



City of Elizabethtown

Sewer Use Ordinance

ORDINANCE NO. 10-2020

AN ORDINANCE OF THE CITY OF ELIZABETHTOWN, KENTUCKY
REPEALING AND REPLACING PREVIOUS ORDINANCES RELATING TO SEWER USE; CREATING
REGULATIONS FOR SEWER USE AND PRETREATMENT

BE IT ORDAINED by the City of Elizabethtown, Kentucky that from and after the passage, approval and publication of this ordinance, that Ordinance No. 11-2002 and its amendments are hereby repealed upon the effective date of this ordinance.

BE IT FURTHER ORDAINED that the City of Elizabethtown, Kentucky hereby enacts the following regulations for Sewer Use and Pretreatment.

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CHAPTER 1 **INTRODUCTION, GENERAL PROVISIONS**

1.0 PREAMBLE

This is an ordinance of the City of Elizabethtown concerning use of the Publicly Owned Treatment Works including the municipal sanitary sewerage collection system, treatment plant and appurtenances thereto, setting forth policy definitions, rules and regulations governing the building of sewers and connections, wastewater volume determination, pollutant discharge and discharge limits, pretreatment program administration in part, wastewater discharge permits, general discharge prohibition, establishing the right of the City to charge fees and charges for administrating the City's reasonably necessary functions related to the aforesaid, monitoring and sampling, permittee reporting requirements, accidental or slug discharges spill prevention and control plans and delineating powers and authority of the City and setting forth the methods and procedures for enforcement of the ordinance including enforcement response actions including penalties for violations of the ordinance and repealing prior ordinances.

1.1 PURPOSE AND POLICY

This ordinance sets forth requirements for users or contributors to the City of Elizabethtown Publicly Owned Treatment Works (POTW) including the wastewater collection and treatment system for the City of Elizabethtown, Kentucky, and enables the City to comply with all applicable State and Federal laws including the Federal Water Pollution Control Act of 1972 and its Subsequent Revisions, the General Pretreatment Regulations of 40 CFR, Part 403, KRS Chapter 224, 401 KAR 5:055 Section 9 and other State, Federal and Local laws, statutes, regulations, administrative orders and ordinances.

The objectives of this Ordinance are:

1. To prevent the introduction of pollutants, hazardous materials, wastes or other substances into the POTW which will interfere with or adversely impact the operation of the POTW or contaminate or adversely impact the POTW sludge management, treatment, storage, disposal or reclamation;
2. To prevent the introduction of pollutants, hazardous materials, wastes or other substances into the municipal wastewater system which will pass through the POTW or otherwise be incompatible with the POTW;
3. To improve the opportunity for dischargers to recycle and reclaim wastewater materials ordinarily discharged with the wastewater discharged to the sewerage system;
4. To provide for distribution of the cost and use of the Elizabethtown POTW;
5. To prevent the violation of the City's KPDES Permit or a violation of applicable discharge or instream standards governing the discharge from the POTW; and
6. To require compliance with all State, Federal and Local laws, statutes, regulations, administrative orders and ordinances, and to provide for the safe and beneficial use of the wastewater collection system.

This Ordinance provides for the regulation of all dischargers to the Elizabethtown POTW whether or not the dischargers premises is within the boundaries of the city limits for the City of Elizabethtown through the issuance of wastewater discharge permits to certain users.

This Ordinance shall apply to the City of Elizabethtown, Kentucky, and to all dischargers, now or in the future, including dischargers outside the City of Elizabethtown, who by discharge, contract, agreement, or discharge permit issued by the City of Elizabethtown, Kentucky, discharge to the POTW. The City of the Elizabethtown shall administer, implement, and enforce the provisions of this Ordinance. The City may delegate its authority herein to employees or agents of the City.

1.2 DEFINITIONS

The following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated. Terms and phrases not defined shall be deemed to have their ordinary meaning in common usage.

Accidental Discharges shall mean the discharge of any wastewater, pollutants, materials, substances or combination thereof in a flow, concentration, or character different or greater than described in a user's permit application or discharge permit or in excess of the discharge limitations described in Chapter 4. Accidental discharges shall not include discharges with a lower concentration for any parameter described in a user's discharge permit application or discharge permit.

Act or The Act shall mean the Federal Water Pollution Control Act (FWPCA), also known as the Clean Water Act, 33 U.S.C., Section 1251, et. seq., as amended.

Approval Authority shall mean the Secretary of the Kentucky Natural Resources and Environmental Protection Cabinet and/or any authorized representative thereof.

Authorized Representative of Industrial/Commercial User shall mean the person authorized by a discharger to fulfill the signatory requirements for all reports submitted by the discharger as defined by 40 CFR 144.32.

1. A responsible corporate officer of a corporation means:
 - a. a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function or any person who performs similar policy-or decision-making functions for the corporation, or
 - b. the manager of one or more manufacturing, production or operation facilities employing more than 250 persons or have gross annual sales or expenditure exceeding \$25 million (in second quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. A general partner or proprietor if the industrial user submitting reports is a partnership or sole proprietorship respectively, or
3. A duly authorized representative of the individual designated in 1a, 1b, or 2 of this definition if:
 - a. The authorization is made in writing by the individual described in 1a, 1b, or 2 of this definition above;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - c. The written authorization is submitted to the Control Authority.
 - d. If an authorization under definitions 3, 3a, 3b, or 3c of this definition is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of 3c of this definition must be submitted to the Control Authority prior to or together with any reports to be signed by an authorized representative or it shall be deemed that such authorization continues to be accurate and in effect.

Biochemical Oxygen Demand or BOD (5 day) shall mean the quantity of oxygen used in the biological oxidation of organic matter in residential, commercial or industrial wastewaters as represented by the oxygen utilized over a five (5) day period at twenty degrees Celsius (20 °C) and as determined by one of the appropriate procedures stipulated in 40 CFR, Part 136.

Best Management Practices or BMPs shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Building Drain shall mean the lowest horizontal piping of a drainage system which receives the discharge from soil stack, waste, and other sanitary drainage pipes inside the walls of the building and conveys it to the building sewer. Inputs from roof, area and foundation drain tiles and non-sanitary sump pumps are not included in this definition.

Building Sewer shall mean a sewer conveying wastewater from the building drain of a premises to the public sewer.

Bypass shall mean the intentional diversion of wastewater or wastestreams from any portion of a person's treatment facility.

Categorical User shall mean a user, whose sewer discharge or a portion thereof, fits any of the Categorical Industry definitions in 40 CFR Chapter I, Subchapter N.

Certification or Certified or Certify shall mean according to the provisions in Chapter 10, 10.13 entitled "Obligation of Accuracy, Completeness and Responsiveness".

Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standards or Requirement, including Instantaneous Limits.

City shall mean the City of Elizabethtown, Hardin County, Kentucky, through its duly authorized officers, representatives, agents, employees including but not limited to the Mayor, City Council, Control Authority, Director of Wastewater Treatment, Pretreatment Coordinator or to others whom the City has delegated its authority.

COD shall mean the Chemical Oxygen Demand of wastewater due to the oxidation of the chemical constituents of said wastewater as determined by 40 CFR, Part 136 approved test methods.

Contact Cooling Water shall mean the water discharged after having been in direct contact with any final product or previous forms of the final product during the manufacturing process for the purpose of cooling or lubrication. Water discharged from other support functions such as, but not limited to, air conditioning, cooling towers or refrigeration to which chemical additives are required or added for proper operation are also included in this definition.

Composite Sample shall mean a combination of individual samples of water or wastewater taken at selected intervals, or based on quantity of flow 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 sampling.

Connection Fee shall mean the cost to a sewer user for connecting a main building drain to the public sewer via a building sewer.

Control Authority shall mean the City of Elizabethtown through the POTW Director and their designate(s).

Director of Wastewater Treatment shall mean the person designated by the City who is responsible for the administration of this Ordinance, the pretreatment program and the operation and maintenance of the POTW. The Director has the authority to designate deputies to assist in the administration of this Ordinance.

Discharge shall mean the discharge or release of treated or untreated wastewater, pollutants or hazardous materials into or with the capability of entering the POTW whether intentionally, by accident or otherwise.

Discharger shall mean any person that discharges or causes a discharge to the POTW.

Effluent shall mean the outflow of wastewater.

EPA shall mean the United States Environmental Protection Agency.

Enforcement Response Action shall mean any action available to the City as provided by this ordinance or which it may take pursuant to applicable Federal, State, or Local law, statute, regulation, statute, administrative order or common law.

Enforcement Response Plan shall mean a plan developed by the City as required by 40 CFR, Part 403.8(f)(5).

Facility shall mean either of the following:

1. Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or POTW), well, pit, pond, lagoon, impoundment, ditch, landfill, landfarm, waste, wastewater, hazardous material, sludge or pollutant, management, treatment, storage, disposal recycling or reclamation site or location, storage container, junkyard, factory, airport, manufacturing or business site, lot, motor vehicle, rolling stock or aircraft, or;
2. Any site, premises, facility, real estate or location where waste wastewater pollutants or hazardous material has been released, discharged, deposited, treated, stored, disposed of, placed or otherwise come to be located. However, it shall not include a site solely because of the presence of a consumer product which is in consumer use or is in its original container.

Flow Recorder shall mean a device installed on a person's wastewater discharge line in such a manner as to accurately determine the quantity of effluent from a facility entering the Elizabethtown POTW.

Garbage shall mean any animal, mineral and/or vegetable waste resulting from the handling, preparation, cooking and/or service of food in home kitchens, stores, markets, institutions, restaurants, motels, hotels, and other places where food is stored, prepared or served.

Grab Sample shall mean a sample which is taken from an effluent, discharge, release, or wastewater stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time of day, other than being collected during normal operating hours. The length of time during which a grab sample is collected shall not exceed fifteen (15) minutes.

Hazardous Materials shall mean any of the following:

1. Any chemical, element, compound, mixture, solution, material, pollutant, waste, wastewater, sludge or substance designated pursuant to 33 U.S.C., Section 1321 of the FWPCA.
2. Any chemical, element, compound, mixture, solution, material, pollutant, waste, wastewater, sludge or substance designated as a hazardous substance pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 as amended, 42 U.S.C., Sections 9601, et. seq.
3. Any chemical, element, compound, mixture, solution, material, pollutant, waste, wastewater, sludge or substance having the characteristics listing or otherwise designated as hazardous waste pursuant to the Resource Conservation and Recovery Act (RCRA) 42 U.S.C., Sections 6901, et. seq. as amended.
4. Any chemical, element, compound, mixture, solution, material, pollutant, waste, wastewater, sludge, substance or constituents listed in appendix VIII of 40 CFR, Part 261.
5. Any chemical, element, compound, mixture, solution, material, pollutant, waste, wastewater, sludge, substance or toxic pollutant listed under Section 307 (a) of the FWPCA 33 U.S.C., Section 1317.
6. Any chemical, element, compound, mixture, solution, material, pollutant, waste, wastewater, sludge substance or mixture with respect to which the Administrator of the EPA has taken action pursuant to Sections 6 or 7 of the Toxic Substances Control Act (TSCA) 15 U.S.C., Sections 2605 and 2602.
7. Any chemical, element, compound, mixture, solution, material, pollutant, waste, wastewater, sludge or substance designated or listed in Title III, including but not limited to those listed in section 302(a) as extremely hazardous substances of the Superfund Amendments and Reauthorization Act (SARA) of 1986, 42 U.S.C., Sections 11001, et. seq.

Holding Tank Waste shall mean any waste, in or from, chemical toilet, camper, trailer, septic tank, portable vessel or tank truck used to retain, transport and/or transfer any waste.

Industrial User shall mean a non-residential discharger including, but not limited to commercial dischargers.

Influent shall mean water, wastewater or other liquid flowing into a reservoir, basin, pretreatment or treatment plant, POTW, treatment, storage or disposal facility or any collection system or any unit thereof.

Interference or Interfere shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources:

1. Inhibits, disrupts, or adversely affects the POTW, its treatment processes or operations, or its sludge processes, use or disposal; or
2. Which 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 Federal, State or Local regulations, statutes, administrative orders or ordinances): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation 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.

KPDES Permit shall mean a permit issued to the City pursuant to the Kentucky Pollutant Discharge Elimination System.

Mass Discharge Rate shall mean the weight of material discharged to the public sewer system during a given time interval. Unless otherwise specified, the mass discharge rate shall mean pounds per day of a particular constituent, pollutant, combination of constituents or pollutants discharged.

Maximum Daily Concentration shall mean the maximum concentration per day of a pollutant based on the analytical results obtained from a 24-hour composite sample or individual grab sample.

May is permissive and discretionary.

Monitoring Manhole shall mean a structure which is specifically used for the purpose of collecting wastewater samples at a location on a premises prior to the effluent stream entering the main sewer line.

National Categorical Pretreatment Standard shall mean any regulation containing industry specific discharge limits promulgated by the Environmental Protection Agency (EPA) in accordance with 40 CFR Chapter I, Subchapter N and 40 CFR, Parts 405 - 471, and their subsequent additions or revisions.

Natural Outlet shall mean any route or conveyance whether natural or manmade, of surface runoff to the waters of the Commonwealth, excluding the POTW but not limited to any stream, watercourse, sinkhole, pit, pond, lagoon, street gutter, drop structure or other conveyance.

National Prohibitive Discharge Standard or Prohibitive Discharge Standard shall mean any regulation developed under the authority of 33 U.S.C., Section 307 of the Act and 40 CFR, Part 403.

