laid on at least six inches of pea gravel, sand or other approved grillage to support the pipe. The trench shall be filled with the same approved grillage on each side of the pipe and six inches over same. Building sewers laid in mud or filled ground shall be embedded to lower quadrant with at least a four-inch concrete pad below the invert or other support that may be considered necessary. Backfill shall be carefully tamped in and around pipe in not over four-inch layers to top of pipe for proper support. Backfill shall be solidly tamped above the pipe and hand placed up to 18 inches above the pipe. No backfill shall be placed over the pipe until the pipe laying has been inspected by the Superintendent or his duly authorized agent.
12. All joints and connections shall be made gas tight and watertight. Joints for cast iron soil pipe and fittings with hubs and plain end spigots shall be made with caulked lead and oakum as specified in Chapter 4, ASA A40.8 or by using positive double-seal elastomeric compression-type gaskets conforming to ASTM C-564. Service pipe shall be joined with service gaskets and extra heavy pipe with extra heavy gaskets. All joints between vitrified clay pipe and other approved pipe shall be made with an approved prefabricated rubber or plastic material conforming to ASTM Specification C-425, latest revision, and installed clean and uninjured by handling or weather according to manufacturers' direction, completely "homed" into place. The vitrified clay sewer pipe shall be jointed with compressed watertight rubber rings meeting ASTM Specification D-1869, latest revision, and installed clean, according to manufacturers' directions. The ductile iron pipe shall be joined together with watertight rubber gaskets in accordance with the manufacturers' directions. The PVC pipe joints shall conform to ASTM D-3212, latest revision, and elastomeric gaskets to ASTM F-477.
13. The building sewer shall be connected into the public sewer at the easement or property line. Where no properly located service branch is available, an authorized agent of the Commission shall cut a neat hole into the main line of the public sewer and a suitable wye or tee saddle installed to receive the building sewer. The invert of the building sewer, at such point of connection with a saddle, shall be in the upper quadrant of the main line of the public sewer. A neat workmanlike connection not extending past the inner surface of the public sewer shall be made and the saddle made secure and watertight by encasement in epoxy cement specially prepared for this purpose. A wye and H bend fitting shall be installed at the property line between the public sewer and the building sewer. This fitting shall serve the purpose of a cleanout and for applying the smoke test during inspection of the line. After testing, a cast iron or ductile iron riser

will be inserted in this fitting and brought flush with the ground surface. A stopper or plug, outfitted with a type joint applicable to the pipe used, shall seal this riser against the intrusion of ground or surface water.

14. All building sanitary sewer lines will be installed so as to meet or exceed the most current revision of the State Plumbing Code.
15. All persons working on POTW sewers with a cleaning rod must use an approved type rod in cleaning sewer connections to POTW sewers.

**D. Inspection**

1. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative. All connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
2. All building sewers shall be smoke tested in accordance with the Commission's specifications.

**E. Trunk Lines or Feeder Lines**

1. No sewer trunk lines or feeder lines or other equipment, within or without the city limits through which sewage flows directly or indirectly into the POTW shall be constructed or attached to the system until plans and specifications prepared by a registered engineer or other qualified person approved by the Commission have been approved by the department of health and the Commission.
2. Upon approval of plans and specifications, a construction engineer or other qualified person approved by the Commission shall supervise the construction and installation of such lines and other equipment. Upon completion and approval of construction of trunk lines, feeder lines, pumps and all other items being a part of the sewer facility, the developers and/or property owners shall dedicate to the City of Mt. Sterling the sewer facility, free of all encumbrances of whatever nature, whereupon the City shall accept and maintain the same.
3. The entire cost of plans and specifications and engineering supervision shall be borne by developers and/or property owners.
4. The specifications shall conform to the Mt. Sterling Water and Sewer System Specifications, latest revision.

## ARTICLE V - POLLUTANT DISCHARGE LIMITS

### A. General Conditions

The following described substances, materials, waters or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set additional limitations or limitations more stringent than those established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Superintendent shall give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of wastes or wastewaters discharged to the sanitary sewer shall not be violated without written approval of the Superintendent.

### B. Restricted Discharges

No user shall contribute, or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other National, State or local Pretreatment Standard or Requirement. A user shall not contribute the following substances to any POTW:

1. Pollutants which create a fire or explosion hazard in the POTW, including but not limited to wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.
2. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 6.0 or higher than 9.0 unless the works is specifically designed to accommodate such discharges.
3. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
4. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference.
5. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 104 degrees Fahrenheit (40 degrees Celsius) unless the State, upon request of the POTW, approves alternate temperature limits.
6. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge

