

ORDINANCE NO. 13-25

AN ORDINANCE OF THE CITY OF RICHMOND, KENTUCKY, REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATER AND WASTE INTO THE PUBLIC SEWER SYSTEM AND, PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF RICHMOND, COUNTY OF MADISON, STATE OF KENTUCKY, AMENDING ORDINANCE NO 89-55, AS AMENDED BY ORDINANCE 94-23, ORDINANCE 04-21, ORDINANCE 08-95, AND ORDINANCE 11-30.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF RICHMOND, KENTUCKY:

ARTICLE –GENERAL PROVISIONS

A. PURPOSE AND POLICY

This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Richmond and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act (33 United States Code [U.S.C.] Section 1251 et. Seq.) and the general Pretreatment Regulations (40 CFR, Part 403).

The objectives of this ordinance are:

1. To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
2. To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
3. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
4. To improve the opportunity to recycle and reclaim wastewaters and sludges from the from the system; and
5. To provide for equitable distribution of the cost of the municipal wastewater system.

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

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

B. Definitions

1. Act or “the Act”. The Federal Water Pollution Control Act, known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. Seq.
2. Approval Authority. The chief Administrative official in an NPDES/KPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES/KPDES state or NPDES/KPDES state without an approved state pretreatment program.
3. Authorized Representative. An authorized representative of a user may be: (1) a principal executive officer of at least the level of vice president, if the industrial user is a corporation; (2) a general partner or proprietor if the user is a partnership or proprietorship, respectively; (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from the indirect discharge originates.
4. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° Celsius expressed in terms of weight and concentration in milligrams per liter (mg/l).
5. Best Management Practices or BMP’s are defined as schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in B [40 CFR 403.5(a)(1) and (b)]. BMP’s include treatment

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requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

6. Building Drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner fact of the building wall.
7. Building Sewer. The extension from the building drain to the public sewer or other place of disposal, also called “house connections.”
8. Building Sewer Permit. As set fourth in “Building Sewers and Connections” (Article IV).
9. Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C.1347) which applies to a specific category of industrial users.
10. Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
11. Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds in water, both organic and inorganic.
12. City. The City of Richmond, its City Commission; or the Commission, Board or other entity having responsibility for the POTW.
13. Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
14. Compatible Pollutant. Biochemical Oxygen demand, suspended solids and fecal coliform bacteria, plus any additional pollutants identified in the POTW’s NPDES/KPDE permit, where the POTW is designed to treat such pollutants and, in fact, does treat such pollutants to the degree required by the POTW’s NPDES/KPDES permit.

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15. Control Authority. The term “control authority” shall refer to the “Approval Authority” defined hereinabove; or the Commission if the City has an approved Pretreatment Program under the provisions of 40 CFR, 403.11.
16. Dilution Stream. Any wastewater not generated by a process regulated for the specific pollutant by a categorical standard under 40 CFR, subchapter N.
17. Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Kentucky.
18. Easement. An Acquired legal right for the specific use of land owned by others.
19. Environmental Protection Agency or EPA. The U. S. Environmental Protection Agency, or where appropriate the term also maybe used as a designation for the administrator or other duly authorized official of said agency.
20. Equipment. All movable, non-fixed items necessary to the wastewater treatment process.
21. Floatable Oil. Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the proper operation of the collection system.
22. Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
23. Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
24. Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
25. Incompatible pollutant. All pollutants other than compatible pollutants as defined in paragraph 11 of this article.
26. Indirect Discharge. The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307

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(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharge into the system).

27. Industrial User. A source of Indirect Discharge which does not constitute a “ discharge of pollutants” under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
28. Industrial Wastes. The wastewater from industrial or commercial processes as distinct from domestic or sanitary wastes.
29. Interceptor. A devise designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from normal sewage or liquid wastes to discharge into the sewer system or drainage system by gravity. Interceptor as defined herein is commonly referred to as a grease, oil, or sand trap.
30. Interference. The inhibition or disruption of the POTW treatment processes or operations or any act which contributes to a violation of any requirement of the City’s NPDES/KPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.
31. May. This is permissive (see “shall”, Paragraph 50).
32. Multi-Unit Sewer Customer. A location served where there are two or more residential units or apartments, two or more businesses in the same building or complex or where there is any combination of business and residence in the same building or complex.
33. Natural Outlet. Any outlet, including storm sewers, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
34. New Source. 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 Sec.307 of the Federal Water Pollution Control Act, 336 U.S.C. 1251 et. Seq. which will be

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applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- a. The building, structure, facility or install is constructed at a site where 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 or wastewaters generating process of the building, structure, facility or installation are substantially independent of an existing source at the same site.

Construction of a new source as defined under this paragraph has begun if the owner or operator has:

- a. Begun or caused to begin as part of a continuous on site construction program;
 - b. Any placement, assembly, or installation of facilities or equipment; or
 - c. Significant site preparation work including clearing, excavation or removal of existing buildings, structures, or facilities; or
 - d. Entered into a binding contractual obligation for the purchase of facilities or equipment which is 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 paragraph.
32. National (or Kentucky) Pollutant Discharge Elimination System or NPDES/KPDES permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1332), or a permit issued by the commonwealth of Kentucky under this authority and referred to as KPDES.
33. Operation and Maintenance Expenses. All annual operation and maintenance expenses including replacement related directly to

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operating and maintaining the sewage works as shown by annual audit.

34. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or other legal entity, or their legal representatives, agent, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
35. pH. The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.
36. Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
37. Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellular dirt and industrial, municipal, and agricultural waste discharged into water.
38. POTW TREATMENT PLANT. That portion of the POTW designed to provide treatment to wastewater.
39. Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or by other means, except as prohibited by 40 CFR Section 403.6(d).
40. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on a significant user.
41. Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.(5).
42. Properly Shredded Garbage. The wastes from preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.

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43. Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plan but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, “POTW” shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the City, users of the City’s POTW.
44. Public Sewer. A sewer controlled by the City of Richmond, to which owners of the abutting properties may have access. In general, the public sewer shall include the main sewer in the street and the service branch to the curb or property line, or main sewer upon private property and any sewers which are connected with the sewage system of the City of Richmond to the extent of ownership by public authority.
45. Replacement. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
46. Sanitary Sewer. A sewer that carries liquid and watercarried wastes from residences, commercial buildings, industrial plants, and institutions.
47. Sewage. The spent water of a community. Domestic or sanitary waste shall mean the liquid or water-carried wastes from residences, commercial buildings, and institutions as distinct from industrial sewage. The terms “sewage” and “wastewater” are used interchangeably.
48. Sewer Users Charges. A system of charges levied on users of a POTW for the cost of operation and maintenance, including replacement, of such works.
49. Sewage System Works. All facilities for collecting, transporting, pumping, treating, and disposing of sewage and sludge, namely the sewerage system and POTW.
50. Sewer. A pipe or conduit that carries wastewater or drainage water.

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51. Significant Industrial User. Any user of the city's wastewater disposal system who (i) is subject to a Categorical Pretreatment Standard under 40 CFR 403.6 and 40CFR Chapter I, Subchapter N; or (ii) has a discharge flow of 25,000 gallons or more per average work day; or (iii) has a flow greater than five percent (5%) of the flow in the city's wastewater treatment system; or (iv) has in its wastewaters toxic pollutants as defined pursuant to Section 307 of the Act or state statutes and rules; or (v) is found by the City, State Approval Authority or the U.S Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing users, on the wastewater treatment system, the quality of the sludge, the system's effluent quality, air emissions generated by the system.
52. Shall. Is mandatory (see "May", Paragraph 27).1.
53. Slug. Any discharge of water or waste water which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flow rate during normal operation and/or adversely affects the POTW.
54. State. Commonwealth of Kentucky.
55. Standard Methods. The examination and analytical procedures set fourth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation and as set fourth in 40 CFR 136.
56. Standard Industrial Classification SIC. A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, U. S. Bureau of the Budget, 1972.
57. Storm Drain (sometimes Termed "Storm Sewer"). A drain or sewer for sewer for conveying water, groundwater, surface water, or unpolluted water from any source.
58. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting there from.

