

## **SEWER USE**

### **§ 52.30 PROHIBITED DEPOSITS ON PUBLIC OR PRIVATE PROPERTY.**

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 or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.

('74 Code, § 27-81) (Ord. passed 1-16-78; Am. Ord. passed 9-2-86) Penalty, see § 52.99

### **§ 52.31 UNAUTHORIZED TAMPERING WITH SEWAGE WORKS PROHIBITED.**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment, which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

('74 Code, § 27-82) (Ord. passed 1-16-78; Am. Ord. passed 9-2-86) Penalty, see § 52.99

### **§ 52.32 POWERS AND DUTIES OF INSPECTORS.**

(A) The Mayor and other duly authorized employees of the City Sewer Department bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this subchapter.

(B) The Mayor and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the city 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 sewage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

('74 Code, § 27-83) (Ord. passed 1-16-78; Am. Ord. passed 9-2-86; Am. Ord. passed 12-21-92)

### **§ 52.33 DISCHARGES TO NATURAL OUTLETS.**

It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter.

('74 Code, § 27-84) (Ord. passed 1-16-78; Am. Ord. passed 9-2-86) Penalty, see § 52.99

### **§ 52.34 CONNECTION REQUIRED WHERE PUBLIC SEWER AVAILABLE.**

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located, a public sanitary or combined sewer of the city, is required at his 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 subchapter, within ninety (90) days after date of official notice to do so, provided that the public sewer is within one hundred (100) feet (30.5 meters) of the property line.

('74 code, § 27-85) (Ord. passed 1-16-78; Am. Ord. passed 9-2-86)

### **§ 52.35 PRIVATE SEWAGE DISPOSAL SYSTEMS.**

Except as hereinafter provided, 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 sewage.

('74 Code, § 27-86)

(A) When permitted. Where a public sanitary or combined sewer is not available under the provisions of § 52.34, the building sewer shall be connected to an interim private sewage disposal system complying with the provisions of this subchapter.

('74 Code, § 27-87)

(B) Permit required; application; fees. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Mayor. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Mayor. A permit and inspection fee of one hundred dollars (\$100.00) shall be paid to the city at the time the application is filed.

('74 Code, § 27-88)

(C) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Natural Resources Cabinet. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where it conflicts with County Health Department standards. No septic tank or cesspool

shall be permitted to discharge to any natural outlet.

('74 Code, § 27-89)

(D) Additional requirements by Mayor and health officers. No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the Mayor or the appropriate health officer of the State of Kentucky or of Hopkins County.

('74 Code, § 27-90)

(E) Inspection of installation. A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Mayor. The Mayor shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Mayor when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within seventy-two (72) hours of the receipt of notice by the Mayor.

('74 Code, § 27-91)

(F) Operation. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

('74 Code, § 27-92)

(G) Abandonment; connection to public sewer. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in division (A) hereof, a direct connection shall be made to the public sewer in compliance with this subchapter, and any septic tanks, cesspools, and similar private sewage materials. When a public sewer becomes available, the building sewer and the owner shall have the private sewage disposal system cleaned of sludge and filled with clean bank-run gravel or dirt at no cost to the city.

('74 Code, § 27-93) (Ord. passed 1-16-78; Am. Ord. passed 9-2-86) Penalty, see § 52.99

#### **§ 52.36 (RESERVED).**

#### **§ 52.37 PROHIBITED DISCHARGES TO SANITARY SEWER.**

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

('74 Code, § 27-101) (Ord. passed 1-16-78; Am. Ord. passed 9-2-86) Penalty, see § 52.99

#### **§ 52.38 DISCHARGE OF UNPOLLUTED DRAINAGE TO STORM SEWERS.**

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Mayor. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Mayor, to a storm sewer, combined sewer, or natural outlet, providing an N.P.D.E.S. permit has been issued from the Environmental Protection Agency.

('74 Code, § 27-102) (Ord. passed 1-15-78; Am. Ord. passed 9-2-86)

#### **§ 52.39 PROHIBITED DISCHARGES TO PUBLIC SEWERS.**

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(A) Any gasoline, benzene, naphtha, fuel oil, oil products in amounts causing interference or pass through, other flammable or explosive liquid, solid, gas, or pollutants with a closed-cup flashpoint of less than 140° F or 60° C.

(B) Any waters or wastes containing toxic or poisonous solids, liquids, fumes or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of 1.000 milligrams per liter as CN in the wastes as discharged to the public sewer. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to § 307(a) of the Clean Water Act.