use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

7. Any substance which will cause the POTW to violate its NPDES/KPDES and/or sludge disposal system permit or the receiving water quality standards.
9. Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
10. Any trucked or hauled pollutants, except at discharge points designated by the Superintendent.
11. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin.
12. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, to constitute a hazard to humans or animals, to create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307 (a) of the Act.
13. Wastewater from industrial plants or commercial businesses containing floatable oils, fat or grease, whether emulsified or not, in excess of one hundred fifty milligrams per liter (150mg/l) or containing substances which may solidify or become viscous at temperatures 32-150°F (0-65°C).
14. Any wastewater with objectionable color not removable in the POTW, but in no case, wastewater with a color at the introduction into the POTW that exceeds 300 ADMI units.
15. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, motels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers (pursuant to Article VI Section B). The installation and operation of any garbage grinder equipped with a 3/4 HP motor or greater shall be subject to review and approval.
16. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Commission.
17. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Commission in compliance with applicable State or Federal Regulations.
18. Any waste(s) or wastewater(s) classified as a hazardous waste by the Resource Conservation and Recovery (RCRA) without a sixty (60) day prior notification of such discharge to the Commission. This notification must include the name of the hazardous waste, the EPA hazardous waste number, type of discharge, volume/mass of discharge and time of occurrence(s). The Superintendent may prohibit or condition the discharge(s) at any time.

19. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

20. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

21. Any water or waste which has characteristics based on a 24 hour composite sample, or a shorter period composite sample if more representative which exceed the following normal maximum domestic wastewater parameter concentrations:

<u>Parameter</u>	<u>Maximum Allowable Concentration</u> <u>Without Surcharge</u>
BOD	225 mg/l
TSS	225 mg/l
NH3-N	30 mg/l

Any person discharging wastewater exceeding the maximum allowable concentration as noted above, will be subject to a surcharge fee for each pound loading over and above the set limit. Any other amenable constituents requiring the addition of specific chemicals for proper treatment will also be subject to surcharge as noted on the Wastewater Contribution Permit. Exceedance of the effluent limits specified above shall not be deemed to constitute a violation of a permit condition or this ordinance if the appropriate surcharge fee is paid and the discharge does not cause interference or pass through of the POTW.

22. The following limitations are established for characteristics of any wastewaters to be discharged into the municipal sewer system:

<u>Parameter</u>	<u>Max. Daily Concentration (mg/l)</u>	<u>Parameter</u>	<u>Max. Daily Concentration (mg/l)</u>
Arsenic, total	0.05	Magnesium, total	Report
Barium, total	10	Manganese, total	17
Beryllium, total	0.75	Mercury, total	0.0002
Boron, total	Report	Nickel, total	0.24
Cadmium, total	0.03	Oil & Grease, Hydro.	25
Chloride, total	1973	Oil & Grease, total	150
Chromium, hexavalent	0.196	Phenols	0.3
Chromium	0.93	PCB	0
Color	300	Selenium, total	0.01
Copper, total	0.53	Silver, total	0.07
Cyanide, amenable	0.05	Sulfate, total	1000
CN, Total	0.1	Sulfide	5.00
Total Dissolved Solids	Report	Zinc, total	2.88
Fluoride	2.5		
Iron, total	44		
Lead, total	0.13		

REVISED 2/20/2009

ORDINANCE NO. 2-2007

1<sup>ST</sup> READING 1-16-07  
2<sup>ND</sup> READING 2-20-07

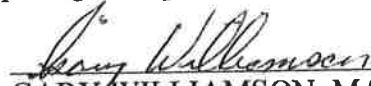
AN ORDINANCE AMENDING SECTION 22 OF ORDINANCE NO. 360-95.

BE IT ORDAINED by the City of Mt. Sterling, Kentucky, by and through its City Council, that Section 22 of Ordinance No. 360-95, enacted on May 16, 1995, and relating to sewer use, is hereby amended as follows:

22. The following limitations are established for characteristics of any wastewaters to be discharged into the municipal sewer system:

<u>Parameter</u>	<u>Max. Daily Con-</u> <u>centration (mg/l)</u>	<u>Parameter</u>	<u>Max Daily Con-</u> <u>centration (mg/l)</u>
Arsenic, total	0.05	Magnesium, total	Report
Barium, total	10	Manganese, total	[17] 9.96
Beryllium, total	[0.75] 0.04	Mercury, total	0.0002
Boron, total	Report	Nickel, total	[0.24] 2.90 (1.83) <sup>2</sup>
Cadmium, total	[0.03] 0.02	Oil & Grease, Hydro	25
Chloride, total	1973	Oil & Grease, total	150
Chromium, hexavalent	[0.196] 0.10	Phenols	[0.3] 52.0
Chromium, <u>Total</u>	[0.93] 0.65	PCB	0
Color	300	Selenium, total	0.01
Copper, total	0.53	Silver, total	0.07
Cyanide, amenable	0.05	Sulfate, total	1000
CN, Total	0.1	Sulfide	5.00
Total Dissolved Solids	Report	Zinc, total	[2.88] 2.12 (11) <sup>4</sup>
Iron, total	[44] 27		
Lead, total	[0.13] 0.08		

This ordinance shall become effective upon passage and publication.