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59. Superintendent. The Superintendent of wastewater facilities, and/or of water pollution control of the City of Richmond or its authorized deputy, agent, or representative.
60. Surcharge. A Charge for services in addition to the basic sewer use and debt service charges.
61. Suspended Solids (TSS). Total suspended matter that either floats on the surface of, or is suspended in, water, wastewater, or other fluids and that is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of water and Wastewater” (see Paragraph 54 above) and referred to as non filterable residue.
62. Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of Section 307 (a) of the “Act” or applicable state law, or substance causing toxicity under any state or federal biomonitoring requirement.
63. Unpolluted Water. Water of quality equal to or better than the treatment works effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be befitted by discharge to the sanitary sewers and wastewater treatment facilities provided.
64. User. Any person who contributes causes or permits the contribution of wastewater onto the POTW.
65. Wastewater. The spent water of a community. Sanitary or domestic wastes shall mean the liquid and water carried wastes from residences, commercial buildings and institutions as distinct from industrial waste.
66. Wastewater Facilities. The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.
67. Wastewater Treatment Works. An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “sewage treatment Plant”.
68. Watercourse. A natural or artificial channel for the passage of water either continuously or intermittently.

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69. Waters of the State. All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifer, irrigation system, drainage system and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.
70. Wastewater Contribution Permit. As set fourth in the Administration Section of this ordinance.

C. Abbreviations

The following abbreviations shall have the designated meanings:

ADMI	-	American Dye Manufactures Institute
BOD	-	Biochemical Oxygen Demand
BMP	-	Best Management Practices
CFR	-	Code of Federal Regulations
CIU	-	Categorical Industrial User
COD	-	Chemical Oxygen Demand
CWA	-	Clean Water Act of 1979
EPA	-	Environmental Protection Agency
l	-	Liter
mg	-	Milligrams
mg/l	-	Milligrams per Liter
NPDES	-	National Pollutant Discharge Elimination System
KPDES	-	Kentucky Pollutant Discharge Elimination System
POTW	-	Publicly Owned Treatment Works
SIC	-	Standard Industrial Classification
SNC	-	Significant Noncompliance
SWDA	-	Solid Waste Disposal Act, 42 U.S.C., 6901. et. Seq.
TSS	-	Total Suspended Solids
USC	-	United States Code

ARTICLE II- USE OF PUBLIC SEWERS

A. Mandatory Sewer Connection

1. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the 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 sanitary sewer of the City, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after the date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.
2. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater where public sanitary sewer service is available, as defined in Paragraph 1, except as provided for in "Private Wastewater Disposal" (Article III).
3. At such time as public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer system in compliance with its ordinance, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material or salvaged and removed.

B. UNLAWFUL DISCHARGE TO STORM SEWERS OR NATURAL OUTLETS

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Richmond, or any area under the jurisdiction of said City or into any sewer which connects to the storm sewer system of the City of Richmond, any objectionable wastewater or industrial wastes.
2. It shall be unlawful to discharge to any natural outlet within the City of Richmond or in any area under the jurisdiction of said City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance. No provision of this ordinance shall be constructed to relieve the owner of a discharge to any natural

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outlet of the responsibility for complying with applicable State and Federal Regulations governing such discharge.

C. Compliance with Local, State, and Federal Laws

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

D. Discharge of Unpolluted Waters into Sewer

1. No person(s) shall discharge or cause to be discharged through any leak, defect, or connection any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer, building sewer, building drain or building plumbing. The Superintendent or his representative shall have the right, at any time, to inspect the inside or outside of buildings or smoke test for connections, leaks, or defects to building sewers and require disconnection or repair of any pipes carrying such water to the building sewer. No sanitary drain sump or sump pump discharge by manual switch-over of discharge connection shall have a dual use for removal of such water.
2. Stormwater, groundwater and all other unpolluted drainage may be discharged to such sewers as are used as storm sewers approved by the Superintendent. Unpolluted cooling water or unpolluted process waters may be discharged, on approval of the Superintendent to a storm sewer or natural outlet.
3. The owners of any building sewers having such connections, leaks, or defects shall bear all costs incidental to removal of such sources.

E. Prohibited Discharges

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

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1. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW including, but not limited to, wastestreams with a closed cup flashpoint of less than 140° Fahrenheit or 60° Centigrade using the test methods specified in 40 CFR 261.21. At no time shall two successive readings on an explosive hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and any other substances which the City, the State or EPA has notified the user is a fire hazard or a hazard to the system.
2. Any wastewater containing pollutants in sufficient quantity, either by singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, creates a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.
3. Any waters or wastes having pH lower than 6.0 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the POTW.
4. Any slug load or pollutants, including oxygen demanding pollutants (BOD, ect.), released at a flow or concentration that will cause interference.
5. Solid or viscous substances in quantities or such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair, and fleshings, entrails and paper dishes, cups, milk containers, ect., either whole or ground; spent lime, stone, or marble dust, grass clippings, spent grains, spent hops, waste paper, gas, asphalt residues, unground garbage, residues from refining or processing of fuel or lubricating oil, or glass grinding or polishing wastes.

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6. Any wastewater with objectionable color not removable in the POTW, but in no case, wastewater with a color at the introduction into the POTW that exceeds 300 ADMI units.
7. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW that will result in a treatment plant influent temperature which exceeds 40°C (104°F).
8. Any wastewater at the introduction into the POTW with a temperature greater than 150°F (65°C).
9. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repair.
10. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scum, to be unsuitable for reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Substances Control, or State criteria applicable to the sludge management method being used.
11. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
12. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
13. Any Trucked or hauled pollutants except at discharge points designated by the POTW.
14. Any Substance which will cause the POTW to violate its NPDES/KPDES and/or sludge disposal system permit or the receiving water quality standards or any state or federal biomonitoring requirement.

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15. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal Regulations.
16. Any wastewater which causes a hazard to human life or creates a public nuisance.

ARTICLE III-PRIVATE WASTEWATER DISPOSAL

A. Public Sewer Not Available

1. Where a public sanitary sewer is not available under the provisions of “Use of Public Sewer” (Article II), the building sewer shall be connected, until the public sewer system is available, to a private wastewater disposal system complying with the provisions of applicable local and state regulations.
2. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
3. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the City of Richmond, the Madison County Health Department or any State regulations.
4. Holders of NPDES/KPDES Permits Excepted. Industries with current NPDES/KPDES permits may discharge at permitted discharge points provided they are in compliance with the conditions of said permit.

B. Requirements for Installation

1. The type, capacity, location and layout of a private sewage disposal system shall comply with all regulations of the City of Richmond, the Madison County Health Department and the State Division of Water Quality if required. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit issued by the Superintendent after approval by the Madison County Health Department, and the State Division of Water Quality if required, The application for such permit shall be made on a form furnished by the City which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent.
2. A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent, the City of Richmond, the Madison County Health Department and the State Division of Water Quality, if required. They shall be allowed to inspect the work at any stage of construction, and in any event the applicant for the permit shall notify the Superintendent when the work is ready for final

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inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Superintendent, Saturdays, Sundays and holidays excepted.

ARTICLE IV-BUILDING SEWERS AND CONNECTIONS

A. Permits

1. There shall be two (2) classes of building sewer permits required; (a) for residential and (b) for service to commercial and industrial establishments. In either case, the owner(s) or his agent shall make application on a special form furnished by the City of Richmond. Applicant for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. Details regarding commercial and industrial permits include but are not limited to those required by this ordinance. Permit and inspection fees shall be paid to the City at the time the application is filed.
2. Users shall notify the superintendent of the POTW of any proposed new introduction of wastewater constituents or any proposed change in the volume or character of the wastewater being discharged to the POTW a minimum of thirty (30) days prior to the change. The Superintendent may deny or condition this new introduction or change based upon the information submitted in the notification.
3. No unauthorized person(s) shall cover, plug or make, any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permission from the Superintendent.

B. Prohibited Connections

1. No person shall make connection of roof downspouts, basement wall seepage or floor seepage, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connections which already exist on the effective date of this ordinance shall be completely and permanently disconnected within sixty (60) days of the effective date of this ordinance. The owner of any building sewers having such connections, leaks, or defects shall bear all costs incidental to removal of such sources. Pipes, sumps and pumps for such sources of ground and surface water shall be

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separate from wastewater facilities. Removal of such sources of water without presence of separate facilities shall be evidence of drainage to public sanitary sewer.

2. Floor, basement, crawl space drains which are lower than ground surfaces surrounding the buildings shall not be connected to the building sanitary sewer. No sanitary inlet which is lower than six (6) inches above the top of the lowest two adjacent public sewer manholes shall be connected by direct drainage to the building sanitary sewer.