(C) Any waters or wastes having a pH lower than 5.5 or higher than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works.

(D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, or the like, either whole or ground by garbage grinders.

(E) Any discharge of trucked or hauled wastes to sanitary sewers except at points designated by the Mayor.

('74 Code § 27-103) (Ord. passed 1-16-78; Am. Ord. passed 9-2-86; Am. Ord. passed 8-19-91; Am. Ord. 08-14, passed 9-18-08; Am. Ord. 2015-02, passed 2-17-15) Penalty, see § 52.99

## § 52.40 DISCHARGE OF POTENTIALLY HARMFUL WASTES.

(A) No person, municipality, sewer and/or water district shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Mayor that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming such opinion as to the acceptability of these substances, the Mayor will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than 104° F.
- (2) Any water or waste containing oil and grease of animal vegetable origins, fats, wax, grease, or oils, whether emulsified or not, in excess of 100 milligrams per liter, or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F.
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of ¾-horse power (0.76 hp metric) or greater, shall be subject to the review and approval of the Mayor.
- (4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Mayor for such materials.
- (6) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Mayor as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- (7) Any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by state or federal regulations.
- (8) Any waters or wastes having a pH lower than 5.5 or in excess of 10.0.
- (9) Materials which exert or cause;
  - (a) Unusual concentrations or inert suspended solids (such as, but not limited to sodium chloride and sodium sulfate).
  - (b) Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).
  - (c) Unusual B.O.D. chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - (d) Any hydrogen sulfide levels about 1.9 PPM per water borne test, or any hydrogen sulfide levels above 8.0 PPM per air borne test.
  - (e) Unusual volume of flow or concentration of wastes constituting slugs, spills, or any by-passing or overflow of untreated wastewater containing substances regulated by this permit, to the sanitary sewer from the permittee's facility. In the event this should occur, the permittee shall immediately notify the Mayor's representative (City Engineer). The Mayor shall have the authority to require significant industrial users to develop a slug control plan.
- (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (11) Materials discharged that are considered hazardous waste under the Resource Conservation and Recovery Act (RCRA) must be immediately reported to the control authority.

(B) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in division (A) hereof, and which in the judgment of the Mayor may have a deleterious effect on the sewage works, processes, equipment, or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Mayor may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 52.46.

(C) If the Mayor permits the pretreatment of equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Mayor, and subject to the requirements of all applicable codes, ordinances, and laws.

(D) 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 have a valid Domestic Waste Hauler's Permit. All applicants for a Domestic Waste Hauler's Permit shall complete the application form, pay the appropriate fee and receive a copy of the city's regulations governing discharge to sewers of liquid wastes from trucks. All persons receiving such permits shall agree in writing to abide by all applicable provisions of this section and any other special provisions that may be established by the city as necessary for the proper operation and maintenance of the sewerage system.

(1) Discharge of septic tank, seepage pit, interceptor or cesspool contents or other wastes containing no industrial wastes may be made by trucks holding a valid permit at a manhole designated by the Superintendent for that purpose. Discharge of truck-transported grease pit contents or industrial wastewater shall take place only after notification is made to the Superintendent and then only at the locations specified by the Superintendent. The city requires payment as hereinafter provided for treatment and disposal costs.

(2) The WWTP reserves the right to refuse permission to discharge any waste that may cause interference or upset at the WWTP or any waste that violates any provision of this section.

(3) Any person holding a valid permit and wishing to discharge to the WWTP may be required to submit to the plant operator of the WWTP a sample of each load prior to discharge. A fee and payment schedule shall be published in the permit to cover cost of the required analysis.

(4) 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 specified by the Superintendent for such purpose.

(5) Any liquid waste hauler illegally discharging to the public sewer system or discharging wastewater not authorized in the permit shall be subject to immediate revocation of discharge privileges and further subject to the penalties and enforcement actions prescribed in § 52.99 of this chapter including fines and imprisonment. A suspended permittee shall immediately cease discharging any wastes to the sanitary sewer system of the city or to facilities that discharge directly or indirectly into its system. Should a suspended permittee fail to voluntarily comply with any suspension order, the Superintendent shall take such actions as are deemed necessary or appropriate to prevent or minimize damage to the WWTP and/or to protect the health and welfare of the general public.