  
GARY WILLIAMSON, MAYOR

ATTEST:

  
JOYCE STAKELIN, CITY CLERK  
2-20-07  
DATE

Revised 3/17/2009



ORDINANCE NO. 3 -2009

1<sup>ST</sup> READING 2-17-09  
2<sup>ND</sup> READING 3-17-09

AN ORDINANCE AMENDING ARTICLE V (B),  
SECTION 22 OF ORDINANCE NO. 260-95

WHEREAS, new pollutant discharge limitations have been set by the Environmental Protection Agency (EPA) and said limitations have been accepted by the Kentucky Energy and Environment Cabinet; and

WHEREAS, the Mt. Sterling Water & Sewer System wishes to implement said pollutant discharge limitations; and

WHEREAS, Public Notice No. PT-09-02 was published and no request for hearing was made; and

WHEREAS, pretreatment requirements shall be established which are compliant with 401 KAR 5:057; and

BE IT ORDAINED by the City of Mt. Sterling, Kentucky, by and through its City Council, that Article V (B) Section 22 of Ordinance No. 260-95, enacted on May 16, 1995, and amended by Ordinance No. 2-2007, on February 20, 2007, relating to sewer use, is hereby amended as follows:

1) Article V (B) Section 22 The following limitations are established for characteristics of any wastewaters to be discharged into the municipal sewer system:

<u>Parameter</u>	<u>Max. Daily Concentration (mg/l)</u>	<u>Parameter</u>	<u>Max Daily Concentration (mg/l)</u>
Arsenic, total	0.05	Magnesium, total	Report
<b>Barium, total</b>	<b>[10] 13.5</b>	Manganese, total	9.96
Beryllium, total	0.04	Mercury, total	0.0002
Boron, total	Report	<b>Nickel, total</b>	<b>[2.90] 0.78</b>
Cadmium, total	0.02	Oil & Grease, Hydro	25
<b>Chloride, total</b>	<b>[1973] 861</b>	Oil & Grease, total	150
Chromium, Hexavalent	0.10	<b>PCB</b>	<b>0.005</b>
<b>Chromium, Total</b>	<b>[0.65] 0.83</b>	<b>pH</b>	<b>6-9 Units</b>
<b>Color</b>	<b>[300] Report</b>	Phenols	52.0
<b>Copper, total</b>	<b>[0.53] 0.88</b>	<b>Phosphorus</b>	<b>12</b>
Cyanide, Amenable	0.05	<b>Selenium, total</b>	<b>[0.01] 0.03</b>
Cyanide, Total	0.10	<b>Silver, total</b>	<b>[0.07] 0.09</b>

Dissolved Solids	Report	Sulfate, total	[1000] 1152
Flash Point	>140	Sulfide	5.0
Fluoride	9.0	TTO	2.13
Iron, total	27	Zinc, total	[2.12] 2.3
Lead, total	0.08		

2) Pretreatment requirements shall be established which are compliant with 401 KAR 5:057;

3) This amendment reflects the previous revised limitations adopted in Ordinance 2-2007. Since this amendment reflects the previous revised limitations adopted in Ordinance 2-2007, the previously adopted amendment Ordinance, 2-2007 is hereby repealed.

This ordinance shall become effective upon passage and publication.

  
GARY WILLIAMSON, MAYOR

ATTEST:

  
JOYCE STAKELIN, CITY CLERK

3-17-09  
DATE

ORDINANCE NO. 4-2013

1<sup>ST</sup> READING 4/16/13

2<sup>ND</sup> READING 5/21/13

AN ORDINANCE AMENDING ARTICLE V (B),  
SECTION 22 OF ORDINANCE NO. 260-95

WHEREAS, new pollutant discharge limitations have been set by the Environmental Protection Agency (EPA) and said limitations have been accepted by the Kentucky Energy and Environment Cabinet; and

WHEREAS, the Mt. Sterling Water and Sewer System wishes to implement said pollutant discharge limitations; and

WHEREAS, Public Notice No. PT \_\_\_\_\_ was published and no request for hearing was made; and

WHEREAS, pretreatment requirements shall be established which are compliant with 401 KAR 5:057; and

BE IT ORDAINED by the City of Mt. Sterling, Kentucky, by and through its City Council, that Ordinance No. 260-95, enacted on May 16, 1995, and amended by Ordinance No. 2-2007, on February 20, 2007, subsequently amended by Ordinance No. 3-2009, on March 17, 2009, subsequently amended on March 20, 2012 by Ordinance 2-2012, relating to sewer use, is hereby amended as follows:

1) All references to "Natural Resources and Environmental Protection Cabinet" that occur within the Sewer Use Ordinance shall be changed to: "Energy and Environment Cabinet".