C. Design and Installation

1. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
2. Old buildings sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance. Permit and inspection fees for new building sewers. If additional sewer consumers are added to the old building sewers, additional sewer tap fees shall be charged accordingly even though no new sewer tap is registered shall not be permitted.
3. Extension of customer service lines from any point on the customer's side of the tap for delivery of waste from any location other than that of the customer in whose name the tap is registered shall not be permitted.
4. The size, slope, alignment, materials of construction of a buildings sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the local and state building and plumbing codes and other applicable rules and regulations of the City. In the absence of local code provisions or in amplifications thereof, the materials and procedures set fourth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

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5. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Fees for connection shall be established by the City of Richmond.
6. The owner shall ensure that all excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.
7. In all buildings in which any sanitary facility drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by the owner by an approved means and discharged to the building sewer. Drain pipe and sump for collection of such sanitary drainage shall be above basement floor or in a separate watertight or drained sump or channel.
8. All building sanitary sewer lines shall be installed so as to meet or exceed the most current revision of the State plumbing code.
9. All persons working on City sewers with a cleaning rod must use an approved type rod in cleaning sewer connections to City Sewers.

D. Inspection

1. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative. All connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
2. All building sewers shall be smoke tested through the wye branch at the public sewer connection. The public sewer shall be plugged off after connections at both ends are made and after all pipe is properly bedded and backfilled at least to the top of the pipe. If backfill is completed, then the testing shall be done within two weeks after the completion of backfill. At the time of the test, any openings into the building drain inside the building shall be water

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trapped or plugged. Any leakage of smoke from building sewer or building drain and plumbing shall be located at test and repaired to stand repetition of smoke test without leakage. When smoke testing is completed, the temporary flow line plug shall be removed, the branch extended to the surrounding surface grade level and a permanent water tight cleanout plug shall be placed in the extended branch of the test wye-branch and carefully backfilled by hand and tamped.

ARTICLE V-POLLUTANT DISCHARGE LIMITS

A. General Conditions

The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, public health, public property , or constitute a nuisance. The Superintendent may set additional limitations or limitations more stringent than those established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability of any discharge, the Superintendent, shall give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors.

B. Restricted Discharge

1. Wastewater containing more than twenty-five milligrams per liter (25 mg/l) of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.
2. Wastewater from industrial plants or commercial businesses containing floatable oils, fat, or grease, whether emulsified or not, in excess of two hundred milligrams per liter (200 mg/l) or containing substances which may solidify or become viscous at temperatures 32-150°F (0-65°C).
3. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, motels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of

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food in kitchens for the purpose of consumption on the premises or when served by caterers. The installation and operation of any garbage grinder equipped with a $\frac{3}{4}$ HP (0.76 HP metric) motor or greater shall be subject to review and approval of the Superintendent.

4. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the City.
5. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal Regulations.
6. Any water or wastes which, by interaction with other water or wastes in the public sewer system, releases obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
7. Any waters or wastes containing cadmium, chromium, copper, cyanide, iron, nickel, zinc, or similar objectionable toxic substances to such degree that they inhibit or damage the wastewater treatment processes, or tend to concentrate in the wastewater sludge to such a level that prevents the use of acceptable sludge disposal methods, or pass through the treatment process unremoved and at such concentration that causes a violation of effluent limitations or water quality standards which are or may be established by state and federal agencies having jurisdiction, or cause toxicity under state or federal biomonitoring standards.
8. Waters or wastes containing substances which are not amendable to treatment or reduction by the wastewater treatment processes employed, or are amendable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
9. Any water or waste which has characteristics based on a 24-hour composite sample, or a shorter period composite sample if more representative, which exceed the following normal maximum domestic wastewater parameter concentrations:

<u>Parameter</u>	<u>Maximum Allowable Concentration</u> <u>Without Surcharge</u>
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BOD	225 mg/l
TSS	265 mg/l
NH ₃ -N	25 mg/l

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

<u>Parameter</u>	<u>Maximum Daily Concentration</u> (mg/l)
Arsenic	0.17
Cadmium	0.002
Chloride	394.00
Chromium, hexavalent	0.08
Chromium, total	4.6
Copper	0.47
Cyanide, Free	0.02
Iron	20.00
Lead	0.25
Mercury	0.0005
Nickel	0.47
Phenols	0.4
Selenium	0.02
Silver	0.02
Sulfate	5500
Zinc	3.35

Any waters or wastes having a Ph lower than 6.0 or higher than 9.5 shall not be discharged into the POTW.

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

C. Dilution of Wastewater Discharge

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No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant specified limitation developed by City or State.

D. Grease, Oil and Sand Interceptors

Grease, oil, and sand interceptors shall be provided as directed by this Ordinance and shall meet the minimum design standards as indicated in the Richmond Utilities Infrastructure Development Manuals, Standard Drawings, and Kentucky Plumbing Code. The minimum size for a grease trap shall be 1,500 gallons.

A Commercial User Pollution Control Device Application shall be filed with Richmond Utilities for all new commercial and industrial developments or changes in discharge prior to the commencement of construction. Richmond Utilities shall review each application for a Commercial User Pollution Control Device and may provide a variance for installation of any or all of these devices based on the information submitted in the application. The purpose of this requirement is to insure the proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by Richmond Utilities and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal. The City of Richmond or Richmond Utilities may require reporting of such information for their review. Any removal and hauling of the collected materials not performed by owner must be performed by currently licensed waste disposal firms. Interceptors shall also comply with applicable regulations of the County Health Department.

E. Special Industrial Pretreatment Requirements

1. Pursuant to the requirements imposed on publicly owned wastewater treatment works by the Federal Water Pollution Control Act Amendments of 1972 and later amendments, all pretreatment standards promulgated by the U.S. Environmental Protection Agency for new and existing industrial dischargers to public sewer systems and are hereby made a part of this ordinance. Any industrial waste discharge which violates these EPA Pretreatment Standards shall be in Violation of this ordinance.
2. Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained

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continuously in satisfactory and effective operation by the owner at his expense.

3. Any person who transports septic tank, seepage pit or cesspool contents, liquid industrial waste or other batch liquid waste and wishes to discharge such waste to the public sewer system shall first obtain permission for such discharge from the Superintendent. All persons receiving such permission shall abide by all applicable provisions of this ordinance, and any other special provisions that may be established by the Superintendent as necessary for the proper operation and maintenance of the sewerage system.

It shall be illegal to discharge any batch liquid waste into any manhole or other part of the public sewer system, except at designated points of discharge specified by the Superintendent for such purposes,

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

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

4. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment provided applicable, local, State and Federal Pretreatment Regulations or the City's NPDES/KPDES Permit including Best Management Practices are not violated. Any such agreement must be made a part of the permit for that industrial users and must receiver prior approval from the State Division of Water.

F. Protection from Accidental and Slug Discharges

1. East significant industrial user shall provide protection from accidental and/or slug discharges of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental and slug discharges of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Once every two (2) years the Superintendent will determine whether each significant industrial user needs to develop a plan to control slug discharges. If the Superintendent decides

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that a slug control plan is needed, the plan shall contain the following:

- a. Description of discharge practices;
- b. Description of stored chemicals;
- c. Procedures for notifying the POTW; and
- d. Prevention procedure for spills.

In the case of all possible or actual accidental and/or slug discharges, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include the location of discharge, type of waste, concentration and volume and corrective actions taken.

2. Within five (5) days following an accidental and/or slug discharge, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article, the Enforcement Response Plan or other applicable law or regulation.
3. A notice shall be permanently posted on the user's bulletin board or other prominent place advertising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such dangerous discharges to occur are advised of the emergency notification procedures.

G. State Requirements

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

H. City's Right of Revision

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

I. Federal Categorical Pretreatment Standards

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1. Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under the ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this ordinance. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.
2. Within sixty (60) days after the effective date of a federal categorical pretreatment standard for a subcategory, and prior to commencing discharge, any new source must request that the Waste Management Director of the Division of Water quality, KDNREP, provide written certification on whether the Industrial User falls within that particular subcategory. If an existing Industrial User adds or changes a process or operation which may be included in a subcategory, the existing Industrial User must request this certification prior to commencing discharge from the added or changed process or operation.

Each such request for certification shall contain a statement:

- a. Describing which subcategories might be applicable;
- b. Citing evidence and reasons why a particular subcategory is applicable and why others are not applicable.
- c. Any person signing the request for certification submitted pursuant to this section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility for fine and imprisonment for knowing violations.

J. Deadline for Compliance with Categorical Standards

Deadline for compliance by existing sources with federal categorical pretreatment standards shall be within three (3) years of the date the standard is effective unless a

shorter compliance time is specified in the standard. New sources shall install and have in operating condition all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time [not to exceed ninety (90) days], new sources must meet all applicable pretreatment standards.