(6) A suspended permit may be reinstated by the Superintendent upon submission of assurances satisfactory to the Superintendent that the suspended permittee will comply with this section and the rules and regulations promulgated pursuant this section plus payment of such fines or other penalties as may be levied by the WWTP. The Superintendent shall require that within fifteen (15) days after the date of such occurrence, the suspended permittee submit a written report to the WWTP detailing the nature and extent of the violation(s) including any non-permitted discharges and the measures taken by the suspended permittee to prevent any future occurrences.

(7) 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 city. The city shall establish, and from time to time may alter, a schedule of fees, rates and charges for the Domestic Waste Hauler's Permit to cover the costs of treatment and disposal of all wastes governing permit issuance, requirements, conditions, suspensions and all other matters necessary or appropriate to implement this section.

(8) Dumping hours shall be limited to 6:00 a.m. to 6:00 p.m. local time Monday through Friday, excluding recognized city holidays. Dumping after hours or on holidays may be allowed by permission only from the operator on duty at the Westside Wastewater Treatment Plant.

(9) The permittee shall complete a chain of custody report for each load of waste deposited into the city's sewer system. The information on the chain of custody report shall be recorded, and signed by an employee of the permittee or the permittee himself and shall be in duplicate on forms furnished by the city. The original copy of the chain of custody will be maintained at the Westside Wastewater Treatment Plant. A summary invoice detailing the total monthly discharges will be mailed prior to the tenth of each month. Payment will be due within two (2) weeks of receipt.

(10) Discharge of all liquid wastes allowed under this section shall take place only at the location(s) designated by the Superintendent. The designated location or manhole to be used under the Domestic Waste Hauler's Permit may be changed by the Superintendent as deemed necessary.

(11) The discharge of trucked and/or hauled wastes from industrial plating processes or radiator businesses is prohibited.

(12) Nothing in this section shall relieve waste haulers of the responsibility for compliance with the Hopkins County Health Department, state and federal regulations.

('74 Code, § 27-104) (Ord. passed 1-16-78; Am. Ord. passed 9-2-86; Am. Ord. passed 8-19-91; Am. Ord. 2002-09, passed 8-19-02; Am. Ord. 2005-01, passed 1-3-05; Am. Ord. 08-14, passed 9-18-08; Am. Ord. 2014-01, passed 1-6-14) Penalty, see § 52.99

#### **§ 52.41 INTERCEPTORS.**

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Mayor, they are necessary for the proper handling of liquid wastes, containing 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 Mayor, and shall be located as to be readily and easily accessible for cleaning and inspection.

('74 Code. § 27-105) (Ord. passed 1-16-78; Am. Ord. passed 9-2-86) Penalty, see § 52.99

#### **§ 52.42 CONTROL MANHOLES.**

When required by the Mayor, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be constructed in accordance with plans approved by the Mayor. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

('74 Code, § 27-106) (Ord. passed 1-16-78; Am. Ord. passed 9-2-86) Penalty, see § 52.99

#### **§ 52.43 MEASUREMENTS, TESTS, AND ANALYSES.**

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this subchapter shall be determined in accordance with 40 CFR 136 or equivalent methods, and shall be approved by the United States Environmental Protection Agency.

('74 Code, § 27-107) (Ord. passed 1-16-78; Am. Ord. passed 9-2-86; Am. Ord. passed 8-19-91)

#### **§ 52.44 DISCHARGES CONTAINING CERTAIN CONCENTRATIONS PROHIBITED.**

All sewage service customers are prohibited from discharging above the following concentrations at any time unless a higher concentration limit for that specific user is established and incorporated into that user's wastewater contribution permit. The Mayor may apply and enforce alternative concentration limits to categorical SIU's which are subject to either production based standards or the combined wastestream formula.

<b>Substances</b>	<b>Milligrams per Liter</b>
(A) Arsenic	0.32
(B) Cadmium	0.014
(C) Total chromium	1.71
(D) Chromium, Hexavalent	0.59
(E) Copper	1.05
(F) Cyanide, Total	0.04
(G) Lead	0.24
(H) Mercury	0.001
(I) Nickel	1.83
(J) Selenium	0.10
(K) Silver	0.24
(L) Zinc	1.48
(M) Hydrocarbon based greases and/or oils, whether emulsified or not	100.00
(N) Oil and grease if of animal or vegetable origin	100.00

('74 Code § 27-108) (Ord. passed 1-16-78; Am. Ord. passed 5-2-83; Am. Ord. passed 9-2-86; Am. Ord. passed 6-20-88; Am. Ord. passed 7-1-91; Am. Ord. passed 8-19-91; Am. Ord. 2002-01A, passed 1-21-02; Am. Ord. 08-14, passed 9-18-08; Am. Ord. 2015-02, passed 2-17-15; Am. Ord. O-2016-8, passed 3-21-16; Am. Ord. O-2021-15, passed 12-20-21)