2) **Article V (B) Section 22** : The following limitations are established for characteristics of any wastewaters to be discharged into the municipal sewer system:

Parameter	Max Daily Concentration (mg/l)		Parameter	Max Daily Concentration (mg/l)
Arsenic, total	0.050		<del>Magnesium, total</del>	<del>Report</del>
Barium, total	13.5		<del>Manganese, total</del>	<del>0.06</del>
Beryllium, total	<del>{0.04}</del> 0.020		Mercury, total	0.0002
<del>Boron, total</del>	<del>Report</del>		Nickel, total	<del>{0.78}</del> 0.39
Cadmium, total	<del>{0.020}</del> 0.010		<del>Oil &amp; Grease, Hydro</del>	<del>25</del>
Chloride, total	861 (1)		Oil & Grease, Total	150
Chromium	0.83		PCB	0.005
Hex. Chrom.	0.10		pH	<del>6-9</del> SU
<del>Celer</del>	<del>Report</del>		Phenols	52.0
Copper, total	<del>{0.88}</del> 0.63		Phosphorus	12
Cyanide, Am	0.050		Selenium, total	0.03
<del>Cyanide, Total</del>	<del>0.88</del>		Silver, total	<del>{0.09}</del> 0.06
Dissolved Solids	Report		Sulfate, total	<del>{1152}</del> 1,110
<del>{Flash Point}</del>	<del>{&gt;140 F}</del>		<del>{Sulfide}</del>	<del>{5-0}</del>

Parameter	Max Daily Concentration (mg/l)		Parameter	Max Daily Concentration (mg/l)
Fluoride	9.0		<del>Fluoride</del>	2.13
Iron	27.0		Zinc, total	<del>{2.30}</del> 2.3/8.0 (2)
Lead	<del>{0.08}</del> 0.050			

1) : 861 mg/l all industries except Rumpke which will have a mass limit of 330 lb/day

2) : 2.30 mg/l all industries except Cooper which will have an 8.0 mg/l limit and a mass limit of 4.47 lbs/day zinc

3) Article X, (G), (H), and (I) : references to penalty and fine amounts which are stated as "not more than \$1,000.00..." shall be amended to read "at least \$1,000.00..."

4) This amendment reflects the previous revised limitations adopted in Ordinance 2-2012. Since this amendment reflects the previous revised limitations adopted in Ordinance 2-2012, the previously adopted amendment Ordinance 2-2012 is hereby repealed.

This ordinance shall become effective upon passage and publication.

### **C. Dilution of Wastewater Discharge**

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 in any other pollutant specific limitation developed by the Commission or State. Dilution may be permitted to pretreatment of compatible wastes if provided for in said users permit.

### **D. Grease, Oil, and Sand Interceptors**

Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal. The Commission may require reporting of such information for their review. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms, interceptors shall also comply with applicable regulations of the County Health Department.

### **E. Special Industrial Pretreatment Requirements**

1. Pursuant to the requirements imposed on publicly owned wastewater treatment works by the Federal Water Pollution Control Act Amendments of 1972 and later amendments, all pretreatment standards promulgated by the U.S. Environmental Protection Agency for new and existing industrial dischargers to public sewer systems are hereby made a part of this ordinance. Any industrial waste discharge which violates these EPA Pretreatment Standards shall be in violation of this ordinance.
2. Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously, in satisfactory and effective operation, by the owner(s) at his expense.
3. Any person who transports septic tank, seepage pit or cesspool contents, liquid industrial waste or other batch liquid waste and wishes to discharge such waste to the public sewer system shall first obtain permission for such discharge from the Superintendent. All persons receiving such permission shall abide by all applicable provisions of this ordinance, and any other special provisions that may be established by the Superintendent as necessary for the proper operation and maintenance of the sewerage system.

In addition, any person holding a valid permit and wishing to discharge to the wastewater treatment plant must submit, to the Superintendent, a sample of each load prior to discharge. A fee and payment schedule shall be established in the permit to cover the cost of the required analyses.

Waste haulers who have been granted permission to discharge to the public sewer system shall pay fees for such discharge in accordance with a fee schedule established by the Superintendent and approved by the Commission.

It shall be illegal to discharge any batch liquid waste into any manhole or other part of the public sewer system, or any building sewer or other facility that discharges to the public sewer system, except at designated points of discharge by the Commission for such purposes.

Any liquid waste hauler illegally discharging to the public sewer system shall be subject to immediate revocation of discharge privileges (if granted) and further subject to the penalties prescribed in Article X.

Nothing in this ordinance shall relieve waste haulers of the responsibility for compliance with County Health Department, State or Federal Regulations.

4. The industrial user shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d) and (e).

Dischargers are exempt from the requirements stated in the previous paragraph during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.

Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Waste Division Director and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

In the case of any notification made under this provision, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

#### **F. Protection from Accidental Discharge**

1. Each significant user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Commission for review, and shall be approved by the Commission before construction of the facility. All existing users shall complete such a plan within ninety (90) days after the effective date of this ordinance. Construction shall be completed within 120 days of approval of plans and notification by the Superintendent. No user who commences contribution to the POTW after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Commission. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this ordinance. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
2. **Written Notice.** Within five (5) days following an accidental discharge, the user shall submit, to the Superintendent, a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.
3. **Notice to Employees.** A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

#### **G. State Requirements**

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this ordinance.

#### **H. City's Right of Revision**

The Commission reserves the right, at the recommendation of the Superintendent, to establish more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in this ordinance.

## **I. Federal Categorical Pretreatment Standards**

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this ordinance. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

## **J. Modification of Federal Categorical Pretreatment Standards**

Where the wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the Commission may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in Section 403.7 (c) (2) of the "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The Commission may modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR 403.7 are fulfilled and prior approval from the Approval Authority is obtained.



