

CHAPTER 51: SEWERS

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GENERAL PROVISIONS

§ 51.001 PURPOSE AND POLICY.

(A) This chapter sets forth uniform requirements for users of the Publicly Owned Treatment Works for the City of Williamstown and enables the city to comply with all applicable state and federal laws, including the Clean Water Act (33 U.S.C. section 1251 et seq.) and the General Pretreatment Regulations (40 CFR, Part 403).

(B) The objectives of this chapter are:

(1) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;

(2) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;

(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 promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;

(5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and

(6) To enable the city to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the Publicly Owned Treatment Works is subject.

(C) This chapter shall apply to all users of the Publicly Owned Treatment Works. The chapter authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(D) Administration. Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to a duly authorized city employee.

(Ord. 1991-320, passed 2- -91; Am. Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

§ 51.002 DEFINITIONS.

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

"ACT" or "THE ACT." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

"APPROVAL AUTHORITY." Kentucky Department for Environmental Protection.

"AUTHORIZED or DULY AUTHORIZED REPRESENTATIVE OF THE USER."

(1) If the user is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs (1) through (3), above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

"AVAILABLE." As used in this chapter, a public sewer located at the property line or point at which connection may be made with the city sanitary sewage collection facilities.

"BASELINE MONITORING REPORT (BMR)." A report submitted by categorical industrial users within 180 days after the effective date of a categorical standard which indicates the compliance status of the user with the applicable categorical standard (40 CFR 403.12(b)).

"BEST MANAGEMENT PRACTICES" or "BMPs." Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 51.061 [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

"BIOCHEMICAL OXYGEN DEMAND (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees Centigrade, usually expressed as a concentration (e.g., mg/l).

"BUILDING DRAIN." That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, water, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside an inner face of the building wall.

"BUILDING SEWER." The extension from the building drain to the public sewer or other place of disposal, also called "house connection".

"BUILDING SEWER PERMIT." As set forth in sections §§ 51.045 through 51.048.

"CATEGORICAL INDUSTRIAL USER." An industrial user subject to a categorical pretreatment standard or categorical standard.

"CATEGORICAL PRETREATMENT STANDARD" or "CATEGORICAL STANDARD." Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

"CHEMICAL OXYGEN DEMAND" or "COD." A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

"CITY." The City of Williamstown, Kentucky; its City Council, Sewer Department or other entity having responsibility for the POTW.

"COMBINED SEWER." Any conduit carrying both sanitary sewage and storm water or surface water.

"COMPATIBLE POLLUTANT." Biochemical oxygen demand, suspended solids, and fecal coliform bacteria; plus any additional pollutants identified in the POTW's NPDES/KPDES permit, where the POTW is designed to treat such pollutants and, in fact, does treat such pollutants so as to ensure compliance with the POTW's NPDES/KPDES permit.

"COMPOSITE WASTEWATER SAMPLE." A combination of individual samples of water or wastewater taken at selected intervals, generally hourly for some specified period, to minimize the effect of variability of the individual sample. Individual samples may have equal volume or may be proportioned to the flow at the time of the sampling.

"CONCENTRATION-BASED LIMIT." A limit based on the relative strength of a pollutant in a wastestream, usually expressed in mg/l.

"CONTROL AUTHORITY." The City of Williamstown.

"COOLING WATER" or "NONCONTACT COOLING WATER." The water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

"COUNTY HEALTH DEPARTMENT." The Health Center of the Northern Kentucky Health Department and shall be applicable to that county in which the applicant resides.

"DAILY MAXIMUM." The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

"DAILY MAXIMUM LIMIT." The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

"DIRECT DISCHARGE." The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Kentucky.

"DISCHARGER." Any person that discharges or causes a discharge to a public sewer.

"DOMESTIC WASTEWATER." The water-carried wastes produced from non-commercial or non-industrial activities and which result from normal human living processes.

"EASEMENT." An acquired legal right for the specific use of land owned by others.

"ENVIRONMENTAL PROTECTION AGENCY" or "EPA." The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

"EQUIPMENT." All movable, non-fixed items necessary to the wastewater treatment process.

"EXISTING SOURCE." Any source of discharge that is not a "new source."

"FEDERAL PRETREATMENT STANDARDS." Federal regulations for pretreatment of industrial wastewater under 40 CFR Part 307, 402, 403, 405 and other applicable regulations, as amended.

"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.

"GARBAGE." The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

"GRAB SAMPLE." A sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

"HOLDING TANK WASTE." Any waste from holding tank such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

"INCOMPATIBLE POLLUTANT." All pollutants other than compatible pollutants as defined in "compatible pollutant" above.

"INDIRECT DISCHARGE" or "DISCHARGE." The introduction of pollutants into the POTW from any nondomestic source.

"INDUSTRIAL USER." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Clean Water Act (33 U.S.C. 1342).

"INDUSTRIAL WASTES." The wastewater from industrial or commercial processes as distinct from domestic or sanitary wastes.

"INSTANTANEOUS LIMIT." The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

"INTERCEPTOR." A device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal wastes while permitting normal sewage or liquid wastes to discharge into the sewer system or drainage system by gravity. "INTERCEPTOR" as defined herein is commonly referred to as grease, oil, or sand trap.

"INTERFERENCE." A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the city's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

"LOCAL LIMIT." Specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a) (1) and (b).

"MANAGER." The person employed by the City of Williamstown as manager of the entire municipal water and sewer system, or his authorized deputy, agent or representative.

"MAXIMUM DAILY CONCENTRATION." The maximum concentration of a pollutant based on the analytical results obtained from a 24 hour composite sample.

"MAY." This is permissive (see "shall" below).

"MEDICAL WASTE." Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

"MONTHLY AVERAGE." The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

"MONTHLY AVERAGE LIMIT." The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

"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.

"NATIONAL (OR KENTUCKY) CATEGORICAL 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.

"NATURAL OUTLET." Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

"NEW SOURCE."

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous onsite construction program:

1. any placement, assembly, or installation of facilities or equipment; or

2. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which 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.

"NINETY (90) DAY COMPLIANCE REPORT." A report submitted by an industrial user who is subject to pretreatment standards and requirements, within 90 days following the date for final compliance, indicating the nature and concentration of all pollutants in the discharge.

"NONCONTACT COOLING WATER." Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

"OPERATION AND MAINTENANCE EXPENSES." All annual operation and maintenance expenses including replacement related directly to operating and maintaining the sewage works as shown by annual audit.

"PASS THROUGH." A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permit (including an increase in the magnitude or duration of a violation).

"PERIODIC COMPLIANCE REPORT." Reports submitted by the industrial user indicating the nature and concentration of pollutants in the effluent which are limited by categorical pretreatment standards. These reports are submitted to the city during the months of June and December unless otherwise specified by the city.

"PERSON." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

"pH." A measure of the acidity or alkalinity of a solution, expressed in standard units.

"POLLUTANT." Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

"POLLUTION." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

"POTW TREATMENT PLANT." That portion of the POTW designed to provide treatment to wastewater.

"PRETREATMENT." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

"PRETREATMENT REQUIREMENTS." Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

"PRETREATMENT STANDARDS or STANDARDS." Prohibited discharge standards, categorical pretreatment standards, and local limits.

"PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES." Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 51.061.

"PROPERLY SHREDDED GARBAGE." The wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.

"PUBLIC SEWER." A common sewer controlled by a governmental agency or public utility. In general, the public sewer shall include the main sewer in the street and the service branch to the curb or property line, or a main sewer on private property and the service branch to the extent of ownership by public authority.

"PUBLICLY OWNED TREATMENT WORKS or POTW." A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

"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.

"SANITARY SEWER." A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

"SEPTIC TANK WASTE." Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

"SEWAGE." Human excrement and gray water (household showers, dishwashing operations, etc.).

"SEWER." A pipe or conduit that carries wastewater or drainage water.

"SEWER DEPARTMENT." The Williamstown Sewer Department.

"SEWERAGE SYSTEM" or "WORKS." All facilities for collecting, transporting, pumping, treating and disposing of sewage and sludge, namely the sewerage system and POTW.

"SEWER USER CHARGES." A system of charges levied on users of a POTW for the cost of operation and maintenance, including replacement, of such works.

"SHALL." Is mandatory (see "may" above).

"SIGNIFICANT INDUSTRIAL USER (SIU)." Except as provided in paragraphs (3) and (4) of this definition, a "SIGNIFICANT INDUSTRIAL USER" is:

(1) An industrial user subject to categorical pretreatment standards; or

(2) An industrial user that:

(a) Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

(b) Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) The city may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

(a) The industrial user, prior to the city's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

(b) The industrial user annually submits the certification statement required in § 51.089(N)(2) [see 40 CR 403.12(q)], together with any additional information necessary to support the certification statement; and

(c) The industrial user never discharges any untreated concentrated wastewater.

(4) Upon a finding that a user meeting the criteria in subsection (2) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a "SIGNIFICANT INDUSTRIAL USER."

"SLUG." Any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow rate during normal operation or adversely affects the POTW.

"SLUG LOAD or SLUG DISCHARGE." Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in § 51.061. A "SLUG DISCHARGE" is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

"SPECIFICATIONS." The city's specifications for water and sewer system design, construction and inspection, latest revision.

"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.

"STANDARD METHODS." The examination and analytical procedures set forth in the recent editions of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation and as set forth in the Congressional Record, 40 CFR 136.

"STATE." Commonwealth of Kentucky.

"STORM DRAIN (SOMETIMES TERMED "STORM SEWER")." A drain or sewer for conveying water, groundwater, surface water, or unpolluted water from any source.