K. Discharge of Petroleum-Contaminated Groundwater from Underground Storage Tank Remediation Sites.

No groundwater from the underground storage tank remediation sites shall be discharges into the sanitary sewer system until said groundwater has been sampled, the results reported to the City, and a permit issued by the City for said discharge.

- a. Sampling. The discharge shall be sampled prior to release into the sanitary sewer. If the discharge is to be a one-time discharge only, the water shall be sampled prior to discharge. If the discharge is continuous, the water shall be sampled at the start-up of the treatment system and at least weekly thereafter. In either case, the discharge quantity shall be metered.
- b. Reporting. The results of the sampling shall be reported to the City in writing at least monthly, or more often if requested by the City.
- c. Treatment System. Information concerning the proposed treatment system shall be submitted to the City in writing prior to installation. The submittal shall include at least the following information: process flow schematics, design criteria, equipment manufacturer data and model numbers, proposed discharge point(s), operation and maintenance manual, emergency procedures, and sampling and reporting frequencies.
- d. Other Permits. It shall be the responsibility of the treatment system operator to obtain any necessary permits in addition to the discharge permit (i.e., air quality).
- e. Pollutant Discharge Limits. In addition to the pollutant discharge limits set out in Article V, the following limits shall apply to groundwater from UST remediation sites:

BTE	*
Xylene	10.00 mg/l

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Lead	0.50 mg/l
PAH	**
TPH	1.00 mg/l
Oil	25.00 mg/l
pH	6 to 9
TTO	2.13 mg/l

* BTE = Benzene, toluene, and ethylbenzene. The Total combined concentration of these three constituents shall not exceed 2.13 mg/l.

** The Combined total of the Sixteen PAH constituents shall not exceed 2.13 mg/l.

BTEX, lead, oil and pH shall be evaluated for gasoline sites, Diesel sites shall be evaluated for PAH, TPH, oil, and pH.

In addition to the above limits, the following shall be monitored:

- 1) At no time shall the single reading from a property calibrated explosion hazard monitoring meter reach 10% of the Lower Explosive Limit (LEL), nor shall any two consecutive readings exceed five percent (5%) of the LEL.
 - 2) No material discharged may have a closed-cup flash point of less than 140° Fahrenheit.
 - 3) No free product, as defined in KRS 224.816, shall be discharged into the sanitary sewer.
 - 4) Dilution in the collection system shall not be permitted as a substitute for treatment.
- f. Compliance with Sewer Use Ordinance. Nothing in this Section K shall be construed to relieve the permittee from compliance with the other provisions of this Ordinance.
- g. Fees.

ARTICLE VI- PRETREATMENT PROGRAM ADMINISTRATION

A. Wastewater Dischargers

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

B. Wastewater Contribution Permits

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

2. Permit Application. Users required to obtain a Wastewater Contribution Permit shall complete and file with the City, an application in the form prescribed by the City, and accompanied by a permit fee. Existing users shall apply for a Wastewater Contribution Permit within 30 days after the effective date of this ordinance, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information.
 - a. Name, address and location if different from the address;
 - b. SIC number(s) according to the Standard Industrial Classification Manual, United States Bureau of the budget, 1972, as amended;
 - c. Wastewater constituents and Characteristics as determined by an analytical laboratory acceptable to the City; 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:

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- d. Time and duration of contribution;
- e. Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variation if any;
- f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- g. Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- h. Where known, the nature and concentration of any pollutants in the discharge which are limited by City, State or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional pretreatment is required for the user to meet applicable Pretreatment Standards;
- i. If additional pretreatment will be required to meet the Pretreatment Standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard;

The following conditions shall apply to this schedule:

- 1) The schedule must be acceptable to the City.
- 2) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards.
- 3) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects

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to comply with this increment of progress the reason for delay, and the steps being taken by the users to return the construction to the schedule established.

- j. Each product produced by type, amount, process or processes, and rate of production;
- k. Type and amount of raw materials processed (average and maximum per day);
- l. Number of employees, and hours of operation of plant and proposed or actual hours of operation of the pretreatment system;
- m. Any other information as may be deemed by the City to be necessary to evaluate the permit application.

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

C. Permit Modifications

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

D. Permit Conditions

Wastewater Contribution Permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges and fees established by the City. Permits must contain effluent limits, including Best Management Practices, based on applicable Pretreatment Standards. Permits may contain the following:

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1. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
2. Limits on the average and maximum wastewater constituents and characteristics;
3. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
4. Requirements for installation and maintenance of inspection and sampling facilities;
5. Specifications for monitoring programs which may include sampling locations; frequency of sampling; number, types and standards for tests; and reporting schedule;
6. Compliance schedules;
7. Requirements for submission of technical reports or discharge reports;
8. Requirements for maintaining and retaining for a minimum of three years plant records relating to wastewater discharge as specified by the City, and affording access thereto;
9. Requirements for notification of the City or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
10. Requirements for notification of slug discharges;
11. The permit shall require the user to reimburse the City for all expenses related to monitoring, sampling and testing performed at the direction of the Superintendent and deemed necessary by the City to verify that the user is in compliance with said permit;
12. Other conditions as deemed appropriate by the City to ensure compliance with this ordinance.

E. Permit Duration

Permits shall be issued for a specified time period, not to exceed three (3) years. A permit may be issued for a period less than a year or may be stated to expire on a specific

date. The user shall apply for permit reissuance a minimum of 120 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in Article V hereof are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

F. Permit Transfer

Wastewater Contribution Permits are issued to a specific user for a specific operation. A wastewater Contribution Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the City.

Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

G. Reporting Requirements

1. Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administration decision made upon a category determination submission under Sec. V(I) of this ordinance, whichever is later, existing Industrial Users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge wastewater shall submit to the Control Authority a report which contains the information set below. (Where reports containing this information have been submitted to the Regional Administrator in compliance with the requirement of 40 CFR 128.140(b) the information need not be submitted again).
2. At least 90 days prior to commencement of discharge, new sources shall be required to submit to the Control Authority a report which contains the information set out below. New sources shall also include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in paragraphs 3(d) and 3(e) of this section.
3. Required information:

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- a. Identifying Information. The user shall submit the name address of the facility, including the name of the operator and owners;
- b. Permits. The user shall submit a list of any environmental control permits held by the facility;
- c. Description of Operation. The user shall submit a brief description of nature, average rate of production and Standard Industrial Classification of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes;
- d. Flow Measurement. The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - 1) Regulated process streams; and
 - 2) Other streams necessary to allow use of the combined wastestream formula of 40 CFR §403.6(e). (See Section I of this article).

The Control Authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

- e. Measurement of Pollutants.
 - 1) The user shall identify the Pretreatment Standards applicable to each regulated process;
 - 2) In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or Control Authority) of regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The samples shall be representative of daily operations;

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- 3) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Control Authority may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being charged;
- 4) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph;
- 5) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR §403.6(e) in order to evaluate the compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR §403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
- 6) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated

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and analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator;

- 7) The Control Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for pretreatment measures;
 - 8) The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- f. Certification. A statement, reviewed by an authorized representative of the Industrial User and certified to by a qualified professional, indicating whether 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 Industrial User to meet the Pretreatment Standards and Requirements; and
- g. Compliance Schedule. If additional pretreatment and/or O & M will be required to meet the Pretreatment Standards; the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O & M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.
- h. Compliance schedule for meeting categorical Pretreatment Standards. The following conditions shall apply to the schedule required by paragraph (g) of this section:
- 1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial User to meet the applicable categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary

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plans, completing final plans, executing contract for major components, commencing construction, completing construction, ect.).

- 2) No increment referred to in Paragraph (h)(i) of this section shall exceed nine (9) months.
 - 3) Not later than fourteen (14) days following each date in the scheduled and the final date for compliance, the Industrial User shall submit a progress report to the Control Authority including, at 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 Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Control Authority.
- i. Report on compliance with Categorical Pretreatment Standard Deadline. Within 90 days following the date for final compliance with applicable categorical Pretreatment Standards or in the case of a new source following commencement of the introduction of wastewater into the POTW, any Industrial Users subject to Pretreatment Standards and Requirements shall submit to the Control Authority a report containing the information described in paragraphs 3(a) – 3(h) of this section. For Industrial Users subject to equivalent mass or concentration limits established by the Control Authority in accordance with the procedures in 40 CFR §403.6(c), this report shall contain a reasonable measure of the User’s long-term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User’s actual production during the appropriate sampling period.
- j. Periodic Reports on Continued Compliance.
- 1) Any Industrial Users subject to a categorical Pretreatment Standard, after the compliance date of

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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 during the months of June and December, unless required more frequently in the Pretreatment Standard or the Control Authority or the Approval Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards, In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge reported in paragraph (e) of this section except that the Control Authority may require more detailed reporting of flows. 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 Superintendent or the Pretreatment Standard necessary to determine compliance. At the discretion of the Control Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, ect., the Control Authority may agree to alter the months during which above reports are to be submitted.