## ARTICLE VI - PRETREATMENT PROGRAM ADMINISTRATION

### A. Wastewater Dischargers

It shall be unlawful to discharge, without a permit, to any natural outlet within the City or in any area under the jurisdiction of said City and/or to the POTW any wastewater, except as authorized by the Superintendent, in accordance with the provisions of this ordinance.

Any agency and/or industry outside the jurisdiction of the Commission that desires to contribute wastewater to the POTW must first sign (through an authorized representative) an interjurisdictional agreement, whereby the agency and/or industry agrees to be regulated by all provisions of this ordinance and State and Federal regulations. A Wastewater Contribution Permit may then be issued by the Superintendent in accordance with Section B of this article.

### B. Wastewater Contribution Permits

#### 1. General

All significant users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Contribution Permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a Wastewater Contribution Permit within 90 days after the effective date of this ordinance.

#### 2. Permit Application

Users required to obtain a Wastewater Contribution Permit shall complete and file, with the Commission, an application, in the form prescribed by the Commission, accompanied by a permit fee. Existing users shall apply for a Wastewater Contribution Permit within 30 days after the effective date of this ordinance and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- a. Name, name of operator and owner, address and location if different from the address;
- b. SIC number(s) according to the Standard Industrial Classification Manual, United States Bureau of the Budget, 1972, as amended;
- c. Wastewater constituents and characteristics as determined by an analytical laboratory acceptable to the Commission; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, as amended;
- d. Time and duration of contribution;
- e. Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variation if any;

- f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- g. Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- h. Where known, the nature and concentration of any pollutants in the discharge which are limited by City, State or Federal Pretreatment Standards and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional pretreatment is required for the user to meet applicable Pretreatment Standards;
- i. If additional pretreatment will be required to meet the Pretreatment Standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard;

The following conditions shall apply to this schedule:

- (1) The schedule must be acceptable to the Commission.
  - (2) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards.
  - (3) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the users to return the construction to the schedule established.
- j. Each product produced by type, amount, process or processes, and rate of production;
  - k. Type and amount of raw materials processed (average and maximum per day);
  - l. Number of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
  - m. A copy of the industry's written environmental control program, comparable document or policy;
  - n. Any other information as may be deemed by the Commission to be necessary to evaluate the permit application.
  - o. A list of any environmental control permits held by or for the facility.

**3. Issuance**

The Superintendent shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Superintendent may issue a Wastewater Contribution Permit subject to terms and conditions provided herein.

**C. Permit Modifications**

Within 9 months of the promulgation of National Categorical Pretreatment Standards, the Wastewater Contribution Permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user subject to National Categorical Pretreatment Standards has not previously submitted an application for a Wastewater Contribution Permit as required, the user shall apply for a Wastewater Contribution Permit within 90 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing Wastewater Contribution Permit shall submit, to the Superintendent, within 90 days after the promulgation of an applicable Federal Categorical Pretreatment Standard, the information required by this ordinance.

**D. Permit Conditions**

Wastewater Contribution Permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges and fees established by the Commission. Permits may contain the following:

1. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
2. Limits on the average and maximum wastewater constituents and characteristics;
3. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
4. Requirements for installation and maintenance of inspection and sampling facilities;
5. Specifications for monitoring programs which may include sampling locations; frequency of sampling; number, types and standards for tests; and reporting schedule;
6. Compliance schedules;
7. Requirements for submission of technical reports or discharge reports (See Article VI.G.);
8. Requirements for maintaining and retaining, for a minimum of three years, plant records relating to wastewater discharge as specified by the Commission and affording Commission access thereto;

9. Requirements for notification of the Commission of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
10. Requirements for notification of slug discharges;
11. The permit may require the user to reimburse the Commission for all expenses related to monitoring, sampling and testing performed at the direction of the Superintendent and deemed necessary by the Commission to verify that the user is in compliance with said permit;
12. Other conditions as deemed appropriate by the Commission to ensure compliance with this ordinance.

#### **E. Alternative Discharge Limits**

Where an effluent from an industrial process(es) is mixed prior to treatment with wastewater other than those generated by the regulated process, fixed alternative discharge limits may be derived for the discharge permit by the Superintendent. These alternative limits shall be applied to the mixed effluent and shall be calculated using the Combined Wastestream Formula and/or Flow-Weighted Averaging Formula.

Where the effluent limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutants per unit of production (production-based standard), the Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or of 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.

#### **F. Permit Duration**

Permits shall be issued for a specified time period, not to exceed three (3) 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 120 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification, by the Commission, during the term of the permit as limitations or requirements as identified in Article V are modified or other just cause exists. The user shall be informed of any proposed changes in their permit at least 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.

#### **G. Permit Transfer**

Wastewater Contribution Permits are issued to a specific user for a specific operation. A Wastewater Contribution Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Commission. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

## **H. Reporting Requirements for Permittee**

### **1. Compliance Data Reporting**

Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a new user, following commencement of the introduction of wastewater into the POTW, any user subject to Pretreatment Standards and Requirements shall submit, to the Superintendent, a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the user's facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional pretreatment and time schedule is necessary to bring the user into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the user.