"STORM WATER." Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

"SUPERINTENDENT." The person designated by the city to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter. The term also means a duly authorized representative of the Superintendent.

"SURCHARGE." A charge for services in addition to the basic sewer user and debt service charges.

"TOTAL SUSPENDED SOLIDS or SUSPENDED SOLIDS." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

"TOXIC POLLUTANT." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA Section 307 (a) or other Acts.

"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 benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

"USER or INDUSTRIAL USER." A source of indirect discharge.

"USER CHARGE." The charge levied on all users, including but not limited to, persons, firms, corporations or governmental entities that discharge, cause or permit the discharge of sewage into the POTW.

"WASTEWATER." Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

"WASTEWATER CONTRIBUTION PERMIT." As set forth in § 51.081.

"WASTEWATER FACILITIES." The structures, equipment, and processes required to collect, carry away, treat domestic and industrial wastes, and dispose of the effluent.

"WASTEWATER TREATMENT PLANT or TREATMENT PLANT." That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

"WASTEWATER TREATMENT WORKS." An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant" or "sewage treatment plant".

"WATERCOURSE." A natural or artificial channel for the passage of water either continuously or intermittently.

"WATERS OF THE STATE." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

(Ord. 1991-320, passed 2- -91; Am. Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

§ 51.003 ABBREVIATIONS.

The following abbreviations shall have the designated meanings:

BOD - Biochemical Oxygen Demand
BMP - Best Management Practice
BMR - Baseline Monitoring Report
CFR - Code of Federal Regulations
CIU - Categorical Industrial User
COD - Chemical Oxygen Demand
EPA - U.S. Environmental Protection Agency
gpd - gallons per day
IU - Industrial User
mg/l - milligrams per liter
NPDES - National Pollutant Discharge Elimination System
NSCIU - Non-Significant Categorical Industrial User
POTW - Publicly Owned Treatment Works
RCRA - Resource Conservation and Recovery Act
SIU - Significant Industrial User
SNC - Significant Noncompliance
TSS - Total Suspended Solids
U.S.C. - United States Code

(Ord. 1991-320, passed 2- -91; Am. Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

USE OF PUBLIC SEWERS

§ 51.010 MANDATORY SEWER CONNECTION.

(A) 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, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is (are) hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

(B) 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 (A), except as provided for in §§ 51.030 and 51.031. The existence within the city, wherever the services of the city sanitary sewage collection, treatment and disposal facilities are available, or may hereafter be made available (as the term "available" is hereinbefore defined), of septic tanks, seepage laterals, privies, earthpits, cesspools, sanitary waste vaults, sewage drainage fields, private sewage disposal systems, or any other such facilities or works for the disposition of sanitary sewage wastes, other than the facilities of the city, is hereby declared to be a menace to the public health, safety and general welfare of the citizens and inhabitants of the city and is hereby determined and declared to constitute a public nuisance. The existence of such facilities as toilets, sinks, wash basins, showerbaths, bathtubs, any commercial or industrial machinery or device producing a liquid waste product, etc., in or upon any improved property or premises in the city where the facilities of the city's sewage collection, treatment and disposal system are available, or may hereafter be made available, is similarly declared to be a menace to the public health and general welfare of the city and its inhabitants unless such facilities are connected to the city sewage collection, treatment and disposal system. The Superintendent may prescribe the type and manner of connection to the facilities and may require that each connection be supervised and inspected by an authorized and qualified agent of the city.

(C) When a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer system in compliance with this chapter within ninety (90) days after the line is placed into service or within ninety (90) days of official notice to do so. Any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material or salvaged and removed.
(Ord. 1991-320, passed 2- -91)

§ 51.011 UNLAWFUL DISCHARGE TO STORM SEWERS OR NATURAL OUTLETS.

(A) It shall be unlawful for any person to place, deposit, or permit to be deposited any pollutant in any unsanitary manner, on public or private property within the city, or in any area under the jurisdiction of the city or into any sewer which connects to the storm sewer system of the city, any objectionable wastewater or industrial wastes.

(B) It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter. No provision of this chapter shall be construed to relieve the owner of a discharge to any natural outlet or the responsibility for complying with applicable state and federal regulations governing such discharge.

(Ord. 1991-320, passed 2- -91)

§ 51.012 COMPLIANCE WITH LOCAL, STATE AND FEDERAL LAWS.

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

(Ord. 1991-320, passed 2- -91)

§ 51.013 DISCHARGE OF UNPOLLUTED WATERS INTO SEWER.

(A) No persons shall discharge or cause to be discharged through any leak, defect, or connection any unpolluted waters such as storm water, 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 sewer. Discharge of such waters by a manual switch-over from sanitary sewer to storm drainage will not be an acceptable method of separation. In case both storm and sanitary sewage is present, separate drainage or pumping systems shall be included.

(B) Stormwater, groundwater and all other unpolluted drainage may be discharged to such sewers as are used as storm sewers approved by the Superintendent. Unpolluted cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer or natural outlet. Under no circumstances shall sanitary sewage be discharged to a storm sewer.

(C) The owners of any building sewers having such connections, leaks, or defects shall bear all costs incidental to removal of such sources.

(Ord. 1991-320, passed 2- -91)

PRIVATE WASTEWATER DISPOSAL

§ 51.030 PUBLIC SEWER NOT AVAILABLE.

(A) Where a public sanitary sewer is not available under the provisions of §§ 51.010 through 51.013, 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.

(B) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. When it becomes necessary, the sludge may be disposed of only as approved by the city, by operators licensed by the city for such purposes.

(C) No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by applicable local or state regulations.

(D) Holders of NPDES/KPDES Permits Excepted. Industries with current NPDES/KPDES permits may discharge at permitted discharge points provided they are in compliance of the issuing authority.
(Ord. 1991-320, passed 2- -91)

§ 51.031 REQUIREMENTS FOR INSTALLATION.

(A) The type, capacity, location, and layout of a private sewage disposal system shall comply with all local or state regulations. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit issued by the city after approval of the system by the local and state authorities if required. The application for a permit shall be made on a form furnished by the city which the applicant shall supplement by any plans, specifications, and other information as deemed necessary by the Superintendent.

(B) A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the local and state authorities, if required. They shall be allowed to inspect the work at any stage of construction and in any event the applicant for the permit shall notify the Superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Superintendent, Saturdays, Sundays and holidays excepted.

(C) No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than 21,750 square feet.

(D) No septic tank or cesspool shall be permitted to discharge to

any natural outlet.
(Ord. 1991-320, passed 2- -91)

BUILDING SEWERS AND CONNECTIONS

§ 51.045 PERMITS.

(A) There shall be two (2) classes of building sewer permits required:

(1) For residential; and

(2) For service to commercial, industrial, and other non-domestic establishments.

In either case, the owner or owners or his agent shall make application on a special form furnished by the city. Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. Details regarding commercial and industrial permits include but are not limited to those required by this chapter. Permit and inspection fees shall be paid to the city at the time the application is filed.

(B) Users shall notify the city in advance of any proposed new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.

(C) No unauthorized person shall uncover, plug or make, any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining written permission from the city.

(Ord. 1991-320, passed 2- -91)

§ 51.046 PROHIBITED CONNECTIONS.

(A) No person shall make connection of roof downspouts, basement wall seepage or floor seepage, exterior foundation drains, areaway drains, or other 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 chapter shall be completely and permanently disconnected within sixty (60) days of the effective date of this chapter. The owners of any building sewers having such connections, leaks or defects shall bear all costs incidental to removal of such sources. Pipes, sumps, and pumps for such sources of ground and surface water shall be separate from wastewater facilities. Removal of such sources of water without presence of separate facilities shall be evidence of drainage to public sanitary sewer.

(B) Floor, basement or crawl space drains which are lower than ground surfaces surrounding the building shall not be connected to the building sanitary sewer. No sanitary inlet which is lower than six (6) inches above the top of the two adjacent public sanitary sewer manholes shall be connected by direct drainage to the building sanitary sewer. (Ord. 1991-320, passed 2- -91)

§ 51.047 DESIGN AND INSTALLATIONS.

(A) 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 single connection aforementioned.

(B) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this chapter. Permit and inspection fees and tap-on fees for new buildings using existing building sewers shall be the same as for new building sewers. If additional sewer customers are added to the old building sewers, additional sewer tap fees shall be charged accordingly even though no new sewer tap is actually made into the city's POTW.

(C) 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.

(D) The building sewer shall be cast iron soil pipe, ASTM A-74, latest revision, PVC (polyvinyl-chloride) sewer pipe, ASTM D-3034, latest revision, unglazed clay sewer pipe, ASTM C-261, latest revision, vitrified clay sewer pipe, ASTM C-700, latest revision, or ductile iron pipe, AWWA Specification C-151 cement lined, and shall meet requirements of state plumbing code. Joints shall be as set out hereinafter. Any part of the building sewer that is located within five feet of a water service pipe shall be constructed with cast iron soil pipe or ductile iron pipe, unless the building sewer is at least one foot deeper in the ground than the water service line. In the latter case, vitrified clay pipe may be used. Cast iron soil pipe or ductile iron pipe may be required by the city where the building sewer is exposed to damage or stoppage by tree roots. Cast iron soil pipe or ductile iron pipe shall be used in filled or unstable ground, in areas where the cover over the building sewer is less than three feet, or in areas where the sewer is subject to vehicular or other external loads.

(E) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the local and state building and

plumbing codes and other applicable rules and regulations of the city.

(F) In the absence of local code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(G) No building sewer shall be laid parallel to within three feet (3') of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford twenty-four (24) inches of cover over pipe except where exposed to vehicular traffic. Portions of the building sewer subject to vehicular traffic shall have a minimum cover of 36 inches or be encased in a six (6) inch envelope of concrete. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible.