- 2) Where the Control Authority has imposed mass limitations on Industrial Users as provided for by §403.6(d) the report required by paragraph (j)(1) of this section shall indicate the mass of pollutants regulated by Pretreatment Standards in the Discharge from the Industrial User.
- 3) For Industrial Users subject to equivalent mass or concentration limits established by the Control Authority in accordance with the procedures in §403.6(c), the report required by paragraph (j) shall contain a reasonable measure of the User's long-term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by paragraph (j) shall include the User's actual average production rate for the reporting period.

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k. Net/Gross Calculations. Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with the following:

- 1) Any Industrial User wishing to obtain credit for intake pollutants must make application to the Superintendent. Upon request of the Industrial User, the applicable pretreatment standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (ii) of this section are met:
- 2) Criteria.
 - a) The industrial User must demonstrate that the control system is proposed or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in intake waters.
 - b) Credit for generic pollutants such as Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), and oil and grease will not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the user's effluent are substantially similar to the constituents of the generic measure in the intake water, or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
 - c) Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standard(s), up to a maximum value equal to influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section.
 - d) Credit shall only be granted if the user demonstrates that the intake water is drawn

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from the same body of water as that into the POTW discharges. The Superintendent may waive this requirement if he finds that no environmental degradation will result.

- l. Notice of Potential Problems, including Slug Loading. All categorical and non-categorical Industrial Users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined by 40 CFR §403.5(b), by the Industrial Users.

- m. Monitoring and analysis to demonstrate continued compliance.
 - 1) The reports required in paragraph (j) of this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Control Authority of pollutants contained therein which are limited by the applicable Pretreatment Standards.
 - 2) If sampling performed by an Industrial User indicates a violation, the user shall notify the Control Authority within twenty-four (24) hours of becoming aware of the violation. The user 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.
 - 3) The reports required in paragraph (j) of this section shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. The Control Authority shall require that frequency of monitoring necessary to assess and assure compliance by the Industrial Users with applicable Pretreatment Standards and requirements.

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- 4) All analysis shall be performed in accordance with procedures established by the Administrator pursuant to Section 304(h) of the Act and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the Administrator. (See, 40 CFR §136.4 and 136.5). Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40CFR Part 136 does not include sampling or analytical techniques for the pollutants in question, or where the Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the POTW or other parties approved by the Administrator. 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.
- 5) Except as indicated in Section 6 and 7 below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Superintendent. Where time-proportional composite sampling or grab sampling is authorized by Richmond Utilities, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 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 Richmond Utilities as appropriate. In

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addition, grab samples may be required to show compliance with Instantaneous Limits.

- 6) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- 7) For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, [the Superintendent] may authorize a lower minimum. For periodic compliance reports, 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.
- 8) If an Industrial User subject to the reporting requirements in paragraph (j) of this section monitors any pollutant more frequently than required by the Control Authority, using the procedures prescribed in paragraph (e) of this section, the results of this monitoring shall be included in the report.

n. Conversion to Equivalent Limitations.

- 1) When limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the Control Authority may convert the limits to equivalent limitations expressed as either mass of pollutant discharged per day of effluent limitations applicable to Individual Industrial Users. Any equivalent limitations under this section shall be calculated according to 40 CFR §403.6(c).
- 2) Any Industrial User operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the control Authority within Two (2) business days after the User has a reasonable basis to know that the production level

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will significantly change within the next calendar month. Any User not notifying the Control Authority of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long term average production rate.

- o. Reporting requirements for industrial users not subject to categorical pretreatment standards.

Industrial users with discharges that are not subject to categorical pretreatment standards shall submit compliance reports periodically. The reporting format and frequency shall be a condition of the wastewater contribution permit. The compliance report must be based on data obtained during the period covered by the report and on an amount of samples appropriate for that particular industrial user.

- p. Notification of Changed Discharge. All Industrial Users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge.
- q. Signatory Requirements for Industrial User Reports. The reports required by paragraphs (j-n) of this section shall include the certification statement as set fourth in §403.6(a)(2)(ii), and shall be signed as follows:
 - 1) By a responsible corporate officer, if the Industrial User submitting the reports required by paragraphs (j-n) of this section is a corporation. For the purpose of this paragraph, a responsible corporate officer means (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other persons who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures 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) By a general partner or proprietor if the Industrial User submitting the reports required by paragraphs

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(j-n) of this section is a partnership or sole proprietorship respectively.

- 3) By a duly authorized representative of the individual described in paragraph (1) or (2) of this section if:
 - a) The authorization is made in writing by the individual described in paragraph (1) or (2);
 - 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 matter from the company;
 - c) The written authorization is submitted to the Control Authority.
 - d) If an authorization under paragraph (3) of this section 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 a paragraph (3) of this section must be submitted to the Control Authority prior to or together with any reports to be signed by an authorized representative.

- r. Record-Keeping Requirements. Any Industrial User subject to the reporting requirements in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:
 - 1) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;

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- 2) The dates analyses were performed;
 - 3) Who performed the analysis;
 - 4) The analytical techniques/methods used; and
 - 5) The results of each analyses.
- s. Any Industrial Users subject to the reporting requirements established in this section shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the Director and the Regional Administrator (and POTW in the case if an Industrial User). This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial Users or when requested by the Director or Regional Administrator.
- t. 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 Richmond Utilities, or where the User has been specifically notified of a longer retention period by the Superintendent.
- u. Provisions Governing Fraud and False Statements. The reports required by this section are subject to the provisions of 18 U.S.C. 1001 relating to fraud and false statements and the provisions of section 309(c)(2) of the Act governing false statements, representations, or certifications in reports required under the Act.

H. Choice of Monitoring Location

1. Where a treated regulated process wastestream is combined prior to treatment with wastewaters other than generated by the regulated process, the Industrial User may monitor either the segregated process wastestream or the combined wastestream for the purpose of determining compliance with applicable standards. If the Industrial User chooses to monitor the segregated process wastestream, it shall apply the applicable categorical pretreatment standard. If the user chooses to monitor the combined wastestream, it shall apply an alternative discharge limit calculated using the combined wastestream formula as provided in 40 CFR §403.7.
2. The Industrial User may change monitoring points only after receiving approval from the Control Authority. Any change in an Industrial User's monitoring points shall not allow user to substitute dilution for adequate treatment to achieve compliance with applicable standards.

I. Monitoring Facilities

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

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

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

J. Misrepresentation Falsifying Documents

Any person who knowingly makes any false statements, representation or certification of any application, record, report, plan or other document filed or required to be maintained

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pursuant to this ordinance, or Wastewater Contribution Permit, or who falsifies, tamper with, or knowingly renders inaccurate any monitoring devise or method required under this ordinance, shall be subject to administrative sanction, including fines and revocation of permit, as set fourth in Article IX herein.

K. Inspection and Sampling

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

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

L. Pretreatment

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

M. Confidential Information

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

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

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

ARTICLE VII-FEES

A. Purpose

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

B. Charges and Fees

The City may adopt charges and fees which may include:

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

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

C. Sewer Service Charges

1. The following schedule of rates shall apply to each user of the sewerage treatment system. This schedule includes rates for user charges and rates for debt service charges, each based on the volume of metered water consumption. There are two classes of sewer users, those classes having been established by City of Richmond Ordinance No. 78-8 pursuant to K.R.S. 96.912-96.924.

For purposes of this Article, the following definitions shall apply:

- a. Sewer service charges - Charges excessive strength surcharges levied on all users who discharge, cause or

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permit the discharge of sewage into the public sewage treatment system.