### **2. Periodic Compliance Reports**

- a. Any user subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a new user, after commencement of the discharge into the POTW, shall submit, to the Superintendent, during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Wastewater Contribution Permit, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of measured or estimated average or maximum daily flows for the reporting period. At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted. The Commission may require more detailed reporting of flows as determined by the Superintendent.
- b. The Superintendent may impose mass limitations on users where their imposition is appropriate. In such cases, the report required by Section G.1. of this article shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the user.

The industrial user shall notify the POTW immediately of any slug loading as defined herein by the industrial user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass, where requested by the Superintendent, of pollutants contained therein which are limited by the applicable Pretreatment Standards. All analyses shall be performed by a laboratory acceptable to the Commission. Analytical procedures shall be in accordance with procedures established by the U.S. 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 U.S. EPA Administrator. Sampling shall be performed in accordance with the techniques approved by the U.S. EPA Administrator.

- c. Where 40 CFR, Part 136 does not include sampling or analytical techniques for the pollutant in question, sampling and analysis shall be performed in accordance with the

procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April 1977 and amendments thereto, or with any other sampling and analytical procedures approved by the U.S. EPA Administrator.

- d. A Baseline Monitoring Report (BMR) must be submitted to the Superintendent by all categorical industrial users at least ninety (90) days prior to initiation of discharge to the sanitary sewer. The BMR must contain, at a minimum, the following:
- (1). Production Data: a process description, SIC code number, raw materials used, chemicals used, final product, pretreatment industrial category and a schematic which indicates points of discharge to the sewer system.
  - (2). Identifying information to include name, address of facility, owner(s), contact person and any other permits held by the facility.
  - (3). Wastewater characteristics: total plant flow, types of discharges, average and maximum flows from each process.
  - (4). Nature/Concentration of pollutants: analytical results for all pollutants regulated by this ordinance and/or any applicable federal pretreatment standard and sample type and location. All analyses must conform to 40 CFR, Part 136 and amendments thereto.
  - (5). Information concerning any pretreatment equipment used to treat the facility's discharge.
  - (6). New sources shall give estimates of the information requested in paragraphs 3 and 4 above, but at no time shall a new source commence discharge(s) to the public sewer of substances that do not meet provisions of this ordinance. All new sources must be in compliance with all provisions of this ordinance, State and Federal pretreatment regulations prior to commencement of discharge to the public sewer.
- d. The reports required by paragraphs (a), (b), (c) and (d) of this section must be signed by an authorized representative of the industrial user as defined by this ordinance.

## **I. Permit Violation**

All significant industrial users must notify the Superintendent within 24 hours of first becoming aware of a permit violation. This notification shall include the date of violation, the parameter violated and the amount in exceedance.

The user shall immediately repeat the sampling and analysis of the parameter(s) in question and submit the results to the Superintendent within thirty (30) days after becoming aware of the violation. Exception to this regulation is only if the Commission performs the sampling within the same time period for the same parameter(s) in question.

## **J. Monitoring Facilities**

The Commission shall require significant users to provide and operate, at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage system. The monitoring facility should normally be situated on the user's premises, but the Commission may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in a public right-of-way. The Superintendent shall review and approve the location, plans and specifications for such monitoring facilities and may require them to be constructed to provide for the separate monitoring and sampling of industrial waste and sanitary sewage flows.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Commission's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following approval of the location, plans and specifications.

All sampling analyses done in accordance with approved Federal EPA procedures by the industrial user during a reporting period shall be submitted to the Superintendent regardless of whether or not that analysis was required by the industrial user's discharge permit.

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

## **K. Inspection and Sampling**

The Commission shall inspect the facilities of any user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Commission, or their representative, ready access, at all reasonable times, to all parts of the premises for the purposes of inspection, sampling, copying records, records examination or in the performance of any of their duties.

The Commission, Approval Authority and EPA shall have the right to set up, on the users property, such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements for their security guards so that, upon presentation of suitable identification, personnel from the Commission, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

## **L. Pretreatment**

Users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the Commission shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Commission for review and shall be acceptable to the Commission before construction of the facility. The review of such plans and operating procedures will, in no way, relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Commission under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Commission prior to the user's initiation of the changes.

## **M. Publication of Violators**

The City and/or Commission is required by Federal regulation to keep the public informed of all cases of significant violation. To accomplish this the Commission shall, annually, publish in its largest daily newspaper a list of the users which were not in compliance with any Pretreatment Requirements or Standards at least once during the 12 previous months. A significant violation shall meet one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) 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;
2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH);
3. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Commission determine has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403 to halt or prevent such a discharge;
5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring report, and reports on compliance with compliance schedules;



7. Failure to accurately report noncompliance;
8. Any other violation or group of violations which the Commission determines will adversely affect the operation or implementation of the local pretreatment program.

The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Approval Authority upon request.

#### **N. Confidential Information**

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

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 this ordinance, the NPDES/KPDES Permit, Sludge Disposal System Permit and/or the Pretreatment Programs; 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 shall not be recognized as confidential information and shall be available to the public without restriction.