#### **§ 52.45 MAINTENANCE OF PRETREATMENT OR FLOW-EQUALIZING FACILITIES.**

Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

('7 Code, § 27-109) (Ord. passed 1-16-78; Am. Ord. passed 9-2-86)

#### **§ 52.46 RESERVED.**

#### **§ 52.47 HEARING BOARD.**

A Hearing Board shall be appointed as needed for arbitration of differences between the Mayor and sewer users on matters concerning interpretation and execution of the provisions of this subchapter by the Mayor. The cost of the arbitration will be divided equally between the city and the sewer users.

('74 Code, § 27-111) (Ord. passed 1-16-78; Am. Ord. passed 9-2-86)

#### **§ 52.48 BACKFLOW PREVENTION; PROHIBITION OF CROSS-CONNECTION.**

(A) The only approved type of backflow prevention is an air gap or vacuum breaker. Any mixing of liquids that does not have either of these devices is hereby prohibited as a cross-connection.

(B) The city, acting through its water superintendent or consulting engineer or their duly authorized assistants, shall direct investigations and keep suitable records of all premises, either residential, commercial, or industrial, suspected of having existing or proposed cross-connections with the municipal water supply.

(C) The city water superintendent or consulting engineer or their duly authorized representatives may enter upon any property of any residential, commercial, or industrial user of the water purveyor to inspect any suspected cross-connection violations of this section. Refusal to permit inspection by either the consulting engineer, water superintendent, or their duly authorized representatives shall be sufficient grounds to terminate water service.

(D) The consulting engineer or his agent shall order in writing the owner or occupant of any premises having or suspected of having any cross-connections to remove the cross-connections at his expense within twenty-five (25) hours of the date of receipt of the order to remove the cross-connections.

(Ord. passed 2-20-84; Am. Ord. passed 9-2-86) Penalty, see 52.99

#### **§ 52.49 FEDERAL STANDARDS.**

(A) Upon the promulgation of the federal categorized pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than the limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitation imposed under this chapter. The Mayor shall notify all affected users of the applicable reporting requirements under 40 CFR, § 403.12.

(B) Where the city's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the city 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 ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in § 403.7(c)(92) of Title 40 of the Code of Federal Regulations, Part 403: "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Clean Water Act. The city may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR, Part 403, § 403.7, are fulfilled and prior approval from the approval authority is obtained.

(Ord. passed 9-2-86)

#### **§ 52.50 ADMINISTRATION OF WASTEWATER PERMITS FOR INDUSTRIAL DISCHARGES.**

(A) Wastewater discharges. It shall be unlawful to discharge without a city permit to any natural outlet within the city, or in any area under jurisdiction of the city, and/or to the POTW any wastewater from any industry listed in the Standard Industrial Classifications Manual, Bureau of the Budget, 1972, as amended, except as authorized by the Mayor in accordance with the provisions of this chapter. The city shall have jurisdictional authority over users outside city limits who contribute to the POTW's sewage system.

(B) Wastewater contribution permits

(1) General permits. All significant users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge 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 one hundred eighty (180) days after the effective date of this chapter.

(2) Permit application. Users required to obtain a wastewater contribution permit shall complete and file with the city, an application in the form prescribed by the city. Existing users shall apply for a wastewater contribution permit within thirty (30) days after the effective date of this chapter, and proposed new users shall apply at least ninety (90) days prior to connection to or contribution to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

(a) Name, address, and location (if different from the address);

(b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

(c) Wastewater constituents and characteristics including, but not limited to those mentioned in § 52.44 as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to § 304(g) of the Clean Water Act and contained in 40 CFR, Part 136, as amended;

(d) Time and duration of the contribution;

(e) Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations, 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 any 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 operation and maintenance (O and M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;

(i) If additional pretreatment and/or O and M 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 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 (i.e., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and the like);

2. No increment referred to in division 1. above shall exceed nine (9) months;

3. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Mayor 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 user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Mayor;

(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 and type of employees, hours of operation of the plant, and proposed or actual hours of operation of the pretreatment system;

(m) Signature of an authorized representative of the industrial user; and

(n) Any other information as may be deemed by the city to be necessary to evaluate the permit application.

The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater contribution permit subject to the terms and conditions provided herein.