(H) 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 as established by the city.

(I) The owner shall ensure that all excavation 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.

(J) In all buildings in which any sanitary facility drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by an approved means and discharged to the building sewer. Drain pipe and sump for collection of such sanitary drainage shall be above basement floor or in separately watertight or drained sump or channel.

(K) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent and all such trenches shall be kept open until the pipe has been inspected, tested and approved by the Superintendent. Except where bends are supplied, trenches shall be straight in direction and grade to accommodate prefabricated joints. Trenches shall be at least twenty (20) inches wide at right angles to the center line of the pipe. Building sanitary sewers laid in undisturbed ground must be laid on at least six (6) inches of pea gravel, sand or other approved grillage to support the pipe. The trench shall be filled with the same approved grillage on each side of the pipe and six (6) inches over same. Building sewers laid in mud or filled ground shall be embedded to lower quadrant with at least a four (4) inch concrete pad below the invert or other support that may be considered necessary. Backfill shall be carefully tamped in and around pipe in not over four-inch layers to top of pipe for proper support. Backfill shall be solidly tamped above the pipe and hand placed up to eighteen (18) inches above the pipe. No backfill shall be placed over the pipe until the pipe laying has been inspected by the Superintendent or his duly authorized agent.

(L) All joints and connections shall be made gas tight and water

tight. Joints for cast iron soil pipe and fittings with hubs and plain end spigots shall be made with caulked lead and oakum as specified in Chapter 4, ASSA A40.8 or by using positive double-seal elastomeric compression-type gaskets conforming to ASTM C-564. Service pipe shall be joined with service gaskets and extra heavy pipe with extra heavy gaskets. All joints between vitrified clay pipe and other approved pipe shall be made with an approved prefabricated rubber or plastic material conforming to ASTM Specification C-425, latest revision, and installed clean and uninjured by handling or weather according to manufacturers' direction, completely "homed" into place. The vitrified clay sewer pipe shall be jointed with compressed watertight rubber rings meeting ASTM Specification D-1869, latest revision, and installed clean, according to manufacturers' directions. The ductile iron pipe shall be joined together with watertight rubber gaskets in accordance with the manufacturers' directions. The PVC pipe joints shall conform to ASTM D-3212, latest revision, and elastomeric gaskets to ASTM F477.

(M) The building sewer shall be connected into the public sewer at the easement or property line. Where no property located service branch is available, an authorized agent of the city shall cut a neat hole into the main line of the public sewer and a suitable wye or tee saddle installed to receive the building sewer. The invert of the building sewer at such point of connection with a saddle shall be in the upper quadrant of the main line of the public sewer. A neat workmanlike connection, not extending past the inner surface of the public sewer, shall be made and the saddle made secure and watertight by encasement in epoxy cement specially prepared for this purpose. A wye and H bend fitting shall be installed at the property line between the public sewer and the building sewer. This fitting shall serve the purpose of a cleanout and for applying the smoke test during inspection of the line. After testing, a cast iron or ductile iron riser will be inserted in this fitting and brought flush with the ground surface. A stopper or plug, outfitted with a type joint applicable to the pipe used, shall seal this riser against the intrusion of ground or surface water.

(N) All building sanitary sewer lines will be installed so as to meet or exceed the most current revision of the State Plumbing Code.

(O) All persons working on city sewers with a cleaning rod must use an approved type rod in cleaning sewer connections to city sewers. (Ord. 1991-320, passed 2- -91)

§ 51.048 INSPECTION.

(A) The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for connection to the public sewer. The connection 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.

(B) All building sewers shall be smoke tested through the wye

branch at the public sewer connection, with public sewer tightly plugged off, after connections at both ends are made and after all pipe is properly bedded and backfilled at least to top of pipe and if backfill is completed, within two weeks after completion of backfill. At time of test, any openings into the building drain inside the building shall be water 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 and a permanent water tight plug shall be placed in branch of test wye-branch and carefully backfilled by hand and tamped to at least six inches above the top of the branch. The Superintendent shall determine the method of testing to be performed.

(Ord. 1991-320, passed 2- -91)

§ 51.049 SEWER CAP-OFF PROCEDURE.

(A) Upon demolition and/or removal of any structure connected to the City's wastewater system, the property owner shall close and cap-off sanitary sewer line at the location.

(B) Upon application for issuance of a demolition permit for any structure that is connected to the Williamstown wastewater system, the property owner shall notify and advise the City.

(C) Upon issuance of the demolition permit the property owner and the Grant County Building Inspector shall notify the Superintendent or his representative to schedule inspection and testing of all capped off sewer lines of the City's wastewater system.

(D) All sanitary sewer lines that have been closed and/or capped off shall be inspected tested and approved by the Superintendent or his representative. All capped off lines shall conform to the Ordinance and shall be verified by proper testing.

(E) All costs and expenses incidental to the closing and capping off of the structure's 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 occasional by the disconnection and/or capping of the structure's sewer.

(Ord. 1998-14, passed 5-14-98)

POLLUTANT DISCHARGE LIMITS

§ 51.060 GENERAL CONDITIONS.

The following described substances, materials, waters, or waste shall be limited in discharge to municipal systems to concentrations or quantities which will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set additional limitations or limitations more stringent than those established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Superintendent shall give consideration to such

factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of wastes or wastewaters discharged to the sanitary sewer shall not be violated without written approval of the Superintendent.

(Ord. 1991-320, passed 2- -91)

§ 51.061 RESTRICTED DISCHARGES.

(A) General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

(B) Specific prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;

(2) Wastewater having a pH less than 5.0 (or more than 12.5), or otherwise causing corrosive structural damage to the POTW or equipment;

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than three inches in any dimension;

(4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

(5) Wastewater having a temperature greater than 104 degrees F (40 degrees C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);

(6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

(7) 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;

(8) Trucked or hauled pollutants, except at discharge points

designated by the Superintendent in accordance with § 51.064(E) of this chapter;

(9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's NPDES permit;

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;

(12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Superintendent;

(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(14) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;

(15) Detergents, surface-active agents, or other substances which might cause excessive foaming in the POTW;

(16) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l;

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(C) Local limits.

(1) The Superintendent is authorized to establish local limits pursuant to 40 CFR 403.5(c).

(2) The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following maximum daily limits.

<i>Pollutant</i>	<i>Daily Maximum (milligrams per liter)</i>
Arsenic	0.86
Cadmium	0.004
Chloride	5.000
Chromium, total	1.00
Chromium, hexavalent	0.46
Copper	0.18
Cyanide, total	0.07
Iron	5.5
Lead	0.05
Mercury	0.001
Molybdenum	1.18
Nickel	0.70
Selenium	0.08
Silver	0.13
Zinc	1.35

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Superintendent may impose mass limitations in addition to the concentration-based limitations above.

(D) The Superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement local limits and the requirements of § 51.061. (Ord. 1991-320, passed 2- -91; Am. Ord. 1993-351, passed 10-19-93; Am. Ord. 1995-07, passed 5-1-95; Am. Ord. 1995-16, passed 10-2-95; Am. Ord. 1998-11, passed 4-6-98; Am. Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13; Am. Ord. 2015-02, passed 3-2-15)

§ 51.062 DILUTION OF WASTEWATER DISCHARGE.

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Superintendent may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

(Ord. 1991-320, passed 2- -91; Am. Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

§ 51.063 GREASE, OIL, AND SAND INTERCEPTORS.

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

(Ord. 1991-320, passed 2- -91)

§ 51.064 SPECIAL INDUSTRIAL PRETREATMENT REQUIREMENTS.

(A) Pursuant to the requirements imposed on publicly owned wastewater treatment works by the Federal Water Pollution Control Act Amendments of 1972 and later amendments, all Pretreatment Standards promulgated by the U.S. Environmental Protection Agency for new and existing industrial dischargers to public sewer systems are hereby made a part of this chapter. Any industrial waste discharge which violates these EPA Pretreatment Standards shall be in violation of this chapter.

(B) Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously, in satisfactory and effective operation, by the owner(s) at his expense.

(C) (1) Any person who transports septic tank, seepage pit or cesspool contents, liquid industrial waste or other batch liquid waste and wishes to discharge such waste to the public sewer system shall first have a valid Special Waste Hauler's Permit. All applicants for a Special Waste Hauler's Permit shall complete the application form, pay the appropriate fee, and receive a copy of the city's regulations governing discharge to sewers of liquid wastes from trucks. All persons receiving such permits shall agree, in writing, to abide by all applicable provisions of this chapter, and any other special provisions that may be established by the city as necessary for the proper operation and maintenance of the sewerage system.

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

(3) 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.

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

(5) Any liquid waste haulers illegally discharging to the public sewer system or discharging wastewater not authorized in the permit shall be subject to the penalties and enforcement actions prescribed in §§ 51.135 et seq.

(6) Nothing in this chapter shall relieve waste haulers of the responsibility for compliance with County Health Department, State or Federal regulations.

(D) (1) The industrial user shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d) and (e).

(2) Dischargers are exempt from the requirements stated in (D)(1) during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.

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

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

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

(E) Hauled wastewater.

(1) Septic tank waste may be introduced into the POTW only at locations designated by the Superintendent, and at such times as are established by the Superintendent. Such waste shall not violate §§ 51.060 et seq. or any other requirements established by the city. The Superintendent may require septic tank waste haulers to obtain individual wastewater discharge permits or general permits.