New Source shall mean:

1. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

- c. The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- 2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of 1(a-c) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.
- 3. Construction of a new source as defined under this definition has commenced if the owner or operator has:
 - a. Begun, or caused to begin as part of a continuous onsite construction program:
 - i. Any placement, assembly, or installation of facilities or equipment; or
 - ii. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

Non-Contact Cooling Water shall mean water used in any manufacturing, forming, thermal process or any other operation during which its characteristics are modified only by the addition of heat without said water coming in contact with any raw materials, by-products, intermediate products, final products or waste.

Oil and Grease shall mean a constituent of wastewater including fats, waxes, free fatty acids, calcium and magnesium soaps, other fatty materials, petroleum, petroleum derivatives or fractions, fuel oil, mineral oils, non-biodegradable cutting oil, sludge, oil refuse and oil mixed with wastes as determined by 40 CFR, Part 136 approved test methods.

Operation and Maintenance Expenses shall mean all operation and maintenance expenses and costs including repair or replacement costs and expert or consultant costs related directly to maintaining and operating the POTW including without limitation work force.

Pass-Through shall mean a discharge which exits the POTW into waters of the Commonwealth in quantities or concentration 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, or applicable water quality based standards, described in 401 KAR, Chapter 5, or applicable categorical based standards, 40 CFR, Part 403 or 401 KAR Chapter 5:055, Section 9; (including an increase in the magnitude or duration of a violation).

Person shall mean any person, individual, partnership, firm, business, company, corporation, association, joint stock company, trust, estate, governmental entity, other legal entity or any other entity or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the objective and vice versa, the singular shall include the plural where indicated by the context and vice versa. Person includes but is not limited to users and dischargers.

pH shall mean the chemical measure of the acidity and alkalinity of a substance being the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution and as determined by 40 CFR, Part 136 approved test methods.

Pollution shall mean the manufactured or induced alteration of the chemical, physical, biological, and radiological integrity of water, including but not limited to the discharge or release of pollutants or wastewater.

Pollutant shall mean any dredged spoil, solid waste, incinerator residue, element, substance, compound, blood, disease-causing agent, sewage, garbage, sewage sludge, munitions, chemicals, metals, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, waste, wastewater, contaminant, hazardous material, cellar dirt, refuse, sludge and industrial, commercial, municipal, or agricultural waste or wastewater, discharged or released including but not limited to solid, semi-solid, liquid or gaseous material, wastewater flow or corrosive elements, or mixtures of any of the above discharged into the POTW including but not limited to hazardous materials.

Premises shall mean a parcel of real estate, facility or personal property or portion thereof, including any improvements thereon, which is determined by the City to be discharging wastewater, receiving, using or paying for wastewater service.

Pretreatment or Treatment shall mean the reduction of the amount of wastewater pollutants, the elimination of wastewater 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 wastewater pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by 40 CFR, Part 403.6(d) or this Ordinance.

Pretreatment Program shall mean the Elizabethtown Pretreatment Program for administering this Ordinance, or other applicable City Ordinances, Federal, State and Local laws, regulations, statutes, administrative orders, ordinances and plans.

Pretreatment Requirement shall mean any substantive or procedural requirement related to this Ordinance or the Pretreatment Program.

Pretreatment Standard shall mean any wastewater discharge permit, order or limitation containing specific pollutant discharge limitations issued pursuant to this Ordinance.

Private Dwelling Unit shall mean any building or other shelter primarily used as a single-family residence.

Private Meter shall mean a meter installed by a person to record water usage from a private water system.

Private Wastewater Disposal System shall mean any onsite disposal or treatment system including but not limited to cesspools, septic systems, discharge pipes, package sewage treatment plants and outhouses regardless of the existence of a State, Federal or local permit to discharge wastewater.

Private Water System shall mean water from sources other than a public water system.

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

Public Meter shall mean a meter installed in a public sewer.

Publicly Owned Treatment Works or POTW shall mean A treatment works as defined by section 212 of the Act (33 U.S.C. Section 1292) and below, which is owned in this instance by the City. This definition includes but is not limited to the wastewater treatment plant equipment or appurtenances thereto, the wastewater collection system and appurtenances thereto, any sewers, that convey wastewater to the POTW, and any sludge management, treatment, storage, disposal, recycling or reclamation facilities utilized by the POTW. For the purposes of this Ordinance, "POTW" shall also include any sewers or appurtenances thereof that convey wastewaters to the POTW from persons outside the City who are, by discharge, contract agreement or discharge permit with the City, users of the City's POTW.

Public Sewer shall mean a sewer controlled by the City of Elizabethtown to which owners of abutting properties may have access. In general, the public shall include the main sewer in the street right-of-way or to the limits of easements upon private property and any such sewers which are connected with the POTW of the City of Elizabethtown and maintained by the City.

Release shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing of pollutants, hazardous material, wastewater or wastes into the POTW.

Replacement shall mean the expenditure for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the POTW to maintain the capacity and performance for which such works were designed and constructed.

Residential Wastewater shall mean the water-carried wastes produced from non-commercial or non-industrial activities and which result from normal human living processes.

Severe Property Damage shall mean substantial physical damage to property, damage to treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Sewage shall mean wastewater.

Sewer shall mean a pipe or conduit for conveying wastewater.

Sewerage System shall mean the POTW and any and all facilities used for collecting, conveying, pumping, and treating wastewater.

Shall is mandatory.

Significant shall mean the following:

1. In regard to flow: volume changes based on the scale below for annual average increases of the permitted users average operational annual daily flow;

FLOW RANGE IN MILLION GALLONS PER MONTH (MG/M)	PERCENT CHANGE TO BE SIGNIFICANT
0.0 - 0.9 MG/M	75 %
1.0 - 1.9 MG/M	60 %
2.0 - 6.9 MG/M	30 %
7.0 + MG/M	15 %

2. In regard to the pollutants in the wastewater;
 - a. The discharge of pollutants which were not reported as being present in the current discharge permit application from the person or in the discharge permit issued to the person by the City.
 - b. A five (5) percent increase in the annual average concentration(s) or poundage level(s) reported in the current wastewater discharge permit application.
3. In regard to the total discharge: having the capability of adversely impacting human health, the environment, the POTW, sludge disposal methods, sludge disposal costs or liability, or has the capability of creating a Violation.

Significant Industrial User shall mean except as provided in 2 of this definition:

1. All industrial users subject to Categorical Pretreatment Standards under 40 CFR, Part 403.6 and 40 CFR, Chapter I, Subchapter N; and
2. Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream or wastewater which makes up 5 percent or more of the average dry weather hydraulic, pretreatment or organic capacity of the POTW; or is designated as such by the Control Authority on the basis that the person has a reasonable potential for adversely affecting the POTW or for creating a Violation or for Violating any pretreatment standard or requirement (in accordance with 40 CFR, Part 403.8(f)(6)).
3. Upon finding that a person meeting the criteria in 2 of this definition has no reasonable potential for adversely affecting the POTW or for creating a Violation or for Violating any pretreatment standard or requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR, Part 403.8(f)(6), determine that such industrial user is not a significant industrial user.

Significant Noncompliance or SNC shall be applicable to all Significant Industrial Users (or any other Industrial User that violates 3, 4 or 8 of this definition) and shall mean:

1. Chronic violations.
2. Technical Review Criteria (TRC) violations.
3. Any other violation of a Pretreatment Standard or Requirement (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Control Authority determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public.
4. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Control Authority's exercise of its emergency authority to halt or prevent such a discharge;
5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit [or a general permit] or enforcement order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report noncompliance; or
8. Any other violation(s), which may include a violation of Best Management Practices, which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

Slug shall mean any discharge or release to the or capable of entering the POTW of waste, wastewater, or pollutants which exceeds in type of pollutant, concentration or in quantity of flow exceeding for any period of duration longer than fifteen (15) minutes which is also:

1. More than five (5) times the previous annual average for the type of pollutant, concentration of any pollutant or flow during normal operation; or
2. Which adversely affects or interferes with the POTW.

Spill and Slug Prevention Control Plan or SPCP shall mean a spill prevention and spill control plan whose development, use, and revision may be required at the discretion of the City or as provided by 40 CFR, Part 403.8(f).

Standard Industrial Classification or SIC shall mean a classification pursuant to the "Standard Industrial Classification Manual" issued by the Executive Office of the President, Office of Management and Budget, 1987 and any revision thereto.

State shall mean the Commonwealth of Kentucky.

Storm Water shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.

Subtractor Meter shall mean a meter installed by a person to record metered water not entering the sewer system, which is deducted from the water usage recorded by a public or private meter to determine water entering the Elizabethtown POTW.

Technical Review Criteria or **TRC** violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits as defined by Chapter 4 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).

Total Suspended Solids or **TSS** shall mean the insoluble solid matter suspended in wastewater that is separable by laboratory filtration in accordance with the test procedures described in 40 CFR, Part 136.

Toxic Pollutant shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or the Kentucky Natural Resources Environmental Protection Cabinet under the provisions of 401 KAR, Chapter 5.

Transported Wastes shall mean any waste moved by any conveyance in a container, of any size, to a location for disposal that did not originate at the premises at which the disposal will occur.

User shall mean any person who discharges, releases, contributes, causes or permits wastewater or pollutants to enter into the POTW.

Violation shall mean noncompliance with, violations of, or failure to conform or comply with any requirement of this Ordinance, the Enforcement Response Plan, or any discharge permit, or action taken by the City pursuant to this Ordinance, the Enforcement Response Plan, or any discharge permit including without limitation orders, notices and letters. Violation also means actions or conditions which create a danger or threat of danger to the health, safety or welfare of persons or the environment. Violations include without limitation actions or discharges which increase in magnitude, character or duration other Violations. Each day on which a Violation occurs or continues shall be deemed a separate and distinct violation. Violation of any individual limitation or parameter shall constitute a separate and distinct Violation in addition to Violations of other parameters during the same day.

Wastewater shall mean pollutants, wastes, liquids, discharges, hazardous materials, wastewater and water which carries industrial or residential wastes or discharges from any source including but not limited to dwellings, commercial, retail, institutional or industrial premises whether treated or untreated which are discharged, released, contributed into or permitted to enter the POTW.

Wastewater Discharge Permit shall mean a permit as set forth in Chapter 5 of this Ordinance.

Wastewater Treatment Plant shall mean any arrangement of devices and structures used for treating wastewater as part of the POTW.

Waters of the Commonwealth shall mean all streams, creeks, rivers, lakes, ponds, marshes, watercourses, 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 Commonwealth of Kentucky or any portion thereof.

1.3 ABBREVIATIONS

The following abbreviations shall have the designated meanings:

ADMI - The American Dye Manufacturers Institute

ANSI - The American National Standards Institute

ASTM - The American Society for Testing and Materials

BOD - Biochemical Oxygen Demand

CFR - Code of Federal Regulations

COD - Chemical Oxygen Demand

EPA - Environmental Protection Agency

EPA DMR/QA/QC - EPA Discharge Monitoring Report/Quality Assurance/Quality Control test results

KAR - Kentucky Administrative Regulations

KPDES -Kentucky Pollutant Discharge Elimination System

l - Liter

mg - Milligrams

mg/l - Milligrams per Liter

POTW - Publicly Owned Treatment Works

PPM - Parts Per Million

SIC - Standard Industrial Classification

SPCP - Spill and Slug Prevention and Control Plan

SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.

USC - United States Code

TSS - Total Suspended Solids

ug/l - Micrograms per liter

1.4 ADMINISTRATION

The Director shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Director may be delegated by the Director to a duly authorized City employee.

CHAPTER 2 **REQUIRED USE OF PUBLIC SEWERS**

2.1 PURPOSE AND APPLICATION

Chapter 2 provides rules governing the allowable connection to the City POTW and the construction and inspection of building sewers. This Chapter applies to all premises and/or all dischargers.

2.2 TOILET FACILITIES REQUIRED FOR ALL PREMISES

The owner of all houses, buildings or properties used for human occupancy, employment, recreating or any other purposes, including but not limited to residential, commercial or industrial purposes, situated within the City and abutting on any street, ally or right-of-way in which there is now located or may in the future be located a public sewer of the City, is hereby required at the owners' expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper building sewer in accordance with the provisions of these Regulations. This section does not apply to agricultural barns or single dwelling unit storage sheds.

2.3 CONNECTION TO PUBLIC SEWERS REQUIRED

At such times as a public sewer becomes available to a property located within the City limits and currently served by a private wastewater disposal system, a direct connection shall be made to the public sewer within ninety (90) days after date of official notification to do so provided that said public sewer is within one hundred (100) feet of the property line. Said connection shall be made in compliance with these Regulations. The private wastewater disposal facilities shall be abandoned and either removed or filled with suitable material in accordance with requirements of all applicable Federal, State and Local agencies.

2.4 NEW PRIVATE WASTEWATER SYSTEMS PROHIBITED

Except as otherwise provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, package sewage treatment plant or other facility intended or used for the disposal or discharge of wastewater. This section shall not apply to individual industrial KPDES Permit discharges or pretreatment discharges otherwise permitted by this Ordinance.

2.5 PRIVATE WASTE DISPOSAL

Where a public sewer is not available under provisions of Chapter 2, the building sewer shall be connected to a private wastewater disposal system complying with requirements of all Federal, State and Local agencies including but not limited to the Hardin County Health Department and with the provisions of this Ordinance.

The owner shall operate and maintain the private wastewater disposal facilities in an effective sanitary manner at all times and not to constitute a public nuisance as defined in the Commonwealth of Kentucky or be in violation of any Federal, State or Local regulation, statute, administrative order or ordinances and at no extra expense to the City.