(3) Permit modifications. Within nine (9) months of the promulgation of a national categorical pretreatment standard, 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 a national categorical pretreatment standard, has not previously submitted an application for a wastewater contribution permit as required by division (B)(2), the user shall apply for a wastewater contribution permit within one hundred eighty (180) 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 Mayor within one hundred eighty days (180) after the promulgation of an applicable federal categorical pretreatment standard the information required by division (B)(2)(h) and (i) above.

(4) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges, and fees established by the city. Permits may contain the following:

(a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(b) Limits on the average and maximum wastewater and characteristics;

(c) Limits on average and maximum rates and times of discharge or requirements for flow regulations and equalization;

(d) Requirements for installation and maintenance of inspection and sampling facilities;

(e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedules;

(f) Compliance schedules;

(g) Requirements for submission of technical reports or discharge reports;

(h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;

(i) Requirements for notification of the city of any new introduction of wastewater constituents and/or substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment

- (j) Requirements for notification of slug discharges; and
- (k) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(5) Permit duration. Permits shall be issued for a period of not to exceed three (3) years. A permit may be issued of a period of less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty days (180) prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modifications by the city during the term of the permit, as limitations or requirements as identified in division (B)(2) are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(6) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(Ord. passed 9-2-86; Am. Ord. passed 8-19-91; Am. Ord. 2014-01, passed 1-6-14) Penalty, see § 52.99

#### **§ 52.51 REPORTING REQUIREMENTS FOR PERMITTEE.**

(A) Compliance date report. Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the Mayor 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 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 O and M and/or pretreatment 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 industrial user, and certified by a qualified professional.

(B) Periodic compliance reports. Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard or, in the case of new sources, after commencement of the discharge into the POTW, shall submit to the Mayor during the months of June and December, unless required more frequently in the pretreatment standard or by the Mayor, 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 all daily flows which, during the reporting period, exceeded the average daily flow reported in § 52.50(B)(2)(e). Significant industrial users must report all self-monitoring conducted during the reporting period. Categorical users subject to production-based standards shall report annual production rates. At the discretion of flow rates, holidays, budget cycles, and the like, the Mayor may agree to alter the months during which the above reports are to be submitted. This report shall be signed by an authorized representative of the industrial user.

(1) The Mayor may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required above shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow, nature, and concentration, or production and mass where requested by the Mayor, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standards. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to § 304(g) of the Clean Water Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

(2) Note: Where 40 CFR, Part 136 does not include a sampling of analytical technique 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 Administrator.

(C) Monitoring facilities. The city shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. Significant industrial users must report a change in their monitoring point prior to making the change.

(1) There will 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.

(2) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the city.

(3) If sampling performed by an industrial user indicates a violation, the user shall notify the city immediately. the user



shall repeat the sampling and analysis and submit the results to the city within thirty (30) days after becoming aware of the violation. Exception to this regulation is only if the city performs sampling within the same time period for the same pollutant in question.

(D) Inspection and sampling. The city shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Person or occupants of premises where wastewater is created or discharged shall allow the city or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, or in the performance of any of their duties. The city shall have the right to copy any records maintained by any user hereunder. The EPA shall have the right to set up on the user's 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 with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority, and the EPA will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

(E) Pretreatment. Users shall provide necessary wastewater treatment as required to comply with this chapter 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 city 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 city for review, and shall be acceptable to the city 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 city under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes. Dilution is prohibited as a means of treating wastes to meet federal and local limits.

(1) The city shall annually publish in the Madisonville Messenger a list of the users which were in significant noncompliance with any pretreatment requirements or standards at least once during the previous twelve (12) months. The notification shall also summarize any enforcement actions taken against such users during the same twelve (12) months.

(2) All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request, and they shall be kept on file for a period of at least three (3) years. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or POTW or when requested by officials of EPA or approval authority.

(F) Confidential information. Information and data on an industrial 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 and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

(G) Bypass. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of divisions (G) (1) and (2) of this section.

(1) Notice.

(a) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the Control Authority, if possible for at least ten (10) days before the date of the bypass.

(b) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the Control Authority within twenty-four (24) hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Control Authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(2) Prohibition of bypass.

(a) Bypass is prohibited, and the Control Authority may take enforcement action against an industrial user for a bypass, unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventable maintenance; and
3. The industrial user submitted notices as required under division (G)(1) of this section.

(b) The Control Authority may approve an anticipated bypass, after considering its adverse effects, if the Control Authority determines that it will meet the three conditions listed in division (G)(2)(a) of this section.