(2) The Superintendent may require haulers of industrial waste to obtain individual wastewater discharge permits or general permits. The Superintendent may require generators of hauled industrial waste to obtain individual wastewater discharge permits or general permits. The Superintendent also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.

(3) Industrial waste haulers may discharge loads only at locations designated by the Superintendent. No load may be discharged without prior consent of the Superintendent. The Superintendent may collect samples of each hauled load to ensure compliance with applicable standards. The Superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(4) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

(Ord. 1991-320, passed 2- -91; Am. Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

§ 51.065 PROTECTION FROM ACCIDENTAL DISCHARGE.

(A) Each significant user shall provide protection from accidental and/or slug discharges of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to

the city for review, and shall be approved by the city before construction of the facility. All existing users shall complete such a plan within ninety (90) days after the effective date of this chapter. Construction shall be completed within 120 days of approval of plans and notification by the Superintendent. No user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(B) Accidental discharge/slug discharge control plans. The Superintendent shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The Superintendent may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the Superintendent may develop such a plan for any user. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

(1) Description of discharge practices, including non-routine batch discharges;

(2) Description of stored chemicals;

(3) Procedures for immediately notifying the Superintendent of any accidental or slug discharge, as required by § 51.089(E); and

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(C) Written notice. Within five (5) days following an accidental discharge, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of a 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 subchapter or other applicable law.

(D) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees

whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such dangerous discharge to occur are advised of the emergency notification procedure. (Ord. 1991-320, passed 2- -91; Am. Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

§ 51.066 STATE REQUIREMENTS.

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this chapter. (Ord. 1991-320, passed 2- -91)

§ 51.067 CITY'S RIGHT OF REVISION.

The city reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this chapter. (Ord. 1991-320, passed 2- -91; Am. Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

§ 51.068 NATIONAL CATEGORICAL PRETREATMENT STANDARDS; STATE PRETREATMENT STANDARDS.

Users must comply with the categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

(A) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with § 51.068(E) and (F).

(B) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.

(C) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Superintendent shall impose an alternate limit in accordance with 40 CFR 403.6(e).

(D) A CIU may obtain a net/gross adjustment to a categorical pretreatment standard in accordance with the following paragraphs of this section.

(1) Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with this section. Any industrial user wishing to obtain credit for intake pollutants must make application to the city. Upon request of the industrial user, the applicable 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 (2) of this section are met.

(2) Criteria.

(a) Either (i) the applicable categorical pretreatment standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (ii) the industrial user demonstrates that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.

(b) Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should 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 the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section.

(d) Credit shall be granted only if the user demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The city may waive this requirement if it finds that no environmental degradation will result.

(E) When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that the city convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Superintendent. The city may establish equivalent mass limits only if the industrial user meets all the conditions set forth in division (E)(1) below.

(1) To be eligible for equivalent mass limits, the industrial user must:

(a) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;

(b) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and not have used dilution as a substitute for treatment;

(c) Provide sufficient information to establish the facility's actual average daily flow rate for all waste streams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

(d) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and

(e) Have consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.

(2) An industrial user subject to equivalent mass limits must:

(a) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

(b) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

(c) Continue to record the facility's production rates and notify the Superintendent whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in division (E) (1) (c) of this section. Upon notification of a revised production rate, the Superintendent will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

(d) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to division (E) (1) (a) of this section so long as it discharges under an equivalent mass limit.

(3) When developing equivalent mass limits, the Superintendent:

(a) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;

(b) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

(c) May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to § 51.062. The industrial user must also be in compliance with § 51.142 regarding the prohibition of bypass.

(F) The Superintendent may convert the mass limits of the categorical pretreatment standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users. The conversion is at the discretion of the Superintendent.

[Note: When converting such limits to concentration limits, the Superintendent will use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by § 51.062 (see 40 CFR 403.6(d)). In addition, the Superintendent will document how the equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available (see 40 CFR 403.6(c)(7)).

(G) Once included in its permit, the industrial user must comply with the equivalent limitations developed in this section in lieu of the promulgated categorical standards from which the equivalent limitations were derived. [Note: See 40 CFR 403.6(c)(7)]

(H) Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or four-day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation. [Note: See 40 CFR 403.6(c)(8)]

(I) Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the Superintendent within two business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the Superintendent of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate. [Note: See 40 CFR 403.6(c)(9)]

(J) State pretreatment standards. Users must comply with Kentucky and Williamstown codified at 40 CFR 403.5(c).

(Ord. 1991-320, passed 2- -91; Am. Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

§ 51.069 MODIFICATION OF FEDERAL CATEGORICAL PRETREATMENT STANDARDS.

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

(Ord. 1991-320, passed 2- -91)

PRETREATMENT PROGRAM ADMINISTRATION

§ 51.080 WASTEWATER ANALYSIS.

When requested by the Superintendent, a user must submit information on the nature and characteristics of its wastewater within 45 days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information.

(Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

§ 51.081 INDIVIDUAL WASTEWATER DISCHARGE PERMIT REQUIREMENT.

(A) No significant industrial user shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the Superintendent, except that a significant industrial user that has filed a timely application pursuant to this subchapter may continue to discharge for the time period specified therein.

(B) The Superintendent may require other users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this chapter.

(C) Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in §§ 51.135 et seq. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

(D) Individual wastewater discharge permitting: new connections. Any user required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge, in accordance with § 51.081(E), must be filed at least 120 days prior to the date upon which any discharge will begin or recommence.

(E) Individual wastewater discharge permit application contents.

(1) All users required to obtain an individual wastewater discharge permit must submit a permit application. Users that are eligible may request a general permit under this section. The Superintendent may require users to submit all or some of the following information as part of a permit application:

(a) Identifying information.

1. The name and address of the facility, including the name of the operator and owner.

2. Contact information, description of activities, facilities, and plant production processes on the premises;

(b) Environmental permits. A list of any environmental control permits held by or for the facility.

(c) Description of operations.

1. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.

2. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

3. Number and type of employees, hours of operation, and proposed or actual hours of operation;

4. Type and amount of raw materials processed (average and maximum per day);

5. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(d) Time and duration of discharges;

(e) The location for monitoring all wastes covered by the permit;

(f) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in § 51.068(C) (40 CFR 403.6(e)).

(g) Measurement of pollutants.

1. The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.

2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process.

3. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.

4. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 51.089(J). Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the Superintendent or the applicable standards to determine compliance with the standard.

5. Sampling must be performed in accordance with procedures set out in § 51.089(K).

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

(2) Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

(F) Application signatories and certifications.

(1) All wastewater discharge permit applications, user reports and certification statements must be signed by an authorized representative of the user and contain the certification statement in § 51.089(N) (1).

(2) If the designation of an authorized representative 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 written authorization satisfying the requirements of this section must be submitted to the Superintendent prior to or together with any reports to be signed by an authorized representative.

(3) A facility determined to be a non-significant categorical industrial user by the Superintendent pursuant to § 51.002 must annually submit the signed certification statement in § 51.089(N)(2).

(G) Individual wastewater discharge permit decisions. The Superintendent will evaluate the data furnished by the user and may require additional information. Within 30 days of receipt of a complete permit application, the Superintendent will determine whether to issue an individual wastewater discharge. The Superintendent may deny any application for an individual wastewater discharge permit.

(Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

§ 51.082 INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE.

(A) Individual wastewater discharge permit duration. An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five years, at the discretion of the Superintendent. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

(B) Individual wastewater discharge permit contents. An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Superintendent to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(1) Individual wastewater discharge permits must contain:

(a) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;

(b) A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with § 51.083, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(c) Effluent limits, including Best Management Practices, based on applicable pretreatment standards;

(d) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practices) to be monitored, sampling location, sampling frequency; and sample type based on federal, state, and local law;

(e) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law; and

(f) Requirements to control slug discharge, if determined by the Superintendent to be necessary.

(2) Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

(a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(b) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(c) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

(d) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(e) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

(f) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(g) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the individual wastewater discharge permit; and

(h) Other conditions as deemed appropriate by the Superintendent to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

(Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

§ 51.083 PERMIT ISSUANCE PROCESS.

(A) Public notification. The Superintendent may publish in an official government publication and/or newspaper(s) of general circulation that provides meaningful public notice with the jurisdiction(s) served by the POTW, or on a Web page, a notice to issue a pretreatment permit, at least 30 days prior to issuance. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.

(B) Permit appeals. The Superintendent shall provide public notice of the issuance of an individual wastewater discharge permit. Any person, including the user, may petition the Superintendent to reconsider the terms of an individual wastewater discharge permit within ten days of notice of its issuance.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(2) In its petition, the appealing party must indicate the individual wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the individual wastewater discharge permit.

(3) The effectiveness of the individual wastewater discharge permit shall not be stayed pending the appeal.

(4) If the Superintendent fails to act within 15 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an individual wastewater discharge permit, not to issue an individual wastewater discharge permit, or not to modify an individual wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

(5) Aggrieved parties seeking judicial review of the final administrative individual wastewater discharge permit decision must do so by filing a complaint with the Grant County Courts for proper jurisdiction within 60 days.

(Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

§ 51.084 PERMIT MODIFICATION.

The Superintendent may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(A) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(B) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

(C) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(D) Information indicating that the permitted discharge poses a threat to the city POTW, city personnel, or the receiving waters;

(E) Violation of any terms or conditions of the individual wastewater discharge permit;

(F) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(G) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

(H) To correct typographical or other errors in the individual wastewater discharge permit; or

(I) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with § 51.085. (Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

§ 51.085 INDIVIDUAL WASTEWATER DISCHARGE PERMIT TRANSFER.