- b. User charges – Charges levied on users of the sewage system to offset the cost of operations and maintenance of the system.
 - c. Excessive strength surcharges – Charges levied on users of the sewage treatment system whose contribution contains pollutants in concentrations which exceed limits specified herein for such pollutants.
 - d. Charges for debt service – Charges levied on users of the sewage treatment system to support the annual debt service obligations of the system.
2. Phase V The rates for each class of sewer user, based on metered water consumption, on bills mailed after July 1, 2011 are as follows:

a. Class I – Inside City Limits:

Water Consumption – Inside City - Rates Per Month

<u>Water Consumption</u>	<u>User Chg.</u>
First 300 (Cu. Ft./Mo.)	\$18.95 (Min.)
Next 400 (Cu. Ft/Mo.)	5.71 per 100 Cu. Ft
Next 5,000 (Cu. Ft./Mo.)	5.15 per 100 Cu. Ft.
Next 5,000 (Cu. Ft/Mo.)	4.61 per 100 Cu. Ft.
Over 10,700 (Cu. Ft./Mo.)	4.08 per100 Cu. Ft.

Class II – Outside the City Limits:

Water Consumption – Inside City - Rates Per Month

<u>Water Consumption</u>	<u>User Chg.</u>
First 300 (Cu. Ft./Mo.)	\$37.91 (Min.)
Next 400 (Cu. Ft/Mo.)	11.41 per 100 Cu. Ft
Next 5,000 (Cu. Ft./Mo.)	10.33 per 100 Cu. Ft.
Next 5,000 (Cu. Ft/Mo.)	9.19 per 100 Cu. Ft.
Over 10,700 (Cu. Ft./Mo.)	8.17 per100 Cu. Ft.

Wholesale Sanitation District Customers

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Flat Rate: \$6.25 per 100/cubic feet of measured wastewater flow.

- b. Sewer rates provided in paragraph 2(a) above are based on the underlying assumption that 90 percent of all metered water consumption is eventually returned to the sewage treatment system. Where it can be evidenced that the proportion of metered water consumption actually returned to the treatment system by an individual customer is significantly different from 90 percent, service charges shall be determined on the basis of measured or estimated wastewater discharge. In this event, service charges shall be computed by applying rates shown in paragraph 2(a) above plus eleven percent (11%). The City reserves the right to determine by whatever means and methods it may find practicable, the amount of water consumption and/or wastewater discharge that shall be used to compute sewer service charges.
- c. In the event discharges wastes to the sewage works having an average Biochemical Oxygen Demand (BOD) content in excess of 225 mg/l, and/or an average suspended solids (SS) content in excess of 265 mg/l, and or an average ammonia nitrogen (NH₃-N) content in excess of 25 mg/l, the user shall pay a surcharge based upon the excess strength of its wastes.
- d. If the Controlling Authority (CA) during investigative grab sampling discovers an Industrial User discharging a slug of wastewater higher in strength than the allowable limits for the surcharge parameters of BOD, TSS, and NH₃-N, then the following steps are to be taken:
 - 1) A surcharge fee of 10% of the normal surcharge fee will be assessed.
 - 2) The Industrial User will implement composite sampling of not less than one ounce per month and not more than once per day based on direction of the Control Authority.
 - 3) If surcharge parameter violations are chronic as opposed to slug loading, all normal surcharge procedures and fees are to remain in effect.

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- e. The Following surcharge rates shall apply to each user of the sewage works that contributes excessive strength sewage.

Surcharge Rates

BOD \$.35 per pound

SS .29 per pound

NH₃-N 1.25 per pound

3. Method of Billing. Sewer service charge shall be billed monthly on the basis of each user's monthly water consumption/sewage contribution and strength of discharge. The excessive strength surcharge shall be based on the following formula, with the total applied to the monthly bill of affected users:

4.

$$[A(D-255) + B(E-265) + C(F-25)] .006238 \times G = \text{Surcharge Payment (\$/Mo.)}$$

Where formula components are as follows:

- 1) Surcharge rate for BOD, in \$/pound.
- 2) Surcharge rate for SS, in \$/pound.
- 3) Surcharge for NH₃-N, in \$/pound.
- 4) User's average BOD concentration, in mg/l.
- 5) User's average SS concentration, in mg/l.
- 6) User's average NH₃-N concentration, in mg/l.
- 7) User's monthly flow to sewage works, in 100 cubic feet.

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No reduction in sewage service charges, fees, or taxes shall be permitted because of the fact that certain wastes discharged to the sewage works contain less than 225 mg/l of BOD, 265 mg/l of SS or 25 mg/l of NH₃-N.

5. Rate Review

- a. The City shall review not less often than every two (2) years the sewage contribution of users, the total cost of operation and maintenance of the sewage works, and user charges. User charges shall be revised as necessary to accomplish the following:
 - 1) Maintain the proportionate distribution of operations and maintenance costs among users of the treatment system.
 - 2) Generate sufficient revenues to offset costs associated with the proper operation and maintenance of the sewage system.
- b. Excessive strength surcharges shall be reviewed at the time of and in conjunction with the review of user charges. Surcharge rates shall be revised where necessary to reflect current treatment and monitoring costs.

D. Sewer Assessment Fees

1. The following Sewer Assessment Fees shall be charged for all new connections made to the Sanitary Sewer System of the City of Richmond. For purposes of this section, a new connection is defined as a building, structure, or facility constructed at a site where no sewer service previously existed, or a building, structure or facility that totally replaces an existing structure, or a sewer connection made to a building, facility or structure previously served by a septic or other waste removal system. A new connection shall not include the replacement of existing sewer service to an existing building, structure or facility. It shall be the duty of the Richmond Water, Gas & Sewerage Works to collect said fees:
 - a. Residential Units. For the purpose of this ordinance, a residential unit is defined as a system of one or more rooms arranged for the separate living of an individual or family and, equipped for housekeeping.

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1) Single Family Unit \$.20 Sq. Ft.

Example: 1,800 Sq. Ft. Single Family Unit

$$1,800 \text{ Sq. Ft.} \times .20 = \$360.00$$

2) Multi Family Unit

(a) First Unit (Apt.) \$.20 Sq. Ft.

(b) Each Additional Unit (Apt.) .15 Sq. Ft.

Example: 4 Plex – 800 Sq.Ft./Unit

$$1\text{st unit } 800 \text{ Sq. Ft.} \times .20 = \$160.00$$

$$\text{Unit } 3,405 \text{ } 3\text{X } *00 \text{ X}.15 = \underline{360.00}$$

$$\underline{\underline{\$520.00}}$$

b. Commercial Units. For the Purpose of this ordinance, a commercial unit is defined as each room or group of rooms used or to be used for separate commercial, professional or non-residential undertaking, subject to exceptions listed in paragraph (c) below:

(1) Commercial Unit per unit \$.05 Sq. Ft.

Example: Store w/2,500 Sq. Ft.

$$2,500 \text{ Sq. Ft.} \times .05 = \underline{\underline{\$125.00}}$$

c. Special Commercial. For the purpose of this ordinance “special commercial” is defined as to include connections for use by hotels, restaurant, buildings over two stories, motels, hospitals, clinics, and nursing homes, whether publicly or privately owned and whether operated for profit or non profit.

(1) Special Commercial Base Price \$1,000.00
Per Sq. Ft. .00

Example: Motel 15,000 Sq. Ft. (Approx. 50 rooms)

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Base Price	\$1,000
1,500 X .10 =	<u>1,500</u>
	<u>\$2,500</u>

(2) Special Commercial (Non Profit)

Base Price	\$ 500.00
Per Sq. Ft.	.05

Example: Library Bldg. – 15,000 Sq. Ft.

Base Price	\$ 500
15,000 X .05	<u>750</u>
	<u>\$ 1,250</u>

(3) Educational Units (Non Profit)

Base Price	\$ 500
10,000 X .02	<u>200</u>
	<u>\$ 700</u>

d. Industrial Units. Industrial Units shall include any facility established for the purpose of manufacturing or processing goods. The assessment for individual units shall be approved by the City Commission. In no event shall the negotiated assessment be less than the base price assessment.

(1) Industrial Units (Less than 50 employees)

Base Price	\$500
Per Sq. Ft. (Maximum charge 25,000 sq. ft.)	.02

Example: Industrial Bldg. 30,000 Sq. Ft.

Base Price	\$500.00
20,000 X .02 =	<u>400.00</u>
	<u>\$900.00</u>

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NOTE: Maximum assessment - \$1,000.00

(2) Industrial Units (Over 50 employees)

Base Price	\$1,000.00
Per Sq. Ft.	.01

Example: Ind. Bldg. 50,000 Sq. Ft. (100 employees)

Base Price	\$1,000.00
50,000 X .01	500.00
	<u>\$1,500.00</u>

2. Service Extension Costs. The foregoing fees are not for the purpose of defraying the costs of extension of sewer service but for the purpose specified in paragraph 3 below. When it is necessary for the Richmond Water, Gas & Sewerage Works to provide for the construction of extensions of sewer service, then the cost of such construction shall be prorated among the benefited properties.
3. Use of funds. The Richmond Water, Gas & Sewerage Works shall receive and account for all connection charges collected hereunder, as provided by law for public fund, keep same in a separate bank account, independent of any fund or account by Revenue Bond Ordinance, and may use same to build extensions and improvements to water lines, gas lines, sewer lines, plants and equipment, and to purchase lands, fixtures, vehicles and machinery needed to operate utilities of the City of Richmond.