2.6 BUILDING SEWERS AND CONNECTIONS

No unauthorized person shall uncover, make any connection with any openings into, use, alter or disturb any sewer or appurtenances thereof without first obtaining a written permit from the City.

2.6.1 Connection Fees All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner prior to the installation by the City or City approved contractor. The owner shall indemnify the City for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

2.6.2 Individual Sewer Connection Requirement for Residential Premises A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

2.6.3 Limitations on Connecting New Structures to Old Building Sewers Old building sewers may be used in conjunction with new buildings only when they are found, on examination and testing by the City and with written permission of the City, to meet all requirements of these Regulations.

2.6.4 Building Sewer Construction Requirements The building sewer shall be Class 50 ductile iron pipe, 200 PSI Rating, ANSI standard A 21, latest revision; PVC SDR-35 sewer pipe, ASTM D-3034-74, latest revision; or approved equal as set forth in the latest revision of the Kentucky State Plumbing Code. All joints shall be gastight and waterproof and installed as prescribed in the State Plumbing Code for the specific type of pipe used. Any part of the building sewer that is located within five (5) feet of a water service pipe shall be constructed with ductile iron pipe, and rubber gasketed joints. Ductile iron pipe with rubber gasketed joints may be required by the City where the building sewer is exposed to damage or stoppage by tree roots or other objects. The City may also require ductile iron pipe with rubber gasketed joints in filled or unstable ground. When solid rock exists in building sewer trenches, the rock shall be excavated to a depth of six (6) inches below the outside barrel of the pipe or the grade of the pipe raised so as to clear the rock and the pipe cradled with the limestone chips or Portland cement concrete to the center line of the sewer pipe. Maximum allowable infiltration shall not exceed 0.026 GPM/ft for four (4) inch pipe and 0.39 GPM/ft for six (6) inch pipe or 200 gallons per day per inch diameter per mile, whichever is more restrictive.

2.6.5 Building Sewer Diameter and Grade Requirements The size and slope of the building sewer shall comply with the minimum specifications outlined in the State Plumbing Code and shall be the same size as the service branch, unless otherwise ordered by the City, but in no event less than four (4) inches in diameter. The slope of the building sewer shall in no event be less than one-eighth (1/8) inch per foot of run.

2.6.6 Building Sewer Diameter and Direction Change Requirements Where a change in the direction, line or grade of a building sewer is made, a proper pipe bend shall be used. Where a change in the size of the building sewer pipe is made, a sewer pipe reducer or increaser, properly designed for the specific purpose, shall be used. Where ductile iron pipe connections to the end of a vitrified tile sewer pipe, a ductile iron pipe increaser shall be used and in no event shall the ductile iron pipe extend into the end of the vitrified tile pipe sewer.

2.6.7 Installation Requirements for New Sewers New sanitary sewers approved or constructed by the City shall be installed at a reasonable elevation necessary to serve the first floor elevation of properties in the manner required by these Regulations. Users may be required to pump up to this level or to pump from floor elevations below this level.

2.6.8 Building Sewer Distances from Parallel Bearing Walls No building sewer shall be laid parallel to within three (3) feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in a straight alignment insofar as possible.

2.6.9 Building Sewer Excavation and Backfill Requirements All excavations required for the installation of a building sewer shall be open trench work unless otherwise specified in the State Plumbing Code, latest revision, and/or approved by the City. Pipe laying and backfill shall be performed in accordance with ATSM specifications, D-2321 latest revision, except that no backfill shall be placed until the work has been inspected and approved by the City.

2.6.10 Gas and Water Tight Joints Required All joints and connections shall be made as specified in 815 KAR 20:100 of the state plumbing code, latest revisions, and shall be permanently gas and water tight. No paint, varnish or other coatings shall be permitted on the jointing material until after the joint has been tested and approved.

2.6.11 Building Sewer Connections to Sanitary Sewers The building sewer shall be connected into the public sewer at the property line or curb line, where branch sewers extend from the main sewer to either the curb line, property line or to the service branch on the public sewer where such public sewer exists within as easement on private property. The City shall be notified to allow an inspection of this connection. The City shall be contacted in the event no property located service branch is available. Only City personnel or other authorized persons shall then connect the building sewer line by cutting a neat hole into the main line of the public sewer and a suitable wye and tee saddle installed in the upper quadrant of the main line, where practical, to receive the building sewer. Where sewer pipe saddles are used to connect the existing building service line, made of vitrified clay pipe, to the public or main sewer, the saddle branch shall be properly fitted into the hole which has been cut into the main or public sewer and shall be properly supported by temporary means. Cement mortar shall be used to fill the opening around the inserted saddle branch and wiped clean on the inside of the main sewer. After the mortar has set up sufficiently to support the saddle branch, the City shall inspect said work. The saddle branch shall then be encased in cement concrete. The cement concrete shall be extended to and rest upon solid undisturbed earth or rock at the bottom of the trench. Portland cement mortar collars are not permitted on any joints except where tee or wye saddles are used.

2.7 PROHIBITED CONNECTIONS TO BUILDING AND SANITARY SEWERS

No person shall make connection of roof drains, exterior fountain drains, area-way drains, other sources of runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a sanitary public sewer.

2.8 INSPECTION OF SEWER CONNECTIONS REQUIRED

The applicant for the building permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made by the City or by a City approved contractor under the supervision of the City.

2.9 SAFETY BARRICADES FOR AND RESTORATION OF EXCAVATIONS REQUIRED

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 private property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

2.10 PROHIBITED CONNECTIONS TO SANITARY SEWERS

No person shall permit or cause the connection, by gravity, or via sump pumps, or any floors, of any basement or subsurface living area (except shower stall and sanitary drains) to the POTW.

2.11 BACKWATER VALVE REQUIREMENTS

A backwater valves shall be installed and maintained in each gravity sewer connection from any basement or subsurface living area to a sanitary sewer when the basement or subsurface living area elevation is at a lower elevation than the ground or street level at the point of the connection to the sewer.

A backwater valve shall be installed and maintained in each gravity sewer connection from a building if the finished floor elevation is less than one foot above the upstream manhole of the sanitary sewer main pipe. All finished floor elevations shall be a minimum of one foot above the downstream manhole of the sanitary sewer main pipe for all buildings served by a gravity building sewer. Finished floor elevation shall be defined as the floor immediately above the point where the gravity sewer exits the building.

A metal access cover at least twelve (12) inches in diameter shall be installed over each backwater valve.

2.12 USE OF PUBLIC SEWERS

No person shall discharge, allow or cause to be discharged, any stormwater, surface water, ground water, roof runoff, subsurface drainage, non-contact cooling water, or unpolluted industrial process waters to any sanitary sewer. Discharge of such waters to the POTW is prohibited. All applicable Federal, State and Local permits required for such discharges shall be obtained and maintained by the user.

2.13 CONFLICT OF RULES AND REGULATIONS IN REGARDS TO PLUMBING

Except where Chapter 2 of this Ordinance is more stringent than the provisions of the Kentucky State Plumbing Law, Regulation and Code, such Kentucky State Plumbing Law, Regulation and Code shall govern the manner, procedure, and means for the installation and maintenance of plumbing fixtures; where this Ordinance is more stringent, this Ordinance shall govern.

2.14 REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS

If another municipality, or a public or private agency which operates a sanitary sewer collection system, contributes wastewater to the POTW, the City shall enter into an agreement with the contributing agency. Prior to entering into an agreement, the Control Authority shall request the following information from the contributing agency:

1. A description of the quality and volume of wastewater discharged to the POTW by the contributing agency;
2. An inventory of all users located within the contributing agency's jurisdiction that are discharging to the POTW;
3. Such other information as the Control Authority may deem necessary.

An agreement, as required by this section, shall contain the following conditions:

1. A requirement for the contributing agency to adopt a policy which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports which are at least as stringent as those set out in Chapter 8 of this ordinance. The requirement shall specify that such policy and limits must be revised as necessary to reflect changes made to the City's ordinance or Local Limits;
2. A requirement for the contributing agency to submit a revised user inventory on at least an annual basis;
3. A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing agency; which of these activities will be conducted by the Control Authority; and which of these activities will be conducted jointly by the contributing agency and the Control Authority;
4. A requirement for the contributing agency to provide the Control Authority with access to all information that the contributing agency obtains as part of its pretreatment activities;
5. Limits on the nature, quality, and volume of the contributing agency's wastewater at the point where it discharges to the POTW;
6. Requirements for monitoring the contributing agency's jurisdiction discharge;
7. A provision ensuring the Control Authority has access to the facilities of users located within the contributing agency's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Control Authority; and
8. A provision specifying remedies available for breach of the terms of the agreement.

2.15 REGULATION OF WASTE RECEIVED FROM INDIVIDUALS OUTSIDE THE CITY

If an individual user outside the corporate limits of the City wishes to discharge into the sanitary sewer system, the City may provide such connection if the following conditions are met:

1. A letter of request is filed with the City;
2. The City Council by majority vote agrees to accept the connection by the requesting party;
3. An agreement is executed between the City and requesting party which contains information to properly address all issues related to the provisions of sanitary sewer service but at a minimum:
 - a. description of the quality and volume of wastewater discharged to the POTW by the requesting party,
 - b. requirements for monitoring the requesting party discharge,
 - c. requirements that all limits and standards of the Sewer Use Ordinance will be met by the requesting party,
 - d. provision for fees to be paid by the requesting party for access to and utilization of the City sanitary sewer system which may be charged at a rate greater than users located within the corporate limits,
 - e. provision that termination of the connection may be done if the City determines that the requesting party discharge is harmful to the POTW,
 - f. requirement that the requesting party will not oppose annexation into the corporate limits at a future date,
 - g. provision specifying remedies available for breach of the terms of the agreement.

CHAPTER 3 **WASTEWATER VOLUME DETERMINATION**

3.1 PURPOSE AND APPLICATION

Chapter 3 provides rules governing the measurement of water, wastes and wastewater from persons discharging to the POTW and credit for metered water not entering the POTW.

3.2 PRIVATE WATER SYSTEMS

Water from private systems may be discharged into the POTW subject to the following conditions:

1. Each Permitted Industrial Wastewater Discharger, as classified by the City shall install a private water meter or sewage flow recorder.
2. A residential user, as classified by the City, shall pay for sewer service charges based on the minimum service charge set by the City for such sewer service unless it is determined that the user is discharging more gallons than described by the minimum charge in which case a private water meter or sewer flow recorder shall be installed.

3.3 METERED WATER NOT ENTERING THE SEWER SYSTEM

A person shall not be charged sewer services for metered water not entering the public sewer system under any one of the following conditions and when the discharge does not enter the POTW and does not in any way violate any other portion of this Ordinance, or Federal, State or Local regulations, statutes, administrative orders or ordinances.

1. The person shall provide evidence to the control authority that the entire supply of water from the public meter or from the private meter is used in such a manner as to establish beyond a reasonable doubt that all of the water so used does not enter the POTW; or
2. The user shall install a flow recorder to measure the volume of the wastewater flow entering the sanitary sewer system at the monitoring manhole or point(s) of discharge.

3.4 INSTALLATION AND USE OF PRIVATE METERS OR FLOW RECORDERS

The following regulations shall govern the installation and use of private meters and flow recorders.

1. The user shall request approval for the installation of a private meter or flow recorder and provide the Control Authority with drawings, specifications, and any other pertinent information related to the private meter or flow recorder in advance of the actual installation.
2. If the proposed installation is not in accordance with the general requirements of the City the request shall be rejected.
3. All installations shall be made by the user at their expense.
4. The installation must be inspected and approved by the Control Authority after completion. In the event that the installation does not conform to the approved plans, the user, at their expense, will immediately proceed to make the changes necessary to conform with the City requirements.
5. Private meters and sewage flow recorders shall be maintained in good operating condition at all times and at the user's expense. Users with sewage flow recorders shall provide to the City a Certificate of Accuracy verifying that the registered gallons are reasonably accurate. Said certification shall be performed semi-annually. Users with private meters shall provide to the City a Certificate of Accuracy verifying that the registered gallons are reasonably accurate. Said certification shall be performed at least once every five (5) years on a cycle beginning with the date of installation. Certification of sewage flow recorders and private meters shall conform with manufacturing specifications. The user is responsible for forwarding said certification to the City within fifteen (15) days of completion. The user shall notify the City immediately in the event that any meter or recorder fails to accurately register, or in the event the user intends to alter the installation in any way.
6. In the event that it is discovered that a meter or recorder is not accurately registering the flow, the City shall notify the user to correct said condition, and the user must provide the City within thirty (30) days after

receipt of said notice, a Certificate of Accuracy verifying that said condition has been corrected and that the registered gallons are reasonably accurate.

7. During periods when a meter or recorder is not properly registering, the City shall bill sewer service charges based on consumption or wastewater flow to the sewer, based on the monthly total annual average for the preceding 12 months, unless competent evidence indicates otherwise.
8. The user shall during normal operating hours grant access to the City personnel for the purposes of reading the meters or recorders and inspection and sampling.
9. The user shall report meter/recorder readings by the 5th day of each month.

CHAPTER 4 PROHIBITIONS AND LIMITATIONS

4.1 PURPOSE AND APPLICATION

Chapter 4 provides rules governing the contents and characteristics of wastewaters entering the POTW. This Chapter shall apply to all users issued an Industrial Wastewater Discharge Permit and all other users of the City sewer system.