(A) Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 60 days advance notice to the Superintendent and the Superintendent approves the individual wastewater discharge permit transfer. The notice to the Superintendent must include a written certification by the new owner or operator which:

(1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

(2) Identifies the specific date on which the transfer is to occur; and

(3) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

(B) Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.

(Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

§ 51.086 INDIVIDUAL WASTEWATER DISCHARGE PERMIT REVOCATION.

(A) The Superintendent may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(1) Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;

(2) Failure to provide prior notification to the Superintendent of changed conditions pursuant to § 51.089(E);

(3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(4) Falsifying self-monitoring reports and certification statements;

(5) Tampering with monitoring equipment;

(6) Refusing to allow the Superintendent timely access to the facility premises and records;

(7) Failure to meet effluent limitations;

(8) Failure to pay fines;

(9) Failure to pay sewer charges;

(10) Failure to meet compliance schedules;

(11) Failure to complete a wastewater survey or the wastewater discharge permit application;

(12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

(13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.

(B) Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a user are void upon the issuance of a new individual wastewater discharge permit to that user.

(Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

§ 51.087 INDIVIDUAL WASTEWATER DISCHARGE PERMIT REISSUANCE.

A user with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with § 51.081(E), a minimum of 60 days prior to the expiration of the user's existing individual wastewater discharge permit.

(Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

§ 51.088 WASTE RECEIVED FROM OTHER JURISDICTIONS.

(A) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Superintendent shall enter into an inter-municipal agreement with the contributing municipality.

(B) Prior to entering into an agreement required by division (A) above, the Superintendent shall request the following information from the contributing municipality:

(1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

(2) An inventory of all users located within the contributing municipality that are discharging to the POTW; and

(3) Such other information as the Superintendent may deem necessary.

(C) An inter-municipal agreement, as required by division (A), above, shall contain the following conditions:

(1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this chapter and local limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in § 51.061. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the city's ordinance or local limits;

(2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;

(3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Superintendent; and which of these activities will be conducted jointly by the contributing municipality and the Superintendent;

(4) A requirement for the contributing municipality to provide the Superintendent with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

(6) Requirements for monitoring the contributing municipality's discharge;

(7) A provision ensuring the Superintendent access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent; and

(8) A provision specifying remedies available for breach of the terms of the inter-municipal agreement.

(Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

§ 51.089 REPORTING REQUIREMENTS.

(A) Baseline monitoring reports.

(1) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent a report which contains the information listed in division (A)(2), below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the Superintendent a report which contains the information listed in division (A)(2), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(2) Users described above shall submit the information set forth below.

(a) All information required in § 51.081(E)(1)(a)1., (E)(1)(b), (E)(1)(c)1., and (E)(1)(f).

(b) Measurement of pollutants.

1. The user shall provide the information required in § 51.081(E)(1)(g)1 through 4.

2. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

3. 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 waste stream formula in 40 CFR 403.6(e) to evaluate 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;

4. Sampling and analysis shall be performed in accordance with § 51.089(J);

5. The Superintendent 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 industrial pretreatment measures;

6. 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.

(c) Compliance certification. A statement, reviewed by the user's authorized representative as defined in § 51.002 and certified 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 to meet the pretreatment standards and requirements.

(d) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in division (B).

(e) Signature and report certification. All baseline monitoring reports must be certified in accordance with § 51.089(N) and signed by an authorized representative as defined in § 51.002.

(B) Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by § 51.089(A) (2) (d):

(1) The schedule shall contain progress increments 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 (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(2) No increment referred to above shall exceed nine months;

(3) The user shall submit a progress report to the Superintendent no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(4) In no event shall more than nine months elapse between such progress reports to the Superintendent.

(C) Reports 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 user subject to such pretreatment standards and requirements shall submit to the Superintendent a report containing the information described in § 51.081(E) (1) (f), (g) and § 51.089(B) (2). For users subject to equivalent mass or concentration limits established in accordance with the procedures in § 51.068, this report shall contain a reasonable measure of the user's long-term production rate. For all other 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. All compliance reports must be signed and certified in accordance with § 51.089(N) (1). All sampling will be done in conformance with § 51.089(K).

(D) Periodic compliance reports.

(1) Except as specified in § 51.089(D) (3), all significant industrial users must, at a frequency determined by the Superintendent submit no less than twice per year (June and December) reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the Superintendent or the pretreatment standard necessary to determine the compliance status of the user.

(2) All periodic compliance reports must be signed and certified in accordance with § 51.089(N).

(3) 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.

(4) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Superintendent, using the procedures prescribed in § 51.089(K), the results of this monitoring shall be included in the report. [Note: See 40 CFR 403.12(g)(6)]

(E) Reports of changed conditions. Each user must notify the Superintendent of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 days before the change.

(1) The Superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 51.081(E).

(2) The Superintendent may issue an individual wastewater discharge permit under § 51.087 or modify an existing wastewater discharge permit under § 51.084 in response to changed conditions or anticipated changed conditions.

(F) Reports of potential problems.

(1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(2) Within five days following such discharge, the user shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) 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 might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

(3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in division (F)(1), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

(4) Significant industrial users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a slug discharge.

(G) Reports from unpermitted users. All users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the Superintendent as the Superintendent may require.

(H) Notice of violation/repeat sampling and reporting. If sampling performed by a user indicates a violation, the user must notify the Superintendent within 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 Superintendent within 30 days after becoming aware of the violation. Resampling by the industrial user is not required if the city performs sampling at the user's facility at least once a month, or if the city performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the city receives the results of this sampling, or if the city has performed the sampling and analysis in lieu of the industrial user.

(I) Notification of the discharge of hazardous waste.

(1) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste-stream discharged during that calendar month, and an estimation of the mass of constituents in the waste-stream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under § 51.089(E). The notification

requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of § 51.089(A) through (C).

(2) Dischargers are exempt from the requirements of division (I)(1), above, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

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

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

(5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable federal or state law.

(J) Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Superintendent or other parties approved by EPA.

(K) Sample collection. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(1) Except as indicated in division (K) (2) and (3) 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 the city, 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 the city, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(3) For sampling required in support of baseline monitoring and 90-day compliance reports required in § 51.089(A) and (B) (40 CFR 403.12(b) and (d)), a minimum of four 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 the reports required by paragraphs Section 6.4 (40 CFR 403.12(e) and 403.12(h)), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(L) Date of receipt of reports. Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(M) Recordkeeping. Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, 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 established under § 51.061(C). 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 years. This period

shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the Superintendent.

(N) Certification statements.

(1) Certification of permit applications, user reports and initial monitoring waiver. The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with § 51.081(F); users submitting baseline monitoring reports under § 51.089(A) (2) (e); users submitting reports on compliance with the categorical pretreatment standard deadlines under § 51.089(C); users submitting periodic compliance reports required by § 51.089(D) (1) through (4), and users submitting an initial request to forego sampling of a pollutant on the basis of § 51.089(B) (4). The following certification statement must be signed by an authorized representative as defined in § 51.002:

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 of fine and imprisonment for knowing violations.

(2) Annual certification for non-significant categorical industrial users. A facility determined to be a non-significant categorical industrial user by the Superintendent pursuant to § 51.002 and § 51.081(F) (3) must annually submit the following certification statement signed in accordance with the signatory requirements in § 51.002. This certification must accompany an alternative report required by the Superintendent:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR____, I certify that, to the best of my knowledge and belief that during the period from

_____, _____, _____ to _____, _____, _____
[months, days, year]:

(a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in § 51.002;

- (b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
- (c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

(3) Certification of pollutants not present. Users that have an approved monitoring waiver based on § 51.089(D) (2) must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the user.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under § 51.089(D) (1).

(Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

§ 51.090 COMPLIANCE MONITORING.

(A) Right of entry: inspection and sampling. The Superintendent shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any individual wastewater discharge permit or order issued hereunder. Users shall allow the Superintendent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Superintendent shall be permitted to enter without delay for the purposes of performing specific responsibilities.

(2) The Superintendent shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(3) The Superintendent may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.

(4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be borne by the user.

(5) Unreasonable delays in allowing the Superintendent access to the user's premises shall be a violation of this chapter.

(B) Search warrants. If the Superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Superintendent may seek issuance of a search warrant from the Grant County Courts of Williamstown, Kentucky.

(Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

§ 51.091 PRETREATMENT.

(A) Pretreatment facilities. Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in § 51.061 within the time limitations specified by EPA, the state, or the Superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Superintendent for review, and shall be acceptable to the Superintendent before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this chapter.

(B) Additional pretreatment measures.

(1) Whenever deemed necessary, the Superintendent may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste

streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.

(2) The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit or a general permit may be issued solely for flow equalization.

(3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Superintendent, shall comply with the city's oil and grease management provisions and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the user at their expense.

(4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(Ord. 1991-320, passed 2- -91; Am. Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

§ 51.092 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE.

The Superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall be applicable to all significant industrial users (or any other industrial user that violates divisions (C), (D) or (H) of this section) and shall mean:

(A) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in § 51.002;

(B) Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by § 51.002 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(C) Any other violation of a pretreatment standard or requirement as defined by § 51.002 (Daily Maximum, long-term average, instantaneous limit, or narrative standard) that the Superintendent determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(D) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge;

(E) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance; or

(H) Any other violation(s), which may include a violation of Best Management Practices, which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. 1991-320, passed 2- -91; Am. Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

§ 51.093 CONFIDENTIAL INFORMATION.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the Superintendent's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, 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 immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement

proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

(Ord. 1991-320, passed 2- -91; Am. Ord. 1998-12, passed 4-6-98; Am. Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

§ 51.094 RECORDKEEPING REQUIREMENTS.