Information accepted by the Commission as confidential, shall not be transmitted to any governmental agency or to the general public by the Commission until and unless a ten-day notification is given to the user.

#### **O. Recordkeeping Requirements**

Any industrial user subject to reporting requirements established in this Ordinance shall maintain records of all information resulting from any monitoring activities. Such records shall include for all samples:

1. The date, exact place, method and time of sampling and the name of the person or persons taking the samples;
2. The dates analyses were performed;
3. Who performed the analyses;
4. The analytical techniques/methods used; and

5. The results of such analyses.

Any industrial user subject to the reporting requirements established in this Ordinance shall be required to retain, for a minimum of three (3) years, any records of monitoring activities and results (whether or not such monitoring activities are required) and shall make such records available for inspection and copying by the Commission, the Director and the Regional Administrator. The period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or POTW or when requested by the Director or Regional Administrator.

**P. Signatory Requirements**

All applications, reports or information submitted to the Commission shall be signed and certified.

1. All permit application shall be signed:
  - a. For a corporation: by a principal executive officer of at least the level of vice-president;
  - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
2. All other correspondence and reports, including self-monitoring reports, shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described above,
  - b. The authorization specifies either an individual or a position having facility or activity, such as the position of plant manager, superintendent or position of equivalent responsibility
3. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that I am familiar with the information contained in this report and its attachments and that to the best of knowledge and belief such information is true, complete and accurate."

**Q. Toxicity Tests By Biomonitoring**

Any user whose effluent is suspect of exhibiting toxicity to aquatic organisms, Cereodaphnia or Fathead Minnows, after treatment equivalent to that provided by the POTW, will be required to perform toxicity tests by biomonitoring as a condition of their wastewater contribution permit.

## **ARTICLE VII - FEES**

### **A. Purpose**

This article provides for the recovery of costs from users of the POTW for the implementation and conduct of the program established herein. The applicable charges or fees shall be set forth in the Schedule of Charges and Fees.

### **B. Charges and Fees**

The City may adopt charges and fees which may include:

1. fees for reimbursement of costs of setting up and operating the Pretreatment Program;
2. fees for monitoring, inspections and surveillance procedures;
3. fees for reviewing accidental discharge procedures and construction;
4. fees for permit applications;
5. fees for filing appeals;
6. fees for consistent removal, by the POTW, of pollutants otherwise subject to Federal Pretreatment Standards;
7. other fees as the Commission may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this ordinance and are separate from all other fees chargeable by the Commission.

## **ARTICLE VIII - POWERS AND AUTHORITY OF INSPECTORS**

### **A. Right to Enter Premises**

The Superintendent and other duly authorized employees and representatives of the Commission and authorized representatives of applicable Federal and State regulatory agencies, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing pertinent to discharges to the public sewer system in accordance with the provisions of this ordinance.

### **B. Right to Obtain Information Regarding Discharge**

Duly authorized employees and representatives of the Commission, bearing proper credentials and identification, are authorized to obtain information concerning character, strength and quantity of industrial wastes which have a direct bearing on the kind and source of discharge to the wastewater collection system.

### **C. Access to Easements**

Duly authorized employees and representatives of the Commission, bearing proper credentials and identification, shall be permitted to enter all private properties through which the City and/or Commission holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

### **D. Safety**

While performing the necessary work on private properties referred to in Section C of this Article, the Superintendent, or duly authorized employees of the City and/or Commission, shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to City and/or Commission employees and the City and/or Commission shall indemnify the company against loss or damage to its property by City and/or Commission employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this Ordinance.

## ARTICLE IX - ENFORCEMENT

### A. General

The Superintendent may suspend the wastewater treatment service and/or a Wastewater Contribution Permit whenever such suspension is necessary, in the opinion of the Superintendent, in order to stop an actual or threatened discharge which is presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW or the environment.

Any user notified of a suspension of the wastewater treatment service and/or the Wastewater Contribution Permit shall immediately stop or eliminate the contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Superintendent 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. The Superintendent shall allow the user to recommence its discharge when the endangerment has passed, unless the termination proceedings set forth in Section E of this Article are initiated against the user.

Any user which is 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 Superintendent prior to the date of the hearing described in Section D of this article.

### B. Notification of Violation

Whenever the Superintendent finds that any user has violated or is violating this Ordinance, or a wastewater permit or order issued hereunder, the Superintendent or his agent may serve upon said user written notice of the violation. Within ten (10) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation.

### C. Administrative Orders

#### 1. Consent Orders

The Superintendent is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as administrative orders issued pursuant to paragraph 2 below.

#### 2. Compliance Order

When the Superintendent finds that a user has violated or continues to violate the ordinance or a permit or order issued thereunder, he may issue an order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless

adequate treatment facilities, devices or 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 the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.

### **3. Cease and Desist Orders**

When the Superintendent finds that a user has violated or continues to violate this Ordinance or any permit or order issued hereunder, the Superintendent may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

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

### **D. Show Cause Hearing**

The Superintendent may order any user which causes or contributes to violation of this Ordinance or wastewater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate officer. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued.