4.2 GENERAL PROHIBITIONS

4.2.1 False, Incomplete or Inaccurate Information No person shall make false statements, representations, certification, records, reports, plans, or other documents filed or required to be maintained pursuant to this Ordinance or falsify, tamper with or knowingly render inaccurate any monitoring device or method required or provided for under this Ordinance; provided that it will be an affirmative defense that any person charged with a Violation of this paragraph did not act knowingly, willfully or negligently.

4.2.2 Prohibited Discharges It shall be unlawful for any person to place, discharge, release, deposit, or permit to be deposited in any unsafe, or unsanitary manner on public or private property within the City or any area under the jurisdiction of the City, any pollutant, hazardous material, wastewater, human or animal excrement or garbage in Violation of this Ordinance.

4.2.3 Limitations on Points of Discharge No person shall discharge, allow or cause to be discharged any waste, wastewater, stormwater, hazardous material, pollutants, groundwater or runoff directly or indirectly into any manhole or other opening into or in a public sewer other than through a building sewer unless prior written approval from the Control Authority is obtained. Any direct or indirect connection or entry point for prohibited adverse substances to a building sewer is prohibited.

4.2.4 Prohibited and Restricted Process and Surface Discharges Groundwater, stormwater, roof drainage, rain water, street drainage, subsurface drainage or yard drainage shall not be discharged through direct or indirect connections to the POTW.

4.2.5 Discharge of Unpolluted Waters Restricted Unpolluted water shall not be discharged through direct or indirect connections to sanitary sewers except as authorized under issued and valid wastewater discharge permits.

4.2.6 Dilution Prohibition No person shall ever increase the use of process water, wastewater, or other water or add any process water, wastewater or water or in any other way attempt to dilute a discharge in order to achieve compliance with this Ordinance.

4.3 DISCHARGE PROHIBITIONS

No person shall discharge, release or introduce any hazardous material, pollutant or wastewater which causes Pass Through, Interference or adverse effects on the POTW. These discharge 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 Standards or Requirements.

A person may not contribute the following pollutants, hazardous materials, wastewater or substances to the POTW:

1. Any pollutants, hazardous materials, wastewater, substances, liquids, solids or gases which by reason of their nature or quantity create a fire or explosion hazard in the POTW or sewerage system, including, but not limited to, wastestreams with a closed cup flash point of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR, Part 261.21.
2. Pollutants, hazardous materials, wastewater or substances, solid or viscous substances in amounts or of such dimensions which may cause obstruction to the flow in a sewer or other interference with or pass through the POTW, including but not limited to: grease, garbage with particles greater than one-half (1/2)

inch in any dimension, animal internal organs or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, elastics, fabrics, cloth material, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes, fats, grease, petroleum fuels and/or oils, non-biodegradable cutting oil, or products of mineral oil origin.

3. Any pollutants, hazardous materials, substances or wastewater which will cause corrosive structural damage or other damage to the POTW.
4. Any pollutants, hazardous materials, wastewater, substances, water or wastes which will result in toxic or poisonous solids, liquids or gasses in a quantity, either singly or by interaction with other wastes or wastewater or pollutants that may cause acute worker health and safety problems, or interfere with any wastewater treatment process, constitute a hazard to human health or the environment, create a public nuisance, as defined in the Commonwealth of Kentucky, or which may prevent entry into the sewers for maintenance or repair or which create a hazard in the receiving waters of the POTW.
5. Any pollutants, hazardous materials, wastewater or substances which may cause the POTW's effluent or any other product or by-product of the POTW such as residues, sludge, or scums, to be unsuitable for treatment, storage, disposal or reclamation and reuse or which may interfere with or be otherwise averse to such activities. 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 sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, State or Local criteria applicable to the sludge management method being used.
6. Any pollutants, hazardous materials, wastewater or substances which will cause the POTW to violate its KPDES Permit or State Solid Waste Disposal System Permit or applicable water quality based standards, as defined by 401 KAR, Chapter 5.
7. Any wastewater with objectionable color, as defined by the Approval Authority.
8. Any pollutants, hazardous materials, wastewater or substances having a temperature above 140 degrees Fahrenheit or which will inhibit biological activity in the POTW resulting in interference.
9. Any pollutants, hazardous materials, wastewater or substances including but not limited to oxygen demanding pollutants released at a flow rate, or with a pollutant concentration which Violates a user's wastewater discharge permit, unless it is a parameter for which the Control Authority has authorized a surcharge and it is discharged at concentrations and flows which do not cause interference or exceed the treatment capacity of the POTW, or which causes Interference, Pass Through or adverse effects on the POTW.
10. Any pollutants, hazardous materials, wastewater or substances which causes any acute or chronic danger to human health or the environment or creates a public nuisance, as defined in the Commonwealth of Kentucky.
11. Any trucked or hauled pollutants, hazardous materials, wastewater or substances except at discharge points designated at the POTW and upon written approval for acceptance by the Control Authority.
12. Any other violation of a Pretreatment Standard or Requirement as defined by Chapter 4; Daily Maximum, long-term average, Instantaneous Limit, or narrative standard that the Control Authority determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public.

4.3.1 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 by this Ordinance. The applicable reporting requirements under 40 CFR, Part 403.12 shall apply to the affected persons. Concentration limits shall be applied for Categorical Industries subject to production based standards as described in 40 CFR, Part 403.6(c) (3, 4 and 5). Limits calculated under the forgoing sentence shall be considered the limits for such Categorical Industries if more stringent than those based on this Ordinance. All New Source Categorical users as defined in 40 CFR, Part 403.12(b) and (d) shall comply with the pretreatment standard upon the commencement of their discharge.

4.3.2 Limitations on Radioactive Wastes No person shall discharge or cause to be discharged, any radioactive wastes into a public sewer except:

1. When the person is authorized to use radioactive materials by the State Department for Human Resources or other governmental agency empowered to regulate the use of radioactive materials; and
2. When the waste is discharged in strict conformity with all Federal, State and Local laws, regulations, statutes, administrative orders and ordinances; and
3. When the person is in compliance with the rules and regulations of other applicable regulatory agencies; and when the person has obtained a Wastewater Discharge Permit as described in Chapter 5 of these regulations.

Wastes from garbage grinders shall not be discharged into a public sewer except for:

1. Wastes from residential premises generated in the preparation of food;
2. Where a user has obtained written permission for that specific use from the Control Authority, and agrees to submit to all City Monitoring, at the user's expense, that is required to enable the Control Authority to equitably determine the charges and fees based on the waste constituents and characteristics.
3. All such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the public sewer, with no particle greater than one-half (1/2) inch or 1.27 centimeters in any dimension. Garbage grinders shall not be used for grinding plastic, paper products, inert materials, garden refuse, or other materials that would otherwise be classified as solid waste.
4. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subjected to the review and approval of the Control Authority.

4.3.3 Trucked or Hauled Wastes Trucked or hauled wastes are limited to those permitted by Chapter 5, section 5.9.

4.3.4 Holding Tank Wastes No person shall discharge holding tank wastes into any public sewer.

4.4 TRAPS AND INTERCEPTORS

4.4.1 Grease Traps Establishments involved in the preparation of food for retail/wholesale, commercial or institutional purposes and other dischargers with oily type wastes of the petroleum type origin or that are required to install a 3-compartment sink by the Lincoln Trail Health Department shall provide baffled grease interceptors or traps. The Control Authority will require grease interceptors or traps by other users when necessary for the proper handling of liquid wastes containing grease in excessive amounts, except that such interceptors or traps will not be required for home-based food processors, as defined by KRS 217.015(56), private living quarters or dwelling units. Construction details, on plans, and a grease trap application shall be submitted for all grease traps and interceptors for Control Authority review and approval.

All grease interceptors or traps shall be installed in the wastewater line leading from sinks, drains or other fixtures where grease may be discharged. The interceptor or trap shall be designed to meet 100 mg/l maximum oil and grease content at all times of discharge. The following criteria using a detention time of at least twenty (20) minutes shall be used:

Kind of Fixture	Fixture Unit
3-compartment sink	4
1 or 2-compartment sink	2
Dishwasher	4
Garbage Grinder (3/4 hp)*	4
Wok Stove	4
Floor Drain Lines	4
Mop Sink	3

* Garbage grinders over three-fourths (3/4) hp will require approval and will increase the fixture unit
Trap liquid holding capacity (gallons) = Total Fixture Count x 20 (retention time in minutes) x 3 (gpm)

All grease traps or interceptors shall be placed outside of the structure served unless the Control Authority grants special approval. In all instances the grease trap or interceptor shall be located as close as possible to the source of the wastewater to prevent separation of grease prior to entry into the grease trap or interceptor and within 15 feet of drivable pavement unless otherwise approved by the Control Authority.

Existing establishments operating with nonconforming traps will be required to install and maintain a grease interceptor in full compliance with this ordinance when one of the following occurs:

- Grease related issues downstream of the establishment are reported.
- An upgrade/expansion of the kitchen facility.
- An upgrade/expansion of the establishment if a full service establishment or institution.
- Change of business ownership.

Existing establishments may receive a variance from upgrading a nonconforming trap/interceptor if installation of a conforming interceptor is not physically feasible. In order to be considered for a variance, the establishment must provide technical documentation detailing reasons installation is not feasible. The Control Authority will determine feasibility after reviewing submitted information.

All grease interceptors or traps shall be maintained by the user at their expense, in a manner that shall prevent fat waste, oil or grease from being carried into the sewer at all times. Fat waste, oil or grease removed from such a facility shall not be disposed of in the sanitary sewer. Maintenance shall include the dry cleaning of the trap or interceptor on at least a monthly basis for units located outside, and daily for undersink units. The Control Authority may grant an extension on a required cleaning frequency where the user has demonstrated, with analytical data, the cleaning frequency produces an effluent in consistent compliance with this Ordinance. A record of maintenance shall be sent to the Control Authority on a quarterly basis on a form approved by the Control Authority. Quarters will run from January through March, April through June, July through September

and October through December. Failure to submit a maintenance record to the Control Authority by tenth day of the following quarter (January 10th, April 10th, July 10th, and October 10th) will result in assessment of a \$100.00 late fee applied as a surcharge.

4.4.1.1 Penalty

Failure to install a properly sized grease trap after permitted by the Control Authority shall be a violation of this ordinance.

Failure to maintain grease traps will result in a surcharge being applied in the amount of \$50.00 per daily occurrence for interior undersink traps and \$300.00 per 500-gallon capacity per monthly occurrence for exterior traps.

If a failure to maintain grease traps or interceptors results in partial or complete blockage of parts of the sewer system or requires excessive maintenance by the City, the discharger shall be billed for all cleanup costs incurred by the City.

The City may terminate water service if the offending user fails to pay the surcharge at least three months past the due date. The City will notify the water supplier to terminate water service pursuant to KRS 96.930-96.943.

4.4.1.2 Additional Penalty

Any person violating this section may also be found guilty of a civil offense. The civil administrative fine shall be not less than \$50.00 for the failure to maintain the interior under sink traps and not less than three hundred dollars (\$300.00) for failure to maintain the exterior traps. The civil fine shall be paid directly to the City of Elizabethtown. If the fine is not paid within thirty (30) days for the date of notification, the City may recover said fine in a civil action in the court of property jurisdiction. The City may also obtain injunctions or abatement orders to insure compliance with this ordinance or pursue administrative remedies when appropriate, including injunctions and abatement proceedings.

The City may also choose to seek enforcement through the Code Enforcement Board. A citation shall be issued for any violation of this section of the ordinance with fines as established by the Code Enforcement Board Ordinance, Ordinance #09-2023, and all subsequent amendments. The citing officer shall cite the offender to appear before the Code Enforcement Board.

Nothing in this section shall negate the ability of the City to pursue civil penalties of up to \$25,000 as prescribed by law.

4.4.1.3 Appeal

Any decision by the Control Authority regarding the requirement to install a grease trap/interceptor may be appealed to the City's SUO Review Committee for final determination. The Committee shall consist of the Mayor, City Administrator, one City Council Member, Director of Wastewater Treatment and City Engineer.

4.4.2 Sand, Soil and Oil Interceptors All car washes, truck washes, and other sources of sand, soil and oil shall install effective sand, soil and oil interceptors. These interceptors shall be sized to effectively remove sand, soil and oil at the expected flow rates. These interceptors shall be cleaned on a regular basis to prevent impact upon the wastewater collection system and the POTW. Owners whose interceptors are deemed to be ineffective by the City through the Control Authority may be required to maintain a maintenance and inspection record, to change the cleaning frequency, or to increase the size of the interceptor(s). Owners or operators of washing facilities will prevent the inflow of rainwater into the sanitary sewers. Sizing calculations and construction details shall be submitted on plans for all interceptors for Control Authority review and approval.

4.4.3 Garages, Service Stations and Machine Shops Work areas of garages, service stations, machine shops, or of any facility or part of a facility which manufactures, rebuilds, repairs, overhauls, or maintain motors, transmissions, hydraulic systems, or similar machinery and areas where fluids are changed shall not have floor drains or other devices draining into the sanitary sewer unless:

An oil water separator is installed outside the building to collect the discharge from work area floor drains. A monitoring station shall be installed. Sizing calculations and construction details shall be submitted on plans for the monitoring station for Control Authority review and approval.