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

(1) The date, exact place, method and time of sampling and the name of the person or persons taking the samples;

(2) The dates analyses were performed;

(3) Who performed the analyses;

(4) The analytical techniques/methods used; and

(5) The results of such analyses.

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

(Ord. 1991-320, passed 2- -91)

USER CHARGES

§ 51.105 PURPOSE.

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the city to collect charges from all users who contribute wastewater to the city wastewater treatment works. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the public wastewater treatment works.

(Ord. 1998-15, passed 5-4-98; Am. Ord. 2005-15, passed 7-5-05; Am. Ord. 2005-16, passed 7-5-05; Am. Ord. 2007-13, passed 8-21-07; Am. Ord. 2008-13, passed 7-15-08; Am. Ord. 2010-07, passed 6-15-10; Am. Ord. 2011-26, passed 10-3-11; Am. Ord. 2012-16, passed 10-16-12; Am. Ord. 2013-22, passed 8-5-13; Am. Ord. 2016-01, passed 4-19-16)

§ 51.106 DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this subchapter shall be as follows:

"BOD." (Denoting Biochemical Oxygen Demand). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter (mg/l).

"COMMERCIAL USER." All retail stores, restaurants, office buildings, laundries, and other private business and service establishments.

"DEBT SERVICE." Charges levied on users of the wastewater treatment works to support the annual debt service obligations of the system.

"GOVERNMENTAL USER." Includes legislative, judicial, administrative, and regulatory activities of Federal, State and Local governments.

"INDUSTRIAL USER." (IU) A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Clean Water Act.

"INSTITUTIONAL USER." Includes social, charitable, religious, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.

"NORMAL DOMESTIC WASTEWATER." The water carried waste produced from non-commercial or non-industrial activities and which result from normal human living processes.

"OPERATION AND MAINTENANCE." Those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and for which such works were designed and constructed. The term "operation and maintenance" includes replacement as defined below.

"REPLACEMENT." Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

"RESIDENTIAL USER." Any contributor to the city's treatment works whose lot, parcel or real estate, or building is used for domestic dwelling purposes only.

"SHALL." Is mandatory; "MAY." Is permissive.

"SS." (Denoting Suspended Solids). Solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

"TREATMENT WORKS." Any devices and systems for the storage, treatment, recycling and reclamation of municipal wastewater, domestic wastewater or liquid industrial wastes. These include intercepting sewers, outfall sewers, wastewater collection systems, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof, elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

"USEFUL LIFE." The estimated period during which a treatment works will be operated.

"USER CHARGE." The total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, replacement and debt service expenses of the wastewater treatment works.

"WATER METER." A water volume measuring and recording device, furnished and/or installed by a user and approved by the city. (Ord. 1998-15, passed 5-4-98; Am. Ord. 2005-15, passed 7-5-05; Am. Ord. 2005-16, passed 7-5-05; Am. Ord. 2007-13, passed 8-21-07; Am. Ord. 2008-13, passed 7-15-08; Am. Ord. 2010-07, passed 6-15-10; Am. Ord. 2011-26, passed 10-3-11; Am. Ord. 2012-16, passed 10-16-12; Am. Ord. 2013-22, passed 8-5-13; Am. Ord. 2016-01, passed 4-19-16)

§ 51.107 OPERATION, MAINTENANCE AND REPLACEMENT FUND.

(A) The revenues collected, as a result of the user charges levied, shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund.

(B) Fiscal year-end balances in the Operation, Maintenance and Replacement Fund shall be used for no other purposes than those designated. Monies which have been transferred from other sources to meet temporary shortages in the Operation, Maintenance and Replacement Fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and

replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within six months of the fiscal year in which the monies were borrowed.

(Ord. 1998-15, passed 5-4-98; Am. Ord. 2005-15, passed 7-5-05; Am. Ord. 2007-13, passed 8-21-07; Am. Ord. 2008-13, passed 7-15-08; Am. Ord. 2010-07, passed 6-15-10; Am. Ord. 2011-26, passed 10-3-11; Am. Ord. 2012-16, passed 10-16-12; Am. Ord. 2013-22, passed 8-5-13; Am. Ord. 2016-01, passed 4-19-16)

§ 51.108 CHARGES AND FEES ADOPTED.

(A) The city hereby adopts charges and fees which shall include:

(1) Fees for reimbursement of costs of setting up and operating the city's Pretreatment Program;

(2) Fees for monitoring, inspection, 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 including any and all administrative, labor and laboratory fees for carrying out such pretreatment monitoring;

(7) Other fees as the city may deem necessary to carry out the requirements contained herein.

(8) The city is not responsible for any pump equipment from the house/dwelling to the city's manhole. The city's responsibility starts at the manhole.

(9) New and/or remodeled restaurants shall provide plans, intent and steps to install grease traps. Said plans and installation shall provide how it intends to install, type of grease trap equipment required to have in place prior to approval and opening. The owner and/or operator shall have to have approval by the city prior to presenting said plans to the applicable health department.

(B) These fees related solely to the matters covered by this chapter and are separate from all other fees chargeable by the city and

shall be distributed between those participating users in the city Pre-Treatment Program on a pro rata basis.

(Ord. 1998-15, passed 5-4-98; Am. Ord. 2005-15, passed 7-5-05; Am. Ord. 2007-13, passed 8-21-07; Am. Ord. 2008-13, passed 7-15-08; Am. Ord. 2010-07, passed 6-15-10; Am. Ord. 2011-26, passed 10-3-11; Am. Ord. 2012-16, passed 10-16-12; Am. Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13; Am. Ord. 2013-22, passed 8-5-13; Am. Ord. 2016-01, passed 4-19-16)

§ 51.109 CONDITIONS FOR CHARGES.

The following shall be general conditions for charges:

(A) The user charge shall reflect the costs of operation and maintenance, including replacement of the POTW.

(B) Each user shall pay its proportionate share of operation and maintenance (including replacement cost based on volume of flow).

(C) The city shall review, not less often than annually, the user charge system. The user charge shall be revised as necessary to accomplish the following:

(1) Maintain the proportionate distribution of operation and maintenance costs among users as provided herein; and

(2) Generate at least sufficient revenue to pay the total operation and maintenance costs necessary for the proper operation and maintenance, including replacement, of the sewage works.

(3) Excessive strength and toxicity 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) All flow to the sewage works not directly attributable to user (i.e. infiltration/inflow) shall be distributed among all users of the sewage works based upon the volume of flow of the users.

(E) Each user shall be notified, at least annually, in conjunction with the regular bill, of the rate and that portion of the user charge which is attributable to operation and maintenance of the POTW.

(Ord. 1998-15, passed 5-4-98; Am. Ord. 2005-15, passed 7-5-05; Am. Ord. 2007-13, passed 8-21-07; Am. Ord. 2008-13, passed 7-15-08; Am. Ord. 2010-07, passed 6-15-10; Am. Ord. 2011-26, passed 10-3-11; Am. Ord. 2012-16, passed 10-16-12; Am. Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13; Am. Ord. 2013-22, passed 8-5-13; Am. Ord. 2016-01, passed 4-19-16)

§ 51.110 SEWER RATE SCHEDULE.

(A) Each user shall pay a monthly billing charge of three dollars and eighty-five cents (\$3.85) in addition to usage charges hereinafter provided.

(B) Each user shall pay to the city a monthly sewer use charge of four dollars and sixty-seven cents (\$4.67) for each one thousand (1,000) gallons of sewage, based upon the user's water consumption as shown by the user's water meter for the monthly billing period. The city hereby establishes the following monthly sewer use charge and its effective date(s) for the years as follows:

Effective date	6-1-2009	6-1-2010	6-1-2011
All over 1,000 gallons (per 1,000 gallons)	\$6.30	\$8.20	\$11.06

(C) Each user whose water consumption during the monthly billing period is less than 1,000 gallons shall pay, in lieu of the charges set out in (A) and (B) above, a minimum monthly charge of eight dollars and fifty-two cents (\$8.52).

(1) The city hereby establishes the following monthly sewer use charge for the first 1,000 gallons and its effective date(s) for the years as follows:

Effective date	6-1-2009	6-1-2010	6-1-2011
First 1,000 gallons	\$11.50	\$14.95	\$20.19

(2) For the Sewer Rate Schedule every two years, the city shall add a Cost of Living Adjustment based upon the Consumer Price Index in January of that year as provided by the Secretary of Economic Development.

(D) Septic vault cleaners shall pay a fee of \$80.00 for each load (maximum load, 1,000 gallons) discharged into the wastewater collection and treatment system, while east from inside Grant County will be accepted and waste from outside Grant County may be accepted as determined by the Wastewater Superintendent. Haulers will be required to complete a "Hauled Waste Manifest" that must accompany each load accepted. These charges shall be paid prior to the dumping of wastes.

(E) All sewage treatment fees except those fees provided in (D) above are based upon a calendar monthly billing and shall be paid on or before the fifteenth day of the month in which the billing is rendered.

(F) A late payment fee equal to ten percent (10%) of the bill shall be added to and collected for each billing paid after the fifteenth day of the same month.

(G) A late payment fee, which shall be equal to ten percent (10%) of the delinquent utility bill for each month or part of a month any billing provided for herein remains unpaid after the fifteenth day of the month in which the bill was rendered, shall be added to such billing and paid. Returned check fee shall be twenty-five dollars (\$25.00) per check.

(H) All billing for water service may be paid at: The City Clerk's office, 400 North Main Street, Williamstown, Kentucky 41097 or any of its branch offices within the city limits of Williamstown, Kentucky; or Forcht Bank, 203 South Main Street, Williamstown, Kentucky 41097 or any of its branch offices within the city limits of Williamstown, Kentucky; on or before the fifteenth day of the same month in which rendered and thereafter at the City Clerk's office.