### **E. Termination of Permit**

Significant industrial users proposing to discharge into the POTW, must first obtain a Wastewater Contribution Permit from the Commission. Any user who violates the following conditions of this ordinance or a Wastewater Contribution Permit or order, or any applicable State or Federal law, is subject to permit termination:

- 1. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- 2. Failure to report significant changes in operations or wastewater constituents and characteristics;
- 3. Refusal of reasonable access to the user's premises or
- 4. Violation of conditions of the permit.

Noncompliant industrial users will be notified of the proposed termination of their Wastewater Contribution Permit and be offered an opportunity to show cause why the proposed action should not be taken.

## **F. Treatment Upsets**

Any user which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation, shall inform the Superintendent thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the user within five (5) days. The report shall contain:

1. A description of the upset, its cause(s) and impact on the discharger's compliance status
2. The duration of noncompliance, including exact dates and times of noncompliance and, if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored
3. All steps taken or planned to reduce, eliminate and prevent recurrence of such an upset

Any user which complies with the notification provisions of this section in a timely manner shall have an affirmative defense to any enforcement action brought by the Superintendent for any noncompliance with this ordinance or an order or permit issued hereunder by the user, which arises out of a violation attributable to and alleged to have occurred during the period of the documented and verified upset.

## **G. Treatment Bypasses**

A bypass of the treatment system is prohibited unless all of the following conditions are met:

1. The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
2. There was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater; and
3. The user properly notified the Superintendent as described in the following paragraph.

Industrial users must provide immediate notice to the Superintendent upon discovery of an unanticipated bypass. If necessary, the Superintendent may require the user to submit a written report explaining the cause(s), nature and duration of the bypass and the steps being taken to prevent its recurrence.

A user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Industrial users anticipating a bypass must submit notice to the Superintendent at least ten (10) days in advance. The Superintendent may only approve the anticipated bypass if the circumstances satisfy those set forth in this section.

## **ARTICLE X - PENALTIES**

### **A. Written Notice**

Any person found to be violating any provision of this ordinance shall be served, by the Commission, with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

### **B. Revocation of Permit**

Any person violating any of the provisions of this ordinance shall be subject to termination of its authority to discharge sewage into the City system upon a determination pursuant to the terms of this ordinance that such violation currently exists and is of a continuing nature.

### **C. Misrepresentation Falsifying Documents**

Any user who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or Wastewater Contribution Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than \$5,000.00 per violation per day or imprisonment for not more than one year or both.

### **D. Destruction of POTW**

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. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

### **E. Legal Action**

If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this ordinance or any order or permit issued hereunder, the Superintendent may commence an action for appropriate legal and/or equitable relief in the appropriate Court of this jurisdiction.

### **F. Injunctive Relief**

Whenever any user has violated or continues to violate the provisions of this ordinance or permit or order issued hereunder, the Superintendent, through counsel may petition the Court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the user. The Superintendent shall have such remedies to collect these fees as it has to collect other sewer service charges.



## **G. Civil Penalties**

Any user who has violated or continues to violate this ordinance or any order or permit issued hereunder, shall be liable to the Superintendent for a civil penalty of not more than \$1,000.00 plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the Commission may recover reasonable attorney's fees, court costs and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

The Commission shall petition the Court to impose, assess and recover such sums. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

## **H. Criminal Prosecution**

Any user who willfully or negligently violates any provision of this ordinance or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$1,000.00 per violation per day or imprisonment for not more than one year or both.

In the event of a second conviction, the user shall be punishable by a fine not to exceed \$3,000.00 per violation per day or imprisonment for not more than 3 years or both.

## **I. Administrative Fines**

Notwithstanding any other section of this ordinance, any user who is found to have violated any provision of this ordinance, or permits and orders issued hereunder shall be fined in an amount not to exceed one thousand dollars (\$1,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the Superintendent shall have such other collection remedies as he has to collect other service charges. Unpaid charges, fines and penalties shall constitute a lien against the individual user's property. Industrial users desiring to dispute such fines must file a request for the Superintendent to reconsider the fine within ten (10) days of being notified of the fine. Where the Superintendent believes a request has merit, he shall convene a hearing in the matter within fifteen (15) days of receiving the request from the user.

## **J. Liability**

Any person violating any of the provisions of this ordinance shall become liable to the City of Mt. Sterling Water and Sewer Commission for any expense, loss or damage occasioned by the City's wastewater treatment facilities by reason of such violation.

## ARTICLE XI - VALIDITY

### A. Inconsistent or Conflicting Ordinance

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict. The User Charge Ordinance, containing surcharge rates, shall remain in full force and effect.

### B. Separation Clause

The invalidity of any article, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

### C. Effective Date of Ordinance

This ordinance shall be in full force and effect when it is adopted, signed and published as required by law.

GIVEN first reading and approval

April 18, 1995

GIVEN second reading and final adoption

May 16, 1995

PUBLISHED in the Mt. Sterling Advocate

APPROVED:

Bert May  
Mayor, Mt. Sterling

ATTEST:

Glenn W. Saxton  
City Clerk