4.5 SPECIFIC DISCHARGE LIMITATIONS

1. Although the City may issue more stringent pretreatment standards through the administration of wastewater discharge permits, no person shall discharge into any public sewer pollutants, hazardous materials or wastewater containing in excess of:

	<u>Daily Maximum</u>
Total Arsenic	0.45 mg/l
Total Cadmium	0.021 mg/l
Total Hexavalent Chromium	0.25 mg/l
Total Chromium	2.72 mg/l
Total Copper	0.30 mg/l
Total Cyanide	0.056 mg/l
Total Iron	21.73 mg/l
Total Lead	0.10 mg/l
Total Mercury	0.0002 mg/l
Total Nickel	0.82 mg/l
Total Selenium	0.044 mg/l
Total Silver	0.30 mg/l
Total Zinc	1.93 mg/l

2. No person shall discharge into any public sewer wastewater having concentrations in excess of the following limitations:
 - a. Having a temperature which would result in inhibition of the biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature of the sewage entering the POTW treatment plant exceeds 104 F (40.0 C) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.
 - b. Having solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference [but in no case solids greater than one-half (1/2) inch or 1.27 centimeters in any dimension].
 - c. Containing Oil and Grease of animal, mineral, non-biodegradable cutting oil or petroleum origin higher than 100 mg/l. An alternate Oil and Grease limit may be approved if the user at their expense demonstrates to the Control Authority that the user discharge concentration of Oil and Grease is not animal, mineral, non-biodegradable cutting oil or petroleum in nature.
 - d. Having a pH lower than 6.0 or greater than 10.0 Standard Units or otherwise causing corrosive structural damage to the POTW or equipment.
 - e. The landfill leachate will have a chloride mass effluent limit of 2,400 lbs/day and all other users will have a chloride concentration limit of 2,400 mg/l.
 - f. Having ADMI Color which is a cause of objectionable color discharged from the POTW.
 - g. Having a Flash Point less than: 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21
 - h. Having Sulfate concentrations greater than: 2,000 mg/l
 - i. Having Ammonia concentrations greater than: 30 mg/l
 - j. Having BOD-5 concentrations greater than: 250 mg/l
 - k. Having COD concentrations greater than: 1,000 mg/l
 - l. TSS concentrations greater than: 250 mg/l
3. Consistent with Chapter 6, the parameters listed above in 4.5.2(i-l) are surchargeable.
4. Parameters requiring grab samples are Cyanide, Flash Point, Oil and Grease, pH and Temperature. The limits for these parameters are instantaneous limits. A maximum effort must be demonstrated for collecting all other parameters listed in this section as composite samples, otherwise grabs are acceptable. The limitations for those parameters are maximums for the 24-hour composite period.

4.6 CITY'S RIGHT OF REVISION

The City reserves the right to issue a wastewater discharge permit, notice, or an order containing (or modify a wastewater discharge permit, notice or an order so as to contain) additional, different or more stringent limitations or requirements than contained in this Ordinance or in any wastewater discharge permit, notice or order issued and pertaining to any person if the City deems it necessary in order to comply with the provisions of this Ordinance, the POTW's KPDES Permit including but not limited to the toxicity limitations, applicable Federal, State and Local laws, regulations, statutes, administrative orders and ordinances including but not limited to all applicable provisions contained in 401 KAR Chapter 5.

Such limitations and requirements shall take effect immediately upon their issuance if the City deems the issuance of such limitations and requirements necessary to address an emergency (including but not limited to danger or the threat of danger to the health, safety or welfare of persons, or the environment, violation or threat of violation of the City's KPDES Permit, Interference, Pass Through or adverse effects on the POTW).

Unless another effective date is specified in writing by the City such limitations and requirements shall take effect thirty (30) days after written notice to the person of the issuance of such limitations or requirements if the City does not deem the issuance of such limitations and requirements necessary to address an emergency. If the person affected by such limitations and requirements desires a hearing, it must request such a hearing in writing within ten (10) days of written notice of their issuance specifically alleging that the limitations and requirements are contrary to law or fact, injurious to the person, and specifically alleging the grounds and reasons therefor. This request for a hearing shall be certified. The hearing shall be conducted in accordance with Chapter 10, section 10.4.

CHAPTER 5 ADMINISTRATION

5.1 WASTEWATER DISCHARGE PERMITS

All significant industrial dischargers proposing to connect to the POTW or to discharge to the POTW or any others persons as determined by the Control Authority on a case by case basis shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW. Existing significant dischargers connected to or contributing to the POTW shall be issued a Wastewater Discharge Permit by the Control Authority with applicable limitations. All existing wastewater discharge permits shall remain in full force until the issuance of a new wastewater discharge permit subject to the provisions of Chapter 10, 10.16 entitled "Conflict."

If any other waters, wastes or wastewaters are discharged, or released or are proposed to be discharged or released to the public sewers contain the substances or possess the characteristics enumerated in Chapter 4 of this Ordinance and which in the judgement of the Control Authority, may require treatment, or may cause interference, or may have a deleterious or adverse effect on the POTW, its system, processes, sludge, sludge handling, treatment, equipment, KPDES Permit compliance, receiving waters, City compliance with applicable Federal, State or Local law, regulations, statutes, administrative orders or ordinances or which otherwise create a hazard to life, human health, the environment or constitute a public nuisance, the Control Authority shall require the discharger to obtain a Wastewater Discharge Permit. The Control Authority may also:

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge to the POTW; Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
3. Require control over the quantities and rates of the discharge;
4. Reopen and modify wastewater discharge permits.

5.2 WASTEWATER DISCHARGE PERMIT APPLICATION

Persons required to obtain a Wastewater Discharge Permit shall complete and file with the Control Authority, before making a discharge, an application in the form prescribed by the Control Authority, and accompanied by a fee of one-hundred dollars (\$100.00). In support of the application, the person shall submit, in units and terms appropriate for evaluation, the following information:

1. Name, address for the facility, and location, if different from the mailing address;
2. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget 1987 and subsequent revisions;
3. Wastewater constituents and characteristics, and concentrations therein, including but not limited to pollutants or hazardous materials as determined by a reliable analytical laboratory; 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;
4. Time and duration of discharge;
5. Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
6. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, storm drains, floor drains, roof drains, and piping appurtenances by the size, location and elevation;
7. Description of activities, facilities and plant processes on the premises including all materials or substance which may contribute to the discharge from said premises;
8. The nature and concentration of any pollutants in the discharge which are limited by any 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&M) and/or additional pretreatment is required for the person to meet applicable Pretreatment Standards;
9. Each product produced by type, amount, process or processes and rate of production;
10. Type and amount of raw materials processed (average and maximum per day);
11. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
12. All 42 U.S.C., Sections 11023 (Community Right to Know Act) filings for that facility since the last wastewater discharge permit application was filed;

13. If requested by the Control Authority, any or all of the SDSs required by 29 USC section 1910.1200 or 42 USC section 11001 - 11050 to be on the premises;
14. Any other information as may be deemed by the Control Authority to be necessary to evaluate the wastewater discharge permit application.

The wastewater discharge permit application shall be certified and signed by the authorized representative of the person applying for the wastewater discharge permit.

Evaluation by the Control Authority of the data furnished by the applicant shall not relieve the applicant and authorized representative of its duty to provide complete and accurate data on said application or otherwise strictly comply with the terms of this ordinance.

5.3 DURATION OF WASTEWATER DISCHARGE PERMITS

Wastewater Discharge Permits shall be issued for a period not to exceed five (5) years. The terms and conditions of the Wastewater Discharge Permit may be subject to modification and change by the Control Authority during the life of the Wastewater Discharge Permit as provided for in this Ordinance. It is the responsibility of the person to request a new wastewater discharge permit, in writing and accompanied by a new certified and signed wastewater discharge permit application, 180 days prior to the expiration of an existing Wastewater Discharge Permit for facilities that wish to continue discharging.

5.4 TRANSFER OF A WASTEWATER DISCHARGE PERMIT IS PROHIBITED

Wastewater Discharge Permits are issued to a specific person for a specific operation. A Wastewater Discharge Permit shall not be reassigned, transferred or sold to a new owner, new person or to a different premise without prior written approval by the Control Authority.

5.5 NEW DISCHARGES

Any person or potential discharger shall give written notification to the Control Authority 60 days prior to the occurrence of New Source Discharges as described below.

1. Construction of any facilities or portion thereof intending or capable of discharging wastewater or industrial wastes to the POTW;
2. The commencement of significant modifications of any facilities intending to or capable of discharging wastewater or industrial wastes to the POTW;
3. Significant changes in operations or wastewater or pollutant, constituents and characteristics or concentrations;
4. Significant changes in flow;
5. A significant change in operations.

No person shall commence construction or modification, or operate any facilities described in this Ordinance including new or altered discharges, nor alter or allow significantly changed discharges as described in this section without prior written approval from the Control Authority.

5.6 HAZARDOUS WASTE

All persons shall promptly, and in no event, later than 90 days after the adoption of this Ordinance; notify the Control Authority, 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:

1. the name of the hazardous waste as set forth in 40 CFR, Part 261,
2. the EPA hazardous waste number,
3. the type of discharge (continuous, batch or other).

If the person 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 or available to the person through testing by its laboratory or an independent laboratory:

1. an identification of the hazardous constituents contained in the wastes as defined in 40 CFR, Part 261 appendix VIII;

2. an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and
3. an estimation of the mass of constituents to be discharged during the following twelve months.

However, notifications of changed discharges must be submitted under 40 CFR, Part 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the Self-Monitoring requirements of 40 CFR, Part 403.12(b), (d), and (e).

Permitted dischargers are exempt from the above requirements during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR, Part 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes as specified in 40 CFR, Part 261.30[d] and 261.33[e] requires a one-time notification. Subsequent months during which the person discharges additional quantities of such hazardous wastes do not require additional notification unless discharged in a higher concentration or flow.

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

All persons required to provide such notification shall certify that they have a program in place to reduce the volume or toxicity of hazardous wastes generated to the degree they have determined to be economically practical.

5.7 PRETREATMENT IS REQUIRED

Persons shall make their wastewater acceptable under the terms and limitations established by this Ordinance and the applicable Federal Pretreatment Standards before discharging to the POTW. Any facilities required to pretreat wastewater to a level acceptable to the Control Authority shall be provided and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Control Authority for review at least one hundred twenty (120) days prior to the initiation of construction and must be approved by the Control Authority, in writing, before construction of the facility is begun. The Control Authority's review and approval will in no way relieve the person from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of this Ordinance. Prior to modification of existing facilities, any subsequent changes in pretreatment facilities or method of operation shall be reported to and approved by the Control Authority in accordance with section 5.5, entitled "New Discharges".

If additional pretreatment and/or operation and maintenance is required to meet the Pretreatment Standards; and if the Control Authority at its discretion is willing to issue a Compliance Schedule in lieu of immediate compliance by the person with the terms and conditions in this Ordinance, then the shortest schedule by which the person can provide such additional pretreatment shall be submitted by the person. The completion date in this Compliance Schedule, if approved by the Control Authority, shall not be later than the compliance date established for the applicable Federal Pretreatment Standard. The Control Authority is not required to issue Compliance Schedules to persons in Violation of this Ordinance.

The following conditions may at the discretion of the Control Authority apply to this schedule:

1. The schedule may 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 as required for the person to meet the applicable Federal Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.)
2. Not later than fourteen (14) days following each date in the compliance schedule and the final date for compliance, the person shall submit a progress report to the Control Authority 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 person to return the construction to the schedule established.
3. Failure to comply with the terms and conditions of the Compliance Schedule may be grounds for the Control Authority to deny a person permission to discharge to the POTW.

5.8 COMPLIANCE WITH WASTEWATER DISCHARGE PERMIT IS MANDATORY

Each holder of any Wastewater Discharge Permit shall conform to all requirements of this Ordinance and any Federal Pretreatment Standards and all other applicable requirements promulgated by the U.S. EPA in accordance with applicable Federal law, including but not restricted to, those requirements specified in 40 CFR, Part 403.12.

No person shall discharge wastewaters in excess of the quantity or quality limitations set by the terms and limitations of this Ordinance, unless allowed by the wastewater discharge permit and accompanied by a Compliance Schedule dictating that the person come into full compliance of this Ordinance within a finite period of time. The issuance of such wastewater discharge permits and compliance schedules shall be at the sole discretion of the Control Authority.

5.9 TRUCK DISCHARGE PERMIT LIMITATIONS ON SPECIFIC WASTES

Only persons desiring to discharge non-chemically treated holding tank waste to the POTW shall be considered for a Truck Discharge Permit. All applicants for a Truck Discharge Permit shall complete the application form provided by the Control Authority and be accompanied by a fee of one-hundred dollars (\$100.00). The Control Authority reserves the right to reject any application for a Truck Discharge Permit.

Discharge of holding tank waste may only be made by trucks holding a Truck Discharge Permit at the City's POTW. Discharges of truck transported hazardous wastes or commercial/industrial wastes or hazardous materials or any mixtures of hazardous or commercial or industrial wastes or hazardous materials and residential wastes shall be prohibited.

Truck Discharge Permits shall be issued for a period not to exceed five (5) years. The terms and conditions of the Truck Discharge Permit may be subject to modification and change by the Control Authority during the life of the Truck Discharge Permit as provided for in this Ordinance. It is the responsibility of the person to request a new truck discharge permit, in writing and accompanied by a new certified and signed truck discharge permit application, 180 days prior to the expiration of an existing Truck Discharge Permit for facilities that wish to continue discharging. The conditions for a Truck Discharge Permit shall be as follows:

1. Each load to be discharged must be weighed by the scale at the WWTP unless told otherwise by the Control Authority, in which case, the load to be discharged will be manifested on a form provided by the Control Authority.
2. Discharges will be allowed during daylight hours only.
3. The Control Authority will bill each truck owner on a monthly basis. The fee shall be determined by the City and shall be subject to change. The Control Authority depending upon specific discharge conditions may adjust fees.
4. The Control Authority reserves the right to refuse to accept a load based on its contents. Refusal of a load may be based on, but not limited to: excessive oil or grease content, excessive indigestible solids content, or presence of hazardous materials.
5. The Control Authority reserves the right to sample any load to verify its contents.
6. Truck Discharge Permits are not transferable to another person or vehicle.