(Ord., passed 9-2-86; Am. Ord., passed 3-20-89; Am. Ord. passed 8-19-91; Am. Ord. 2015-02, passed 2-17-15) Penalty, see § 52.99

#### **§ 52.52 PERMIT SYSTEM.**

The following three (3) classes of permits are established for:

- (A) The installation of private sewage disposal facilities;
- (B) Residential and commercial building sewers; and
- (C) Industrial sewer connections.

(Ord. passed 9-2-86)

#### **§ 52.53 VALIDITY.**

(A) All ordinances or parts of ordinances in conflict with this chapter are hereby repealed.

(B) The invalidity of any section, clause, sentence, or provision of this chapter shall not affect the validity of any part of this chapter which can be given effect without such invalid part or parts.

(Ord. passed 9-2-86)

#### **§ 52.54 ADMINISTRATIVE ENFORCEMENT REMEDIES.**

(A) Notification of violation. Whenever the Mayor finds that any user has violated or is violating this chapter, or a wastewater permit or order issued hereunder, the Mayor or his agent may serve upon the 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 Mayor. 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.

(B) Consent orders. The Mayor 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 division (D) below.

(C) Show cause hearing. The Mayor may order any user which causes or contributes to violation of this chapter 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. The 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.

(D) Compliance order. When the Mayor finds that a user has violated or continues to violate this chapter or a permit or order issued hereunder, 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 address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(E) Cease and desist orders. When the Mayor finds that a user has violated or continues to violate this chapter or any permit or order issued hereunder, the Mayor may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(1) Comply forthwith.

(2) 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.

(F) Administrative fines. Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter, any user who is found to have violated any provision of this chapter, or permits and orders issued hereunder, shall be fined in an amount of at least 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 Mayor 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. Users desiring to dispute such fines must file a request for the mayor to reconsider the fine within ten (10) days of being notified of the fine. When the Mayor believes a request has merit, he shall convene a hearing on the matter within fifteen (15) days of receiving the request from the user.

(G) Termination of permit.

(1) Users proposing to discharge into the POTW must first obtain a wastewater discharge permit from the control authority. Any user who violates the following conditions of this chapter or a wastewater discharge permit or order, or any

applicable or state and federal law, is subject to termination of permits and/or sewer service:

- (a) Violation of permit conditions.
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge.
- (c) Failure to report significant changes in operations or wastewater constituents and characteristics.
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.

(2) Noncompliant users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause under division (C) above why the proposed action should not be taken.

(Ord. passed 8-19-91)

#### **§ 52.55 JUDICIAL REMEDIES.**

If any person discharges sewage, industrial wastes, or other wastes into the wastewater disposal system contrary to the provisions of this chapter or any order or permit issued hereunder, the Mayor, through the City Attorney, may commence an action for appropriate legal and/or equitable relief in the Circuit Court of Hopkins County, Kentucky.

(A) Injunctive relief. Whenever a user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the Mayor, 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 Mayor shall have such remedies to collect these fees as it has to collect other sewer service charges.

(B) Civil penalties. Any user who has violated or continues to violate this chapter or any order or permit issued hereunder, shall be liable to the Mayor for a civil penalty of not more than twenty five thousand dollars (\$25,000.00) but at least one thousand dollars (\$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 Mayor may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses. The Mayor 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 hard 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.

(Ord. passed 8-19-91)

#### **§ 52.99 CIVIL AND CRIMINAL PENALTIES.**

(A) Any person except an industrial user who shall violate any provision of this chapter shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. Any industrial user who shall violate any provision of this chapter shall be fined in the amount of at least one thousand dollars (\$1,000.00) for each violation. Each day in which such violation shall continue shall be deemed a separate offense.

(B) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned by the city by reason of such violation.

(C) The Mayor, as control authority over the city's pretreatment program, is authorized to implement and enforce program requirements under 40 CFR 403.8. Any person found to be violating any provision of this chapter except § 52.31 shall be served, at the Mayor's discretion, whatever enforcement option he deems necessary as an initial response. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(D) 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 chapter, or wastewater permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter shall be guilty of a misdemeanor and be punished by a fine of at least five hundred dollars (\$500.00) per violation or imprisonment for not more than one year or both. Each day shall be considered a separate violation.

(Ord. passed 9-2-86; Am. Ord. passed 3-20-89; Am. Ord. passed 8-19-91; Am. Ord. 2014-01, passed 1-6-14)