(I) Each user shall have the option to pay fees and/or charges by credit card or any electronic means once established by the Mayor and the City Clerk/Treasurer or their designee.

(Ord. 1998-15, passed 5-4-98; Am. Ord. 2000-03, passed 5-1-00; Am. Ord. 2005-15, passed 7-5-05; Am. Ord. 2007-13, passed 8-21-07; Am. Ord. 2008-13, passed 7-15-08; Am. Ord. 2010-07, passed 6-15-10; Am. Ord. 2011-26, passed 10-3-11; Am. Ord. 2012-16, passed 10-16-12; Am. Ord. 2013-22, passed 8-5-13; Am. Ord. 2016-01, passed 4-19-16)

§ 51.111 USER CHARGE RATES.

(A) The following schedule of user charge rates shall apply to each user of the wastewater treatment works. This schedule includes rates for OM&R and rates for debt service charges, each based on the volume of metered or estimated water consumption.

Wastewater Services Monthly Rate Schedule							
Total Gal. Water Consumption/ mo		OM&R per 1,000 gal. Rate	Debt Service per 1,000 gal. Service	Total User Chg. per 1,000 gal. Rate	Minimum Bill = gal.		
From	To				6-1-09	6-1-10	6-1-11
First 1,000 gal.				\$8.52	\$11.50	\$14.95	\$20.19
1001	2,000 gal.	\$4.33	\$0.34	\$4.67	\$6.30	\$8.20	\$11.06
2001	5,000 gal.	\$4.33	\$0.34	\$4.67	\$6.30	\$8.20	\$11.06
5,001	10,000 gal.	\$4.33	\$0.34	\$4.67	\$6.30	\$8.20	\$11.06
10,001	25,000 gal.	\$4.33	\$0.34	\$4.67	\$6.30	\$8.20	\$11.06
25,001 and over		\$4.33	\$0.34	\$4.67	\$6.30	\$8.20	\$11.06

(B) For residential, industrial, institutional and commercial users, monthly user charges will be based on actual water usage. If a residential, commercial, institutional, or industrial user has a consumptive use of water, or, in some other manner, uses water which is not discharged into the wastewater collection system, the user charge for that contributor may be based on readings of a wastewater meter(s) or separate water meter(s) installed and maintained at the user's expense.

(C) Excessive Strength Surcharges.

(1) In the event a user discharges wastes to the sewage works having an average BOD content in excess of 200 mg/l, or an average nitrogen content in excess of 30 mg/l, the user shall pay a surcharge based upon the excess strength of its wastes.

(2) The following surcharge rates shall apply to each user of the sewage works that contributes excessive strength sewage:

BOD - \$0.25 per pound

Suspended Solids - \$0.25 per pound

Ammonia-nitrogen - \$0.40 per pound

(3) The costs of treatment for each pound of BOD, Suspended Solids and Ammonia-nitrogen removed by the POTW shall be reviewed at the time of and in conjunction with the review of the user charge. Surcharge rates shall be revised where necessary to approximate current treatment costs. These rates shall be in effect until the next rate review.

(D) Method of Billing Surcharge.

(1) The excessive strength surcharge shall be based on the following formula, with the total applied to the monthly bill of affected users:

$$A(D-200) + B(E-200) + C(F-30) \times 0.00834 \times G = \text{Surcharge Payment } (\$/\text{mo.})$$

Where formula components are as follows:

A - surcharge rate for BOD, in dollars per pound

B - surcharge rate for SS, in dollars per pound

C - surcharge rate for NH₃-N concentration, mg/l

D - user's average BOD concentration, mg/l

E - user's average SS concentration, mg/l

F - user's average NH₃-N concentration, mg/l

G - user's monthly flow to sewage works, in 1,000 gal.

(2) 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 200 mg/l of BOD, 200 mg/l of Suspended Solids or 30 mg/l of Ammonia-nitrogen.

(Ord. 1998-15, passed 5-4-98; Am. Ord. 2000-03, passed 5-1-00; Am. Ord. 2005-15, passed 7-5-05; Am. Ord. 2007-13, passed 8-21-07; Am. Ord. 2008-13, passed 7-15-08; Am. Ord. 2010-07, passed 6-15-10; Am. Ord. 2011-26, passed 10-3-11; Am. Ord. 2012-16, passed 10-16-12; Am. Ord. 2013-22, passed 8-5-13; Am. Ord. 2016-01, passed 4-19-16)

§ 51.112 CONNECTION FEES OR CHARGES.

All costs or expenses incidental to the installation and connection of the building sewer to the POTW shall be borne by the owner. The owner shall indemnify the city for any loss or damage that may directly or indirectly be occasioned by the construction and installation of the building sewer. At the time of submitting an application for a building sewer connection permit, the owner shall pay to the city a permit and inspection fee as follows:

	1-2 Units	3-6 Units	7 or more
Residential buildings	\$800	\$1,200	\$1,500
Commercial buildings	\$2,000		
Industrial establishments	\$3,000		

(Ord. 1998-15, passed 5-4-98; Am. Ord. 2000-03, passed 5-1-00; Am. Ord. 2005-15, passed 7-5-05; Am. Ord. 2007-13, passed 8-21-07; Am. Ord. 2008-13, passed 7-15-08; Am. Ord. 2010-07, passed 6-15-10; Am. Ord. 2011-26, passed 10-3-11; Am. Ord. 2012-16, passed 10-16-12; Am. Ord. 2013-22, passed 8-5-13; Am. Ord. 2016-01, passed 4-19-16)

§ 51.113 SURCHARGE FOR DISCHARGE OF UNPOLLUTED WATERS INTO SEWER.

(A) No persons shall discharge or cause to be discharged through any leak, defect, or connection any unpolluted waters such as storm water, 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 building sewers and require disconnection or repair of any pipes carrying such water into the building sewer. Such waters shall not be removed through the dual use of a sanitary drain sump or a sump pump to building sanitary sewer. Discharge of such waters by a manual switch-over from sanitary sewer to storm drainage will not be an acceptable method of separation. In case both storm and sanitary sewage is present, separate drainage or pumping systems shall be included.

(B) Stormwater, groundwater and all other unpolluted drainage may be discharged to such sewers as are used as storm sewers approved by the Superintendent. Unpolluted cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm

sewer or natural outlet. Under no circumstances shall sanitary sewage be discharged to a storm sewer.

(C) The owners of any building sewers having such connections, leaks, or defects shall bear all costs incidental to removal of such sources.

(D) Any person violating any of the provisions of this section shall pay one hundred dollars (\$100.00) monthly user charge/surcharge until such time as the connections, leaks or defects resulting in discharge of unpolluted waters into the Williamstown wastewater system are removed and/or remedied and said person shall be liable under all provisions of this chapter.

(Ord. 1998-15, passed 5-4-98; Am. Ord. 2005-15, passed 7-5-05; Am. Ord. 2007-13, passed 8-21-07; Am. Ord. 2008-13, passed 7-15-08; Am. Ord. 2010-07, passed 6-15-10; Am. Ord. 2011-26, passed 10-3-11; Am. Ord. 2012-16, passed 10-16-12; Am. Ord. 2013-22, passed 8-5-13; Am. Ord. 2016-01, passed 4-19-16)

Cross-reference:

Penalty, see § 51.999

§ 51.114 CAPACITY FEE.

(A) There is hereby established a capacity fee for all new sewer construction in the city. The capacity fee for each equivalent residential unit (ERU) calculated as follows:

$$CF = \frac{\text{Net Worth (wastewater system dollars/ (G.P.D.))}}{\text{System Capacity (gallons per day)}}$$

$$CF/ERU = \text{dollars/GPD} \times \underline{\hspace{1cm}} \text{average use per days}$$

(B) Qualified users are allowed to pay this fee in monthly installments for up to 60 months with project interest based upon the then current bond interest schedule. Said capacity fee shall be calculated by the Mayor and his designee and the City Clerk/Treasurer. Said calculations and information shall be provided to the qualified user by the Mayor and/or City Clerk Treasurer.

(Ord. 2005-16, passed 7-5-05)

§ 51.115 COSTS FOR CONSTRUCTION OF WASTEWATER FACILITIES.

(A) Henceforth, as the city constructs wastewater facilities (i.e. sewers, and the like) in a specifically defined geographical area, all costs related to the construction of the associated facilities shall be divided equally among the existing and anticipated "Equivalent Residential Units" (ERUs) within the area. Costs to provide service shall include, but not be limited to, legal fees for property and/or easement acquisition, engineering costs, construction costs and other related project costs.

(B) The initial geographic area subject to said system development fee is defined as the area served by sewer improvements from the Grant County High School Board of Education, and the Baton Rouge Road areas of the northern boundary, and bounded in the west by U.S. I-75, and to the east by Arnie Risen Boulevard and Barnes Road as the southern boundary, including those areas served directly or indirectly by said public sewer enhancements and construction by the city.

(C) The city shall define by resolution, the project/geographical area and through public notification in the newspaper and/or by letter, shall contain the ERU costs for the project area subject to said fee. (Ord. 2005-16, passed 7-5-05)

§ 51.116 SYSTEM DEVELOPMENT FEE.

(A) There is hereby established a system development fee for all new sewer construction by the city as calculated by the following formulas:

(1) Extension of service (interceptors, pump stations, mains and the like).

(2) Project cost ÷ Projected ERU's x users = system development fee.