5.10 ENFORCEMENT OF TRUCK DISCHARGE PERMITS

Any person Violating the Control Authority's requirements for liquid waste discharges from transported wastes shall be in Violation of this Ordinance and may have their Truck Discharge Permit revoked by the Control Authority and be liable for any fees or other enforcement response actions directed by this Ordinance. No further discharges will be allowed until all fees are paid.

5.11 ONE-TIME DISCHARGES

The Control Authority may on a case-by-case basis allow for the one-time discharge. All pollutants and information concerning the discharge will be provided by the discharger to the Control Authority. The Control Authority may determine if such a discharge is allowable and what fee for the discharger should be assessed.

Prior written permission from the Control Authority in the form of a One-Time Discharge Permits must be obtained before the discharge may commence. The person is responsible for meeting all conditions stipulated in the One-Time Discharge Permit before, during and after the discharge.

CHAPTER 6 **SERVICE FEES AND CHARGES**

6.1 PURPOSE AND APPLICATION

The purpose of this Chapter is to provide a mechanism, at the sole discretion of the City, whereby the Control Authority may allow for the treatment of extra strength wastes within its influent design capacity for which the City may charge compensation for said treatment. Such wastes shall be of such nature that they will not pass through the POTW or cause interference.

6.2 SEWER SERVICE FEES AND CHARGES DETERMINATION

Service fees and charges charged to users for discharging to the POTW shall be determined by the City in order to accomplish the implementation of this Ordinance; the operation and maintenance of the POTW; repair, modify and upgrade of the POTW; future expansions of the POTW and costs, expenses or expenditures related to the operation of the POTW. Such fees and charges may be based upon the recommendation of a consultant or engineering firm employed by the City for such purpose.

6.3 SURCHARGES FOR EXTRA STRENGTH WASTES

At the sole discretion of the City, the surcharge program or any element of it may be modified or eliminated at any time. Surchargeable as herein defined shall not exceed in concentration, mass or flow those levels which exceed the treatment capacity of the POTW or will cause interference.

Such review shall be in accordance with the EPA manual EN-336 "Guidance Manual on the Development and Implementation of Local Discharge Limitations Under the Pretreatment Program", latest edition.

The applicable surcharge parameters as established in this ordinance shall be charged at a rate as established in the Elizabethtown Sewer Rate Ordinance, Ordinance #10-2025, and all subsequent amendments.

The monthly poundage for surchargeable parameters will be determined from the average of the values measured from the latest Three-Day Monitoring Event.

CHAPTER 7 **MONITORING AND SAMPLING**

7.1 MONITORING FACILITIES

The Control Authority shall require permitted dischargers to provide and operate at their own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility shall be situated on the persons premises unobstructed by landscaping or parked vehicles. But the Control Authority may, when such a location would be impractical or cause undue hardship on the person, allow the facility to be constructed in the public street or sidewalk area.

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 discharger.

All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

All sample collection shall be made at the monitoring manhole and/or at a location stipulated by EPA Categorical Industry Monitoring requirements or by the Control Authority. In the event that no sample manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected, or the nearest upstream sample point found on the premises prior to the building sewer entering the public sanitary sewer.

Dischargers with wastewater discharge permits shall install a flow monitoring and sampling facility, acceptable to the Control Authority and at cost to the discharger, at the request of the Control Authority.

7.2 CHANGING SELF-MONITORING POINT LOCATIONS AND AVAILABILITY

Each permitted person shall be responsible for providing at least 90 days advanced notice before changing the location of any self-monitoring point.

Each person's sampling location(s) shall be available to the Control Authority on a continuous 24-hour basis for use by the Control Authority without prior notice from the Control Authority. Duplicate keys for permanent possession shall be provided to the Control Authority for any sampling location(s). City sampler setup and sample retrieval may occur at any time without prior notice from the Control Authority.

7.3 INSPECTION AND SAMPLING

The Control Authority shall at least annually inspect all permitted discharger facilities and the facilities of any other person as needed to ascertain compliance with this Ordinance. Persons or occupants of premises where wastewater is created or discharged shall allow the Control Authority or their representative ready access during normal operating hours to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or in the performance of any of their duties. The Control Authority, Approval Authority and the EPA shall have the right to set up without prior notice on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a person has security measures in force which would require proper identification and clearance before entry into their premises, the person shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Control Authority, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Persons maintaining physical security devices on their monitoring point shall provide a copy of the key for said devices to the Control Authority for the Control Authority's permanent possession.

Categorical Industries with dilution streams shall utilize the combined waste stream formula or flow weighted averaging formula as described in 40 CFR, Part 403.6. The definition of the term "Dilution Streams" for the purposes of this section shall be as described in 40 CFR 403.6 (e). Any Categorical Industry without direct sampling capability of the discharges from their regulated categorical process wastestream(s) prior to the combination of this wastestream(s) with other wastestreams originating on the premises shall be required to install, at their own expense, the devices necessary to allow for flow proportion and grab sampling as may be required by the appropriate Categorical Pretreatment Standard.

Any person with a written request, for split samples, on file with the Control Authority shall be provided such samples. The requesting user or their representative shall sign a Chain of Custody upon delivery of the split sample(s) by the Control Authority and shall pay all cost incurred by the Control Authority including for the cost of the split sample containers and preservatives within 30 days of receiving the Control Authority's test results for that particular sampling event.

7.4 INDUSTRIAL MONITORING REQUIREMENTS

Wastewater Discharge Permit holders shall be responsible for the minimal Self-Monitoring as described below:

1. Categorical Industries shall be responsible for one (1) day sampling event, consisting of a 24-hour flow proportional composite sample and properly collected grab samples, occurring each six (6) months. Pollutants to be tested for are listed in the applicable 40 CFR part number. A separate monitoring report form will also be included in the wastewater discharge permit; and
2. All Significant Industrial Users must, at frequency determined by the Control Authority submit no less than twice a year (June and December [or on dates specified]) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Control Authority or the Pretreatment Standard necessary to determine the compliance status of the User. All wastewater discharge permit holders shall be responsible for at least two (2) semi-annual, three (3) consecutive, 24-hour composite and grab sampling events occurring on a schedule stipulated by the Control Authority. All pollutants, hazardous materials or constituents listed in the user's wastewater discharge permit, wastewater discharge permit application and this Ordinance may be required by the Control Authority to be tested for unless reduced testing requirements are approved in writing by the Control Authority.
3. The SIU must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportioned composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using Protocols (including appropriate preservations) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

7.5 ACCELERATED SELF-MONITORING

If sampling performed by a SIU indicates a violation, the SIU must notify the Control Authority within twenty-four (24) hours of becoming aware of the violation. The SIU shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the Control Authority performs sampling at the User's facility at least once a month, or if the Control Authority performs sampling at the User between the time when the initial sampling was conducted and the time when the User of the Control Authority receives the results of this sampling, or if the Control Authority has performed the sampling and analysis in lieu of the Industrial User, or for surchargeable parameters identified in Chapter 4, section 4.5.2(i-1), to confirm compliance of established limits. If pollutants are still found to be out of compliance; then weekly one (1) day samples, for four (4) consecutive weeks should be collected and analyzed. If pollutants are still found to be out of limits; then daily monitoring shall be required until acceptable concentrations have been measured for thirty (30) consecutive days.

7.6 LABORATORY CERTIFICATION

All permitted dischargers shall have on file a copy of their most recent and up-to-date certification from the Kentucky Wastewater Laboratory Certification Program. All laboratory analysis shall include certification indicating the date of sample collection, the type of sample (grab or composite) the date that analysis was completed and identify the 40 CFR, Part 136 approved method used for each test.

7.7 ANALYTICAL PROCEDURES

Sample collection, preservation, testing and reporting procedures for the analysis of pollutants conducted pursuant to these regulations shall conform to regulations promulgated pursuant to 40 CFR, Part 136 and 40 CFR, Part 403.12 (b)(5)(iii) or, where no Federal regulation is applicable, by a procedure approved by the EPA.

7.8 MONITORING

The Control Authority reserves the right to sample the discharge from any user on any frequency for all the pollutants, hazardous materials wastes and wastewater described by this Ordinance, including but not limited to those specifically enumerated or which are part of toxicity testing and identification. The full cost to the Control Authority for such analysis will be billed to the user by the Control Authority within 30 days of the Control Authority providing the results to the user. The user shall pay the full cost of such monitoring analysis within 30 days of the bill being issued.

Monitoring by the Control Authority does not diminish the user's obligation for Self-Monitoring and Accelerated Self-Monitoring requirements.

The Control Authority may charge the users responsible for all the costs and expenses associated with the conditions which cause the Control Authority to perform such increased sampling.

The Control Authority may require the user to perform additional monitoring for any pollutant, hazardous material or constituent of wastewater, at any reasonable frequency at the sole discretion of the Control Authority and at the full cost to the user.

Annually the Control Authority shall pay for the costs for the conducting of two (2), Three Day City Monitoring events for all permittees and in addition one (1), One Day Categorical City Monitoring events for all Categorical permittees.

7.9 CONFIDENTIAL INFORMATION

Information and data relating to emission or effluent data as described by KRS 224.10-210, on a person obtained by the Control Authority including but not limited to Self-Monitoring reports, City Monitoring reports, wastewater discharge permits and pretreatment inspections shall be available to the public or any governmental agency without restriction.

Information and data from wastewater discharge permit applications and/or questionnaires shall be considered confidential if consistent with KRS 224.10-210 and if a written request for confidentiality accompanies the completed application and/or questionnaire. The word "CONFIDENTIAL" must also be printed, in red ink, on each page of the application and/or questionnaire for which the person is requesting confidentiality.

All information and data shall be made available to the general public unless considered confidential as described above. Confidentiality will prevent the availability of such classified documents to the public. Such documents may still be supplied to the State and Governmental agencies on request.

7.10 PUBLIC NOTIFICATION OF VIOLATIONS

The Control Authority shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements.

CHAPTER 8 **REPORTING REQUIREMENTS FOR PERMITTEE**

8.1 RECORDKEEPING

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Control Authority.

8.2 SELF-MONITORING REPORTS

The Self-Monitoring Report form provided by the Control Authority shall be used exclusively for the purpose of Self-Monitoring Reporting as required by the person's wastewater discharge permit.

The Self-Monitoring Report form shall be submitted to the Control Authority within the first thirty (30) days following the Self-Monitoring sample event as stipulated in a person's wastewater discharge permit.

Daily and average values from parameter test results shall be put in the appropriate place on the form. The persons authorized representative shall certify and sign the form prior to submitting it to the Control Authority.

All persons shall provide notification to the POTW within 24 hours of receiving information indicating that a Violation of this ordinance or their wastewater discharge permit, as indicated by the Self-Monitoring described herein or other test data or information.

A written report shall also be submitted to the Control Authority within 10 working days of the 24-hour notification to the Control Authority. This written report shall:

1. Explain the cause for or events leading up to the out of limits sample measurement;
2. Describe what corrective action was taken or will be taken to permanently correct the deficiency producing the out of limits discharge condition; and
3. Outline a schedule of events indicating when specific actions were or will be taken to correct the deficiency.

8.3 BASELINE MONITORING REPORTS

All New Source Categorical Industries are required to submit to the Control Authority a Baseline Monitoring Report, at least 90 days prior to the beginning of the new source discharge. This requirement shall also apply to existing but newly regulated Categorical Industries.

The Baseline Monitoring Report shall include but not be limited to the following:

1. For sampling required in support of baseline monitoring and 90-day compliance reports required in 40 CFR 403.12(b) and (d), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Control Authority may authorize a lower minimum. For the reports required by 40 CFR 403.12(e) and 403.12 (h), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.
2. The name and address of the facility involved, its operators and owners;
3. A list of all the environmental control permits held by or for the facility;
4. A brief description of the regulated process(s), the average rate of production, the SIC identification of the operation(s) involved, a schematic diagram identifying all of the waste flows in the facility which are eventually discharged to the POTW;
5. Flow measurements for all of the wastestreams, identified on the schematic diagram, indicating the average daily and maximum daily flow volume, in gallons per day, to the POTW;

6. The results of sampling and analysis identifying the nature and concentration, or mass where required, of the pollutants or hazardous materials in the discharge from each regulated process. Both daily maximum and average concentrations, or mass where required, shall be reported. The samples for the report shall be representative of daily operations.
7. This report shall also be certified and signed by the authorized representative for the discharger involved.

8.4 90 DAY COMPLIANCE REPORTS

All Categorical Industries shall certify, sign and submit to the Control Authority a 90 Day Compliance Report for all new source regulated wastestreams no later than 90 days following the beginning of the regulated discharge and for all existing regulated wastestreams within 90 day following the date for final compliance. The 90 Day Compliance Report shall include, but not be limited to:

1. Flow measurements indicating the average daily and maximum daily flow volume, in gallons per day, to the POTW, for each regulated categorical process wastestream and all unregulated non-categorical wastestreams within the facility involved;
2. The results of sampling and analysis identifying the nature and concentration, or mass were required, of the pollutants in the discharge from each regulated process;
3. A statement certified and signed by the authorized representative for the regulated Categorical industrial discharger indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional O&M or pretreatment is required to meet the pretreatment standards and requirements.