ARTICLE VIII – POWERS AND AUTHORITY OF INSPECTORS

A. **Right to Enter Premises**

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

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

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

C. **Access to Easements**

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

ARTICLE IX –ENFORCEMENT AND PENALTIES

A. Emergency Suspension of Service

The Superintendent may without notice suspend the wastewater treatment service and/or a Wastewater Contribution Permit when such suspension is necessary, on the opinion of the Superintendent in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes

interference to the POTW or causes Richmond Water, Gas & Sewerage Works to violate any condition of its NPDES/KPDES Permit.

The Superintendent shall notify the user in writing of the suspension and the reason therefore within forty-eight (48) hours of said suspension, exclusive of weekends and holidays.

Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Contribution Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, Richmond Water, Gas & Sewerage Works shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the City within fifteen (15) days of the date of occurrence.

Richmond Water, Gas & Sewerage Works shall reinstate the Wastewater Contribution Permit and/or the wastewater treatment service only upon proof satisfactory to the Superintendent of the elimination of the non-complying discharge.

Any user whose service is suspended under this subsection may also be subject to the enforcement procedures, including fines and payment costs, as described in the Article IX.

B. Notice of Violation

Any person found to be violating any provision of this ordinance or any permit issued hereunder shall be served by the Superintendent or his designee with written notice stating the nature of the violation and providing a reasonable time limit not to exceed sixty (60) days for the satisfactory correction thereof. Within thirty (30) days of receipt of said notice, the offender shall furnish to the Superintendent a written report detailing the reason for the violation, the measures to be taken to correct the violation and the time within which the violation will be corrected.

C. Extended Time for Correction

The Superintendent may, at the end of the time limit allowed in the original notice of violation, allow an additional sixty (60) days for the satisfactory correction of said violation, if the following conditions exist:

1. This is the first such violation concerning this particular discharge or substance for this user;
2. The user is making a good faith effort to remedy the violation;
3. The user submits progress reports containing information specified by the Superintendent every thirty (30) days;
4. There is a strong likelihood that the violation will be eliminated at the end of the sixty (60) day period.

D. Sanctions for Violations

1. Fines. Any user subject to the emergency suspension of service provisions of Article IX(A), or an user who continues any violation beyond the time limit provided in the notice of such violation, shall be subject to a fine of not less than two hundred dollars (\$200.00) per day nor more than one thousand dollars (\$1,000.00) per day for each violation. Each day in which such violation shall exist shall be deemed a separate violation.

To levy such fine, the Superintendent shall notify the violator in writing of his intention to levy the fine, the reason therefore, the daily amount of the fine, and the number of days for which the fine will be levied. If the fine will be levied indefinitely, pending the resolution of a violation, the notice will so state. The notice shall also inform the user of his right to request a hearing under Article IX(E) hereof.

2. Revocation of Permit. In addition to the fine described in (D)(1) above, the Superintendent may revoke the permit of any user who continues a violation beyond the time limit provided in the notice of violation or otherwise violates the provisions of this ordinance or the user's permit. The Superintendent shall notify the user in writing of his intention to revoke the permit, the reason for said revocation, the date on which the revocation will occur [but not less than fourteen (14) days from the date of notice], and shall notify the user of his right to request a hearing under IX(E) hereof.

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E. Hearing

1. Time for Request. Within seven (7) days of receipt of a notice of imposition of a fine or liability for expenses or notice of revocation of a permit, the user may request a hearing if the user believes the actions of the Superintendent to be incorrect. Said request shall be in writing delivered to the Superintendent and shall state the reason that the user disagrees with the determination of the Superintendent.
2. Upon receipt of a request for hearing, the Superintendent shall take no further steps to revoke the user's permit nor to collect any fine. However, the fine shall continue for each day of violation that occurs after the request for hearing is received.
3. Upon receipt of a request for a hearing, the Superintendent shall notify the City and a time and date shall be set for the hearing. A notice shall be served on the user, not less than ten (10) days prior to the hearing, of the time and place of the hearing.
4. The City may itself conduct the hearing and take the evidence, or may designate a representative to:
 - a. Issue in the name of the City notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
 - b. Take the evidence;
 - c. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City for action thereon.
5. At any hearing held pursuant to this ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefore.
6. After the City has reviewed the evidence, it may issue an order that the decision of the Superintendent is correct, or modifying the decision of the Superintendent. If the City finds the decision of the Superintendent to be wholly or partly correct, it shall direct that the fine be paid or the permit be revoked, as the case may be, within ten (10) days of its order.

F. Liability for Expense

Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation,

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including, but not limited to, repair of any damage to property or facilities, engineer's fees, attorney's fees, and costs of litigation. Such expenses shall be paid by the user within thirty (30) days after receiving written notice of the amount of such expenses and the reason therefore.

G. Legal Action

If a fine or notification of liability for expenses have been levied pursuant to Article IX hereof, and no appeal has been taken within seven (7) days, and the fine or expenses remain unpaid after thirty (30) days, or if any person discharges waste into the City's wastewater disposal system contrary to the provisions of this ordinance, or state or federal requirements, or any order of the City, the City may commence an action for appropriate relief in any appropriate court having jurisdiction.

H. Destruction of POTW

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

I. Confidential Information

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

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

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

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J. Enforcement Response Guide

UNAUTHORIZED DISCHARGES (No permit) PC = Pretreatment Coordinator; GM = General Manager; SS = Superintendent of Sanitary Sewers

<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
1. Unpermitted discharge	IU unaware of requirement; no harm to POTW/environment	Phone call; NOV with application form	PC, SS, GM
	IU unaware of requirement; Harm to POTW	-Fine & cost recovery -Civil action	PC, SS, GM GM
	Failure to apply continues after Notice by the POTW -Terminate service	-Civil action; Fine -Criminal investigation	GM
2. Nonpermitted discharge (failure to renew)	IU has not submitted application within 10 days of due date	Phone call; NOV	PC, SS, GM

DISCHARGE LIMIT VIOLATION

1. Exceedance of local or Federal Standard (permit limit)	Isolated not significant	Phone call; NOV	PC, SS, GM
	Isolated, significant (no harm) 2 nd offense-develop spill	1 st offense-NOV; prevention plan; fine	PC, SS, GM
	Isolated, harm to POTW or Environment	NOV; Fine & cost recovery -Civil action	PC, SS, GM GM
	Recurring: no harm to POTW	NOV; with fine	PC, SS, GM
	Recurring, significant (harm)	-NOV with fine -Civil Action -Terminate service	PC, SS, GM GM GM

<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
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MONITORING AND REPORTING VIOLATIONS

1. Reporting violation	Report is improperly signed or certified	Phone call or NOV	PC, SS, GM
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	Report is improperly signed or certified after notice by POTW	NOV; FINE	PC, SS, GM
	Isolated, not Significant (e.g., 5 days later)	Phone call; NOV	PC, SS, GM
	Significant (e.g., report 30 days or More late)	NOV; Fine	PC, SS, GM
	Reports are always late or nor reports at all	NOV; Fine -Civil Action	PC, SS, GM GM
	Failure to report spill or charged Discharge (no harm)	NOV	PC, SS, GM
	Failure to report spill or charged Discharge (results in harm)	-NOV with fine -Civil Action	PC, SS, GM GM
	Repeated failure to report spills	-NOV; Fine -Terminate service	PC, SS, GM
	Falsification	-Criminal investigation -Terminate service	GM GM
2. Failure to monitor	Failure to monitor all pollutants as required by permit	NOV	PC, SS, GM
	Recurring failure to monitor	-NOV with fine -Civil Action	PC, SS, GM GM
3. Improper sampling	Evidence of intent	-Criminal Investigation -Terminate service	GM GM
4. Failure to install monitoring equipment	Delay of less than 30 days	NOV	PC, SS, GM
	Delay of 30 or more	NOV to install with Fine for each additional day	PC, SS, GM
	Recurring	-Civil Action -Criminal investigation -Terminate service	GM GM GM
5. Compliance Schedules	Missed milestones by less than 30 days, or will not affect final Milestone	NOV; FINE	PC, SS, GM
	Missed milestone by more than 30 days, or will affect final milestone (good cause for delay)	NOV; FINE	PC, SS, GM
<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
	Missed milestone by more than 30 days, or will affect final milestone (no good cause for delay)	-Civil Action -Terminate service	GM GM
	Recurring Violation	-Civil Action -Criminal investigation -Terminate service	GM GM GM