(B) Qualified users are allowed to pay this fee in monthly installments for up to 60 months with project interest based upon the then current bond interest schedule. Said system development fee shall be calculated by the Mayor and/or his designee and the City Clerk/Treasurer. Said calculations and information sheet shall be provided to the qualified user by the Mayor and/or City Clerk Treasurer.

(Ord. 2005-16, passed 7-5-05)

§ 51.117 NOTIFICATION.

(A) When each property owner is requesting connection to the Williamstown Waste Water System, each property owner will be notified by the Mayor and/or City Clerk/Treasurer of the capacity fee and system development fee applicable for said property. This notification shall be in writing and detail the ERU costs for the project area.

(B) This notification letter/notice shall state the date upon which associated apportionment warrants (property liens) shall be placed on the property deed, unless payment in full of the assessment fees amount is paid to the city prior to that date.

(C) Anticipated ERUs include, but are not limited to, vacant lots, undeveloped property that could be further subdivided into lots within the assessment zone and the like. Apportionment warrants will remain,

and are transferable to future property owners, for those undeveloped properties/lots until such time as development requiring wastewater facilities occurs. When such undeveloped properties are later developed, payment of the system development fees and capacity fees are required at the time of connection permit issuance by the city or payable consistent with the provisions set forth herein.
(Ord. 2005-16, passed 7-5-05)

§ 51.118 SEPARATE FEES.

Capacity fees and system development fees are in addition to and independent from any and all existing sewer tap on fees as established by the city.
(Ord. 2005-16, passed 7-5-05)

§ 51.119 MAINTAINING FINANCIAL RECORDS.

The City of Williamstown shall maintain financial records to accurately account for revenues generated by the treatment system and expenditures for operation and maintenance of the system, including normal replacement costs.
(Ord. 2010-07, passed 6-15-10; Am. Ord. 2012-16, passed 10-16-12; Am. Ord. 2013-22, passed 8-5-13; Am. Ord. 2016-01, passed 4-19-16)

POWERS AND AUTHORITY OF INSPECTORS

§ 51.120 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 chapter.
(Ord. 1991-320, passed 2- -91)

§ 51.121 RIGHT TO OBTAIN INFORMATION REGARDING DISCHARGE.

Duly authorized employees of the city and representatives of the state and EPA bearing proper credentials and identification are authorized to obtain information concerning character, strength and quantity of industrial wastes which have a direct bearing on the kind and source of discharge to the wastewater collection system.
(Ord. 1991-320, passed 2- -91)

§ 51.122 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 an easement for the purpose of, but not limited to, construction, inspection, observation, measurement, sampling, repair, and maintenance of any portions 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.

(Ord. 1991-320, passed 2- -91)

§ 51.123 SAFETY.

While performing the necessary work on private properties referred to in § 51.122, all duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as may be caused by negligence or failure of the company to maintain safe conditions as required by this chapter.

(Ord. 1991-320, passed 2- -91)

ENFORCEMENT

§ 51.135 EMERGENCY SUSPENSIONS.

(A) The Superintendent may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Superintendent may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in § 51.999 are initiated against the user.

(2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution

and the measures taken to prevent any future occurrence, to the Superintendent prior to the date of any show cause or termination hearing under § 51.138 or 51.999.

(B) Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. (Ord. 1991-320, passed 2- -91; Am. Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

§ 51.136 NOTIFICATION OF VIOLATION.

When the Superintendent finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may serve upon that user a written Notice of Violation. Within 30 days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Superintendent. Submission of such a plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation. (Ord. 1991-320, passed 2- -91; Am. Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

§ 51.137 ADMINISTRATIVE ORDERS.

(A) Consent Orders. The Superintendent may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to § 51.137(B) and (C) and shall be judicially enforceable.

(B) Compliance Orders. When the Superintendent finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to

the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(C) Cease and Desist Orders. When the Superintendent finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Superintendent may issue an order to the user directing it to cease and desist all such violations and directing the user to:

(1) Immediately comply with all requirements; and

(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Ord. 1991-320, passed 2- -91; Am. Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

§ 51.138 SHOW CAUSE HEARING.

The Superintendent may order a user which has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 45 days prior to the hearing. Such notice may be served on any authorized representative of the user as defined in § 51.002 and required by § 51.081(F). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(Ord. 1991-320, passed 2- -91; Am. Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

§ 51.139 TERMINATION OF PERMIT.

(A) Significant industrial users proposing to discharge into the POTW, must first obtain a Wastewater Contribution Permit from the city. Any user who violates the following conditions of this chapter or a

Wastewater Contribution Permit or order, or any applicable state or federal law, is subject to permit termination:

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

(B) Noncompliant industrial users will be notified of the proposed termination of their Wastewater Contribution Permit and be offered an opportunity to show cause why the proposed action should not be taken. (Ord. 1991-320, passed 2- -91)

§ 51.140 TREATMENT UPSETS.

(A) For the purposes of this section, "UPSET" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(B) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of division (C), below, are met.

(C) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and the user can identify the cause(s) of the upset;
- (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- (3) The user has submitted the following information to the Superintendent within 24 hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five days:

- (a) A description of the indirect discharge and cause of noncompliance;

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(D) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(E) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(F) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(Ord. 1991-320, passed 2- -91; Am. Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

§ 51.141 PROHIBITED DISCHARGE STANDARDS.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 51.061(A) or the specific prohibitions in § 51.061(B) (3) through the city if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(A) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(B) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

§ 51.142 TREATMENT BYPASSES.

(A) For the purposes of this section:

(1) "BYPASS" means the intentional diversion of waste streams from any portion of a user's treatment facility.

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

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

(C) Bypass Notifications.

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

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

(D) Bypass.

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

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The user submitted notices as required under division (C) of this section.

(2) The Superintendent may approve an anticipated bypass, after considering its adverse effects, if the Superintendent determines that it will meet the three conditions listed in division (D)(1) of this section.

(Ord. 1991-320, passed 2- -91; Am. Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

§ 51.143 SUPPLEMENTAL ENFORCEMENT ACTION.

(A) Performance Bonds. The Superintendent may decline to issue or reissue an individual wastewater discharge permit to any user who has failed to comply with any provision of this chapter, a previous individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the Superintendent to be necessary to achieve consistent compliance.

(B) Liability Insurance. The Superintendent may decline to issue or reissue an individual wastewater discharge to any user who has failed to comply with any provision of this chapter, a previous individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

(C) Payment of Outstanding Fees and Penalties. The Superintendent may decline to issue or reissue an individual wastewater discharge permit to any user who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this chapter, a previous individual wastewater discharge permit, or order issued hereunder.

(D) Water Supply Severance. Whenever a user has violated or continues to violate any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will recommence, at the user's expense, only after the user has satisfactorily demonstrated its ability to comply.

(E) Public Nuisances. A violation of any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Superintendent. Any person(s) creating a public nuisance shall be subject to the provisions of Williamstown Code of Ordinances Chapter 92 governing such nuisances, including reimbursing the City of Williamstown for any costs incurred in removing, abating, or remedying said nuisance.

(F) Contractor Listing. Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the city. Existing contracts for the sale of goods or services to the city held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Superintendent.

(Ord. 2012-04, passed 2-4-13; Am. Ord. 2013-21, passed 8-5-13)

§ 51.999 PENALTIES.

(A) Written Notice. Any person found to be violating any provision of this chapter shall be served by the city with written notice stating the nature of the violation. The offender shall, within the time period stated in the notice, permanently cease all violations.

(B) Termination of Discharge.

(1) In addition to the provisions in § 51.086, any user who violates the following conditions is subject to discharge termination:

(a) Violation of individual wastewater discharge permit conditions;

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

(d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or

(e) Violation of the pretreatment standards in § 51.060 et seq.

(2) Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under § 51.138 why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the user.

(C) Misrepresentation; Falsifying Documents. Any industrial user who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or Wastewater Contribution Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not

more than one thousand dollars (\$1,000.00) per violation per day or imprisonment for not more than one (1) year or both.

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

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

(F) Injunctive Relief. When the Superintendent finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may petition the Grant County Courts through the City Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(G) Civil Penalties.

(1) A user who has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the city for a maximum civil penalty of \$1,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(2) The Superintendent may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

(3) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(H) Criminal Prosecution.

(1) A user who willfully or negligently violates any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$500 per violation, per day, or imprisonment for not less than 90 days but not more than one year, or both.

(2) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$500, or be subject to imprisonment for not less than 90 days but not more than one year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(3) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than \$500 per violation, per day, or imprisonment for not less than 90 days but not more than one year, or both.

(4) In the event of a second conviction, a user shall be guilty of a Class D felony and be subject to imprisonment for a time period of at least one year but not more than five years.

(I) Administrative Fines.

(1) When the Superintendent finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may fine such user in an amount not to exceed \$1,000 and each day the violation continues will constitute a separate offense. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

(2) Unpaid charges, fines, and penalties shall, after 30 calendar days, be assessed an additional penalty of 12% the legal rate of the unpaid balance, and interest shall accrue thereafter at a rate 12% per month the legal rate. A lien against the user's property shall be sought for unpaid charges, fines, and penalties.

(3) Users desiring to dispute such fines must file a written request for the Superintendent to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the Superintendent may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Superintendent may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(4) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

(J) Remedies Nonexclusive. The remedies provided for in this chapter are not exclusive. The Superintendent may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the Superintendent may take other action against any user when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant user.

(K) Liability. Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned by the city's wastewater treatment facilities by reason of such violation.

(Ord. 1991-320, passed 2- -91; Am. Ord. 2012-04, passed 2-4-13; Am.

Ord. 2013-21, passed 8-5-13)