8.5 COMPLIANCE DATE REPORTS

Within one hundred eighty (180) 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 person subject to Pretreatment Standards and Requirements shall certify, sign and submit to the Control Authority 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 this Ordinance and the average and daily maximum flow for these process units in the dischargers facility which are limited by such Pretreatment Standards and Requirements and this Ordinance. The report shall state whether the applicable Pretreatment Standards or Requirements and this Ordinance are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the person into compliance with the applicable Pretreatment Standards or Requirements and this Ordinance. This statement shall be certified and signed by an authorized representative of the Industrial discharger.

8.6 PERIODIC COMPLIANCE REPORTS

Any person subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Control Authority no less than twice per year during the months of June and December, or on dates specified, unless required more frequently in the Pretreatment Standard or by the Control Authority, a report indicating the nature and concentration, of all pollutants and hazardous materials in the discharge. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flows. At the discretion of the Control Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Control Authority may agree to alter the months during which the above reports are to be submitted.

The Control Authority may impose mass limitations on dischargers which consistently exceed their wastewater discharge permit limits, Pretreatment Standards or Requirements, or in other cases where the Control Authority deems imposition of mass limitations are appropriate. Where specific poundage limits are applicable, their reporting is also required. In such cases, the report shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the discharger. These reports shall contain the results of sampling and analysis of the discharger, including the flow and the nature and concentration, or production and mass where requested by the Control Authority, of all pollutants contained therein. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standards or through this Ordinance. All 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 and amendments

thereto or with any other test procedures approved by the EPA. Sampling shall be performed in accordance with the techniques approved by the EPA.

Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question sampling and analysis shall be performed in accordance with alternate procedures approved by the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluent for Priority Pollutants", April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the EPA.

8.7 ANNUAL AND SEMI-ANNUAL PRODUCTION REPORTS

Categorical Industries, subject to Federally mandated or Control Authority established equivalent mass or concentration limits for their categorical process(s) in accordance with 40 CFR, Part 403.6(c) shall provide an Annual Production Rate Report for the previous calendar year by February 15 of the proceeding year upon request. This report shall include a reasonable measure of the persons long-term production rate.

For all other Categorical Industrial dischargers subject to Categorical Pretreatment Standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation) the Semi-Annual Compliance Report shall include the person's actual average production rate for the reporting period.

8.8 REPORTING IS MANDATORY

Any person shall be considered in Violation for failing to report, sign and certify:

1. Accurate and complete information, data, or documents required by this Ordinance to be filed with the Control Authority including but not limited to:
 - a. Wastewater Discharge Permit Applications;
 - b. Self-Monitoring Reports; and
 - c. Information indicating a Violation.
2. Accurate and complete information or on the current activities of the person regardless of the civil or criminal action being pursued by the Control Authority or the person against the other party; and
3. Accurate information in response to requests for information by the Control Authority.

All testing and sample discharge data of dischargers developed by or for a user shall be submitted the Control Authority within 30 days of the completion of the sample event.

All persons shall respond accurately and completely to additional information requests by the Control Authority related to the administration and enforcement of this Ordinance.

8.9 RETENTION OF RECORDS

The results from all sampling by an industrial user shall be maintained by the discharger for a minimum of three (3) years.

CHAPTER 9 **ACCIDENTAL OR SLUG DISCHARGES AND SPILL PREVENTION CONTROL PLANS**

9.1 PURPOSE AND APPLICATION

The purpose of this Chapter is to establish a uniform program for the protection of the public health, safety, the POTW and the Environment.

9.2 ACCIDENTAL OR SLUG DISCHARGE PROTECTION

Each person shall provide protection from accidental discharge of any pollutant, hazardous material, waste or wastewater not specifically identified on the wastewater discharge permit application or wastewater discharge permit or in concentrations or masses greater than those described by this Ordinance or a Wastewater Discharge Permit Application or the Wastewater Discharge Permit. Such discharges or releases are prohibited. Facilities to prevent such discharges shall be provided and maintained at the owner's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Control Authority for review, and shall be approved by the Control Authority before construction of the facility. No new user or facility who commences discharge to the POTW after the effective date of this Ordinance shall be permitted to introduce pollutants to the POTW until accidental or slug discharge procedures have been approved by the Control Authority. Review and approval of such plans and operating procedures shall not relieve the person from the responsibility to modify the person's facility as necessary to meet the requirements of this Ordinance. In the case of accidental or slug discharge, it is the responsibility of the person to immediately telephone and notify the POTW of the incident. The notification shall include cause of the discharge, location of discharge, type of waste, concentration and volume, and corrective actions taken and/or planned. Notification to the POTW shall not constitute notification for any other purpose outside of this section.

9.3 WRITTEN NOTICE

Within five (5) days following an accidental or slug discharge or spill into or entering the POTW; the person shall submit to the Control Authority a detailed written report describing the cause of the discharge and the measures to be taken by the person to prevent similar future occurrences. Such notification shall not relieve the person of any expense, any cost, loss, damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the person of any fines, civil penalties, or other Enforcement Action.

9.4 NOTICE TO EMPLOYEES

A notice shall be permanently posted on the person's bulletin board or other prominent place advising employees whom to call in the event of an accidental or slug discharge. Employers shall ensure that all employees who may cause or suffer an accidental or slug discharge to occur are advised of the emergency notification procedure.

9.5 SPILL PREVENTION CONTROL PROGRAM

A written, detailed plan for the prevention, control and remediation of pollutant or hazardous material spills or discharges may be required by the Control Authority. The Control Authority shall review the need for revised or initial Spill Prevention Control Program Plans, for each discharger and any other person deemed necessary by the Control Authority, at least bi-annually as required in 40 CFR, Part 403.8(f).

9.6 NOTIFICATION

Significant Industrial Users are required to notify the Control Authority immediately of any changes at its facility affecting the potential for a Slug Discharge. Notice Upon Discovery: Whenever an accidental or slug discharge occurs, the person in charge of the premises upon discovery of such accidental or slug discharge or evidence of there having been an accidental or slug discharge, even though it has apparently been controlled, shall immediately cause notice of the existence of such release, the circumstances of same, and the location thereof to be given to the Control Authority.

1. Emergency Telephone Numbers: The notice required in this section shall be given by telephoning 270-737-7733 or other such emergency telephone number(s) as may be designated in the spill response section of a person's Wastewater Discharge Permit. This phone call shall not meet any requirements for notifying other Federal, State or Local agencies including but not limited to, the Kentucky Cabinet for Natural Resources and Environmental Protection, the Fire Marshall and the EPA.
2. Duty to Control Releases into or Capable of Entering the POTW: The requirement of this Section shall not be construed to forbid any person on or about the facilities from using diligence necessary to control such release prior to notification to the Elizabethtown POTW, especially if such efforts may result in the containment of the release and/or the abatement of extreme hazard to the employees or the general public. Delays in reporting releases due to in house notification of off-site owners/supervisors shall not be acceptable and is a Violation of this Ordinance.
3. Duty to Report to Federal, State or Local Agencies: No Statement in this Section shall be construed to exempt or release any person from any other notification or reporting procedures required by any Federal, State or Local agency.

9.7 OFFICIAL REPORT FOR ACCIDENTAL OR SLUG DISCHARGES

The telephonic notice referred to in section 9.6.1 above shall be followed within 5 days of the date of occurrence, by submittal by the person of a certified and signed Spill Notification Report Form which shall contain, but not be limited to, a detailed written statement chronologizing events causing the slug, spill or discharge corrective action taken to contain the slug, spill or discharge; the quantity and chemical characteristics of the slug, spill or discharge and the measures being taken to prevent a future occurrence.

9.8 LIABILITY FOR ACCIDENTAL OR SLUG DISCHARGES

Such notification pursuant to section 9.7 will not relieve persons of any Enforcement Response Action, liability or full Compliance with this Ordinance.

9.9 PROTECTION FROM ACCIDENTAL OR SLUG DISCHARGES

Persons shall provide protection from accidental or slug discharges. Facilities to prevent accidental or slug discharge of pollutants and hazardous materials shall be provided and maintained at the user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted for review and approval by the Control Authority before construction of the facility.

9.10 SPILL AND SLUG PREVENTION CONTROL PLAN

1. Applicability: Within 60 days of receiving notification by the Control Authority requiring implementation of a Spill and Slug Prevention Control Plan (SPCP) the notified persons shall prepare, submit and maintain said SPCP:
 - a. All Federal, State and Local governmental entities which are dischargers;
 - b. All industrial and commercial dischargers;
 - c. All dischargers issued wastewater discharge permits pursuant to the objectives of this Ordinance.
 - d. All dischargers may be requested by the Control Authority to prepare, submit and maintain a SPCP.
2. Requirements for SPCP: The administrating agency may provide forms and the necessary instructions and requirements for completing SPCP's in compliance with this Ordinance. The SPCP will include, but not be limited to:

- a. Facility identification;
- b. Annually updated spill history;
- c. Identification of pollutants, hazardous material storage, in-plant transfer, process and materials handling areas and hazardous material truck and rail car loading and unloading areas;
- d. Description of plant site runoff from areas described in (c) above, including in-place containment appurtenances (e.g., dikes) and means of releasing rainwater from such areas;
- e. Other means of spill prevention, control and countermeasure of all listed pollutants, hazardous materials, such as containment or detection equipment and absorbant materials;
- f. Provisions for the operation and maintenance of all the items described in (e) above;
- g. Contingency plans, including spill notification procedures for both internal personnel as well as outside authorities, including the Control Authority;
- h. Provisions for the training of personnel in the utilization of (g) above;
- i. Security provisions;
- j. Provisions for inspections, spill reports preparation and records retention;
- k. Schedule (with actual dates or milestones) for Plan elements yet to be implemented, with provisions for reporting progress to the Control Authority;
- l. Provisions for Plan review and amendment submission;
- m. Certification of the Plan by the Authorized Representative.
- n. For the purposes of this Section, one Plan may be submitted by the owner of electrical equipment at multiple locations when such equipment contains materials either as a lubricant, coolant or insulation for the operation of such equipment. (c) and (d) above shall not apply to single Plans authorized under this section.

- 3. Plan Submittal/Schedule: Those persons who are required by this Chapter to prepare a SPCP, shall be required to submit the complete SPCP in duplicate to the Control Authority.
- 4. Review and Approval of SPCP's: The SPCP shall be reviewed by and approved by the Control Authority. Approval of the SPCP by the Control Authority shall not relieve the person submitting the SPCP of full compliance with Federal, State and Local laws, statutes, regulations, ordinances and orders the Ordinance or any other liability associated with slugs, spills, accidents, discharges or releases and the Control Authority shall in no way be held liable as a result of its approval of the SPCP.
- 5. Updates, Revisions and Changes: A new or modified SPCP shall be required and submitted to the Control Authority when any person institutes the use of a new process or change in its manufacturing or processing facilities, or when there is a significant change in its existing operations or wastewater constituents or characteristics. The Control Authority shall be notified within sixty (60) days of any revisions to all such plans and operating procedures. The review and approval of such plans and operating procedures will in no way relieve the person from the responsibility of modifying the facility as necessary to provide the protection necessary to meet the requirements of this Ordinance.

CHAPTER 10 ENFORCEMENT

10.1 PURPOSE AND APPLICATION

Chapter 10 provides certain means for enforcing this Ordinance. Nothing in this Ordinance shall be construed to preclude any right or remedy that the City may have under applicable Federal, State and Local law, regulations, statutes, administrative orders, ordinances and common law.

10.2 LIABILITY

Any person who commits a Violation shall be liable to the City for any and all costs, expenses, loss, damage, orders, penalties, fines, civil, criminal or injunctive relief and other remedy and remediation, incurred by or available to the City by reason of such Violation and be subject to any Enforcement Response Action. In addition, the City may recover reasonable attorney's fees, court costs, interest and other expenses associated with the enforcement of this Ordinance, including, without limitation, sampling, monitoring and testing expenses and expert or consultant fees. Such Enforcement Response Actions include but are not limited to:

10.2.1 Consent Order The City is hereby empowered to enter into agreements, consent orders or other similar documents and embody the terms thereof in a consent order with the person responsible for a Violation. Such orders may include among other terms specific action to be taken by the person to correct the Violation within a time period also specified by the order.

10.2.2 Schedule of Compliance When the City finds that a person has committed any Violation, the City may, at its sole discretion, issue a Schedule of Compliance to the person responsible for the Violation.

1. A Schedule of Compliance, as described above, may contain a schedule with specific time tables requiring the person to perform compliance activities consistent with this Ordinance in the stated time period. Failure to comply with all the terms of such a compliance schedule shall be deemed a Violation of this Ordinance and subject the person to all Enforcement Response Actions including but not limited to emergency suspensions and revocations of wastewater discharge permits. Issuance of a Schedule of Compliance does not relieve the person to whom the Schedule of Compliance is addressed from liability for failure to comply fully with the Ordinance and its Wastewater Discharge Permit regardless of the existence of the Schedule of Compliance.

10.2.3 Cease and Desist Order When the City finds that any person has committed any Violation, the City may issue an order to such persons to cease and desist all such Violations and direct such persons to:

1. Comply fully with the Ordinance forthwith; and
2. Take such appropriate remedial or preventative action as the person determines is needed to properly address the Violation, including but not limited to halting operations and terminating the discharge; or
3. Take the appropriate remedial or preventative action as the City determines is needed to properly address the Violation, including but not limited to halting operations or terminating the discharge.