OTHER PERMIT VIOLATIONS

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1. Wastestreams are diluted in lieu of treatment	Initial violation	NOV; FINE	PC, SS, GM
	Recurring	-NOV with fine -Terminate service	PC, SS, GM GM
2. Failure to mitigate noncompliance or halt production	Does NOT result in harm	NOV	PC, SS, GM
	DOES result in harm	-NOV with fine -Civil Action	PC, SS, GM GM
3. Failure to properly operate and maintain pretreatment facility	See no. 2 above		

VIOLATION DETECTED DURING SITE VISTIS

1. Entry Denial	Entry denied or consistent withdrawn	Obtain warrant and return to IU	PC, SS, GM
	Copies of records denied	-NOV with fine -Terminate service	
2. Illegal Discharge	No harm to POTW or environment	NOV; fine	PC, SS, GM
	Discharges causes harm or evidence Of intent/negligence	-Civil Action -Criminal Investigation	GM GM
	Recurring, violation of agreed Schedule	Terminate service	GM
3. Improper Sampling	Unintentional sampling at incorrect location	Phone call; NOV	PC, SS, GM
	Unintentionally using incorrect Sample type	Phone call: NOV	PC, SS, GM
	Unintentionally using incorrect Sample collection techniques	Phone call; NOV	PC, SS, GM
4. Inadequate Recordkeeping	Inspector finds files incomplete to missing (no evidence of intent)	NOV	PC, SS, GM
	Recurring	NOV with fine	PC, SS, GM

NONCOMPLIANCE NATURE OF THE VIOLATION ENFORCEMENT RESPONSES PERSONNEL

5. Failure to report additional monitoring	Inspection finds additional file	NOV	PC, SS, GM
	Recurring	NOV with fine	PC, SS, GM

K. TIMEFRAMES FOR RESPONSES

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1. All violations will be identified and documented within five days of receiving compliance information.
2. Initial enforcement responses [involving contact with industrial user and requesting information on corrective or preventative action(s)] will occur within 15 days of violation detection.
3. Follow-up actions for continuing or reoccurring violations will be taken within 30 days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.
4. Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.

L. Enforcement Responses

The enforcement alternatives, the procedures for implementing the different responses, and the persons responsible for each response are as follow:

1. Notice of Violation (NOV)

The NOV is authorized by Article IX-B of the Sewer User Ordinance, and is issued as a response to any violation of a user's permit or the ordinance. The NOV may be issued by the Superintendent or the Assistant Superintendent, who, along with laboratory technicians, bear the responsibility for determining the existence of a violation. The existence of a violation should be discovered within five (5) working days of the receipt of monitoring data, either that submitted by the permit holder or that independently acquired by the POTW. The NOV informs the permit holder of the time allowed to remedy the violation and instructs the permit holder to furnish to the superintendent a written report detailing the reason for the violation and the method of correction. The Superintendent or Assistant Superintendent will make any appropriate decision regarding increased monitoring or reporting requirements and notify the violator upon correction of the violation.

2. Administrative Fines

If a violation occurs and is not remedied within the time allowed in the NOV, or if the POTW is required to suspend service on an emergency basis, an administrative fine may be levied in an amount of not less than \$200 nor more than \$1,000 per day, with each day of violation deemed a separate event for purposes of levying the fine. It is the responsibility of the Assistant Superintendent or the Superintendent to determine whether a violation had been adequately remedied after a NOV or whether a fine is appropriate,

and to determine the proper amount of the fine, taking into consideration such factors as the seriousness of the violation, any past violations of this permit holder, the permit holder's ability to prevent the violation, and the good faith effort to correct the violation, and any other appropriate factors.

3. Revocation of Permit; Termination of Sewer Services

Ordinance Section IX-D allows the Superintendent to revoke the permit of any user which continues a violation beyond the time slated in a NOV by notifying the user in writing of his intention to revoke the permit with fourteen days' notice. The permit may also be suspended without notice if necessary, in the opinion of the Superintendent, to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, the environment, cause interference to the POTW or cause the POTW to violate any condition of its NPDES/KPDES permit. The existence of any of these criteria also allows the Superintendent to suspend sewer service to any user without prior notice.

4. Civil Action

Article IX-G authorizes the POTW to commence legal action in any court of appropriate jurisdiction for enforcement or collection of unpaid fines or for other "appropriate relief" for improper discharges, including injunctive relief to prohibit further discharges and damages, including costs and fees associated with litigation. The individuals responsible for collecting evidence and assisting legal counsel during any litigation including the Superintendent, Assistant Superintendent for Sewer Systems, and laboratory technicians.

M. Monitoring, Testing, Chain-of-Custody and Testing Procedures

1. Monitoring

Four types of monitoring are utilized for purposes of determining compliance with a user's permit: scheduled, unscheduled, demand or investigative monitoring, and industrial monitoring.

Scheduled Monitoring: The POTW, through appropriate personnel, conducts systematic sampling and comprehensive inspection of significant industrial contributors to the POTW in accordance with the predetermined permit schedule,

Unscheduled Monitoring: The POTW conducts an unannounced check of industrial discharges, to spotcheck randomly all sources within the collection system.

Investigative/Demand Monitoring: In response to suspend or known violations of a permit, discovered through self-monitoring reports, routing sampling, or public complaint, the Superintendent or Assistant Superintendent may require immediate

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collection of samples for testing to verify compliance with the permit. Sampling may be collected by POTW personnel or be required to be collected by the Industrial User.

Industrial Self-Monitoring: Each industrial user, as a condition of its permit, must collect samples for analysis on a frequency determined by the permit. This frequency may range from annually to more than monthly, depending on the Industrial User, the history of compliance, the type of discharge, and other factors. The Superintendent may also require testing more frequently than stated in the permit as part of an enforcement action.

2. Inspection

Prior to establishing a schedule for self-monitoring, an inspection of the Industrial User is performed by the Assistant Superintendent or Sewer System to acquire an understanding of the specified industrial processes and the wastestreams. Future on-site inspections are conducted according to permit conditions, at least annually and more often if necessary. Included in each inspection is an inspection of the Industrial User's self-monitoring facility. A form entitled "Inspection Report" must be completed by the Assistant Superintendent, with a copy provided to the appropriate personnel of the Industrial User. A copy of this form is attached hereto for reference.

3. Chain of Custody

To ensure the validity of samples, the POTW uses a chain of custody document which accompanies the sample throughout the testing process. A copy of this form is attached. Each person handling the sample must indicate on the form when and by whom the sample is received.

4. Testing Procedures

All handling, preservation, measurement, testing and analysis of the characteristics of waters and wastes shall conform to the methods and procedures set forth at 40 CFR Part 136, or methods approved by the Administrator of the EPA.

N. Procedure for Abatement of Harmful Discharge

All Harmful discharge shall be diverted to the equalization holding basin at the POTW, where it is held until proper identification and proper treatment/disposal methods can be ascertained and accomplished. Personnel responsible for this procedure include the Superintendent, Assistant Superintendent for Sewer Systems, and the Chief Operator at the affected POTW.

ARTICLE X-SIGNIFICANT NONCOMPLIANCE

The City shall, at least annually, publish in the largest daily newspaper in the municipality, a list of industrial users which during the previous twelve (12) months, were significantly violating pretreatment standards or other pretreatment requirements. For purposed of this section, a violation is significant if it meets one or more of the following criteria:

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

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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.

ARTICLE XI – VALIDITY

A. Inconsistent or Conflicting Ordinance

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are here by repealed to the extent of such inconsistency or conflict.

B. Separation Clause

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

C. Effective Date of Ordinance

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

DATE OF FIRST READING: **October 22, 2013**
MOTION BY: **Commissioner Blythe**
SECONDED BY: **Commissioner Baird**

DATE OF SECOND READING **November 12, 2013**
MOTION BY: **Commissioner Blythe**
SECONDED BY: **Commissioner Newby**

VOTE:	YES	NO
Commissioner Baird	x	
Commissioner Blythe	x	
Commissioner King	x	
Commissioner Newby	x	
Mayor Barnes	x	

Mayor

Attest:

City Clerk