10.2.4 Administrative Penalties Any person who has been determined by the City to have committed any Violation may be assessed an administrative penalty by the City. Such administrative penalty shall be in amount not to exceed twenty-five thousand dollars (\$25,000.00) per Violation per day.

10.2.5 Emergency Suspensions The City may suspend the wastewater treatment service and/or the Wastewater Discharge Permit of a person whenever such suspension is necessary in order to stop a Violation causing danger or threat of danger to the health, safety or welfare of persons, or the environment, or Violation or threat of Violation of the City's KPDES Permit, or Interference, Pass Through or adverse effects on the POTW. Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Discharge Permit shall immediately stop or eliminate its discharge. In the event of a person's failure to immediately comply voluntarily with the suspension order, the City shall take such steps as are necessary, including but not limited to any Enforcement Response Action and immediate physical severance or blockage of the person's sewer connection.

10.2.6 Revocation of a Wastewater Discharge Permit Any person who commits a Violation is subject to the revocation of its wastewater discharge permit by the City. Upon such revocation such person shall immediately terminate its discharge to the POTW. In the event of a person's failure to immediately comply voluntarily with the revocation order, the City shall take such steps as are necessary, including but not limited to any Enforcement Response Action and immediate physical severance or blockage of the person's sewer connection.

10.2.7 Injunctive Relief Whenever any person commits or threatens to commit a Violation or any other act causing a violation of the City's KPDES Permit, Pass Through, Interference or effects on the POTW, the City may petition a Court of Competent Jurisdiction for the issuance of a restraining order, preliminary, temporary, or permanent injunction, which restrains Violations and compels compliance with this Ordinance.

10.2.8 Damages Any person shall be liable to the City for all damages incurred by the City as a result of a Violation committed by that person or resulting from the persons discharge or pollutant contained therein including but not limited to pollutants for which a surcharge was paid. Damages shall include but are not limited to sampling, monitoring and testing costs, operating and maintenance expenses, expert and consultant fees replacement costs, repair costs, remediation costs, corrective action costs, disposal costs, costs associated with the reduction in useful life of any POTW equipment, structure or appurtenances, or other damages including those associated with sludge management, treatment, storage, disposal, recycling or reclamation. The City may petition a Court of Competent Jurisdiction for the assessment of damages pursuant to this section.

10.2.9 Criminal Prosecution Any person who knowingly, willfully or recklessly commits a Violation shall, upon conviction, be punishable by a fine not to exceed five thousand dollars (\$5,000.00) per day per Violation or imprisonment for not more than one year or both. In the event of a second conviction, the person shall be punishable by a fine not to exceed ten thousand dollars (\$10,000.00) per Violation per day or imprisonment for not more than three (3) years or both.

10.2.10 Water Supply Severance Whenever a person has committed a Violation, water supply service by the City to the person may be severed. Service may be re-established, at the person's expense, only after the person has demonstrated to the satisfaction of the City its ability to fully and continuously comply with this Ordinance.

10.2.11 Civil Penalties Any person who has committed a Violation shall be liable to the City for a civil penalty in an amount not to exceed twenty-five thousand dollars (\$25,000.00) per Violation per day. The City may petition a Court of Competent Jurisdiction for the assessment of civil penalties pursuant to this Section.

10.2.12 Notice of Violation Whenever the Control Authority finds that any person has violated or is violating this Ordinance, or a Wastewater Discharge Permit or order issued hereunder, the Control Authority may serve written notice to that person, stating the nature of the alleged Violation. Within ten (10) days of the date of receipt of the notice the person shall submit to the Control Authority a written explanation of the Violation and a plan for the satisfactory correction and prevention thereof, including specific required action. Submission of this plan in no way relieves the person of liability for any Violations occurring before or after receipt of the Notice of Violation.

10.3 RIGHTS OF THIRD PARTIES

Nothing in this Ordinance abridges or otherwise restricts the right of third parties to obtain any right to which it is otherwise entitled under applicable Federal, State or Local law, statute, regulations, administrative orders or ordinances or under the common law.

10.4 ADMINISTRATIVE HEARING

Unless the City deems the taking of the Enforcement Response Actions set forth in 10.2.2, (entitled "Schedule of Compliance Provisions"); 10.2.3, (entitled "Cease and Desist Orders"); 10.2.4, (entitled "Administrative Penalties"); 10.2.5, (entitled "Emergency Suspensions"); 10.2.6, (entitled "Revocation of a Wastewater Discharge Permit"); 10.2.10, (entitled "Water Supply Severance"); or 10.8, (entitled "Performance Bonds"), necessary to address any emergency (including but not limited to danger or the threat of danger to the health, safety or welfare of persons, or the environment, or violation or threat of violation of the City's KPDES Permit, Interference, Pass Through or adverse effects on the POTW) the City shall grant any person a hearing, if requested, as described below before taking the Enforcement Response Action described in this section. If the City deems the taking of such Enforcement Response Action necessary to address an emergency, such Enforcement Response Action shall take effect immediately. The person subject to such emergency order may nevertheless, request a hearing as described below.

If no hearing is requested as described below, the Enforcement Response Actions described above shall take effect at the expiration of the ten (10) day period after written notice of the City's intent to take such action.

If the person affected by the Enforcement Response Actions, described in this section, desires a hearing, it must request such a hearing in writing within (10) days of written notice of the City's intent to take such action, or the City's taking of an emergency action, specifically alleging that such action is contrary to law or fact and is injurious to the person and specifically alleging the grounds and reasons therefore. This request for a hearing shall be certified. The City shall schedule a hearing to be held at least twenty-one (21) days after the date of the request for a hearing by the person as described above. In the case of an Enforcement Response Action described in this section which is deemed an Emergency by the City, the City shall schedule a hearing to be held in a timely fashion.

The Hearing shall be conducted by the City, which may designate a Hearing Officer or a Hearing Committee appointed by the Mayor. The City shall provide reasonable notice of the issues and evidence at the Hearing. Any party to such a hearing may be represented by counsel, make oral or written arguments, offer evidence, and have the right of cross examination. The Hearing Officer or Hearing Committee shall make recommended findings of fact, recommended conclusions of law and recommendations in a report to the City. The City shall review the report and may review the arguments, testimony offered and other information including without limitation that information possessed or developed by the City and then issue a final order which shall be immediately effective.

The request for a hearing or the conducting of a hearing under this section does not relieve the person from the obligation to comply with all provisions of this Ordinance. An action taken by the City for which a proper hearing request has been made pursuant to this section shall not take effect until the final order of the City is issued as described above provided that Enforcement Response Actions, taken by the City which the City deems necessary to address an emergency as described above are immediately effective and are not stayed pending any hearing described by this section.

The granting of a hearing shall not constitute a waiver by, act as a bar to the City from exercising, or otherwise limit, any available Enforcement Response Action available to the City at any time.

Appeals of the final order issued by the City made pursuant to this section shall be taken within thirty (30) days from the rendition of such order. Such appeal shall be filed in the Hardin Circuit Court and shall not be a de novo review.

10.5 NOTIFICATION

Failure by the City to notify a person of a Violation or issue a Notice of Violation, shall not constitute a waiver by, act as a bar to the City from exercising, or otherwise limit, any Enforcement Response Action available to the City at any time.

10.6 LIEN

Unpaid assessments, costs, expenses, damages, charges, fines, interest and penalties shall constitute a lien against the person's property. Said lien shall be filed in the office of the Clerk of the Hardin County Court. Said lien shall bear interest at the rate of one percent (1%) per month from the due date until paid.

10.7 ANNUAL PUBLICATION OF VIOLATIONS

The Control Authority shall publish, at least annually in the largest daily newspaper circulated in the service area, the name(s) of the industrial users which were found to be in Violation during the period since the previous publication. The number of Violations for reporting and exceeding discharge limitations will be included.

10.8 PERFORMANCE BONDS

The City may decline to issue or reissue a wastewater discharge permit to any person which has failed to comply with the provisions of this Ordinance or any order or previous wastewater discharge permit issued hereunder unless such person first files with the City a satisfactory bond, payable to the City, in a sum not to exceed a value reasonably determined by the City to be necessary to achieve consistent compliance.

10.9 AFFIRMATIVE DEFENSES

10.9.1 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 Control Authority thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the person within five 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.
 - a. The person which complies with the notification provisions of this section in a timely manner shall have an affirmative defense to any Enforcement Response Action for penalties brought by the City for any noncompliance with this Ordinance, or an order or wastewater discharge permit issued hereunder by the person, which arises out of violations attributable to and alleged to have occurred during the period of the documented and verified upset.

10.9.2 Treatment Bypasses A treatment bypass not violating applicable treatment standards or requirements shall include those in which a person 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 following notices:

1. If a person knows in advance of the need for a bypass, it shall submit prior notice to the Control Authority at least 10 days before the date of the bypass. Written permission from the Control Authority must be obtained before the user may proceed with the bypass.
2. A person shall submit oral notification to the Control Authority of an unanticipated bypass immediately upon becoming aware of the bypass. A written submission shall also be provided within 5 days of the user becoming aware of the bypass. This written submission shall contain, but not be limited to, 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 that is expected to continue and the steps taken or planned to reduce, eliminate and prevent recurrence of the bypass.

10.9.3 Prohibition of Bypass Bypass is prohibited, and the City may take any Enforcement Response Action against a person for a bypass; unless

1. The 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, but not limited to, 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 judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance;

3. The person submitted the required notice(s) under 10.9.2.

The Control Authority may approve an anticipated bypass, after considering all the verse effects, if the Control Authority determines that it will meet the three conditions listed above.

A user shall also have an affirmative defense for any Violation brought against it alleging pass through or interference or Violation of section 4.3 of Chapter 4 where:

1. the user can demonstrate that it did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference; and
2. a local limit designed to prevent pass through and/or interference, as the case may be, was developed in accordance with paragraph (c) of 40 CFR, Part 403.5 for each pollutant in the users discharge that caused pass through or interference, and the user was in compliance with each such local limit directly prior to and during the pass through or interference; or
3. if a local limit designed to prevent pass through and/or interference, as the case may be, has not been developed in accordance with paragraph (c) of 40 CFR, Part 403.5 for the pollutant(s) that caused the pass through or interference, the users discharge directly prior to and during the pass through or interference did not change significantly in nature or constituents from the user's prior discharge activity when the POTW was regularly in compliance with the POTW's KPDES Permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

10.10 FURTHER PROHIBITED ACTIONS

It shall be a violation of this Ordinance for any person to maliciously or willfully tamper with or damage the POTW including the Wastewater Facility, structure, equipment and appurtenances. In the event of such violation the City will take immediate enforcement response by securing criminal warrants, citation or other documentation necessary to prosecute such person and to recover damages therefrom.

10.11 ENFORCEMENT RESPONSE ACTIONS

The City shall have the right to utilize any or all Enforcement Response Actions in order to administer and enforce the provisions of this Ordinance. The City may, at its sole discretion, pursue any or all of its Enforcement Response Action simultaneously or in any time sequence. Action by the City pursuant to any one or more Enforcement Response Action or failure of the City to pursue any one or more Enforcement Response Action shall not constitute a waiver by, act as a bar to the City from exercising, or otherwise limit, any Enforcement Response Action available to the City at any other time.

10.12 PRESUMPTION

In the event that the test data or other evidence demonstrates that a Violation existed on any one day, it shall be presumed, for all Enforcement Response Actions other than criminal sanctions, that there is a separate and identical Violation on each subsequent day until testing, in conformance with the procedures described in Chapter 7, section 7.7, entitled "Analytical Procedures", or other competent evidence proves otherwise.

10.13 OBLIGATION OF ACCURACY, COMPLETENESS AND RESPONSIVENESS

All documents, including attachments, statements and information required to be submitted or submitted to the City shall be accurate, complete and fully responsive to the requirements of this Ordinance and the City. In addition, all documents required to be certified or be subject to certification shall be signed by the person or authorized representative of that person and the signature shall constitute the representation of the person and the authorized representative that such document and all attachments are accurate, complete and fully responsive to the requirements of this Ordinance and the City. The knowing, willful or negligent submission to the City of any document, including any attachment, statement, or information which is not accurate, complete and fully responsive to the requirements of this Ordinance and the City is a Violation of this Ordinance.

10.14 SEVERABILITY

If any provision, paragraph, sentence, word, section or chapter of this Ordinance is invalidated or enjoined by any court of competent jurisdiction, the remaining provisions, paragraphs, sentences, words, sections and chapters shall not be affected and shall continue in full force and effect.

In the event that any provision of this Ordinance is invalidated or enjoined, then the applicable provisions of State and Federal law and regulation concerning pretreatment shall apply to that invalidated or enjoined provision.

10.15 ENFORCEMENT BY COURT OF COMPETENT JURISDICTION

The City may petition a court of competent jurisdiction for the implementation of any remedy described in this Ordinance including, without limitation, those described in Chapter 10 (entitled "Enforcement") and any Enforcement Response Action.

10.16 CONFLICT

All other Ordinances and parts of Ordinances or Wastewater Discharge Permits or parts of Wastewater Discharge Permits in existence at the time of the enactment of this Ordinance which are inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

BE IT FURTHER ORDAINED that the Mayor of the City of Elizabethtown and/or his designate is authorized and directed to take all steps necessary to perfect this Ordinance.

BE IT FURTHER ORDAINED that this Ordinance be published in summary form.

READ first time this the 3rd day of August, 2020.

READ, ADOPTED AND APPROVED this the 17th day of August, 2020.

JEFFERY H. GREGORY., MAYOR

ATTEST:

JESSICA GRAHAM, CITY CLERK