

POLLUTANT DISCHARGE LIMITS

§ 52.060 GENERAL CONDITIONS AND LIMITATIONS.

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

(Ord. 7-92, passed 2-4-1992)

§ 52.061 RESTRICTED DISCHARGES.

(A) No user shall contribute, or cause to be contributed, directly or indirectly, any pollutant or waste water which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standard or requirement.

(B) A user shall not contribute the following substances to any POTW:

(1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140°F or 60°C using the test methods specified in 40 C.F.R. § 261.21;

(2) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than six or higher than nine unless the works is specifically designed to accommodate the discharges;

(3) Any pollutant, including oxygen demanding pollutant (BOD and the like) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;

(4) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting interference;

(5) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 104°F (40°C) unless the state, upon request of the POTW, approves alternate temperature limits;

(6) Any substance which may cause the POTW's effluent or other product of the POTW such as residues, sludge or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the sludge management method being used;

(7) Any substance which will cause the POTW to violate its NPDES/KPDES and/or sludge disposal system permit or the receiving water quality standards;

(8) 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;

(9) Any trucked or hauled pollutants, except at discharge points designated by the Manager;

(10) Waste water containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin;

(11) Any waste water containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any waste water treatment process, to constitute a hazard to humans or animals, to create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to § 307(a) of the Act;

(12) Waste water from industrial plants or commercial businesses containing floatable oils, fat or grease, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures 32° through 150°F (0° through 65°C);

(13) Any waste water with objectionable color not removable in the POTW, but in no case, waste water with a color at the introduction into the POTW that exceeds 300 ADMI units;

(14) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, motels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. The installation and operation of any garbage grinder equipped with a three-fourths HP motor or greater shall be subject to review and approval;

(15) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the city;

(16) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations;

(17) Any waste(s) or waste water(s) classified as a hazardous waste by the Resource Conservation and Recovery (RCRA) without a 60-day prior notification of such discharge to the city. This notification must include the name of the hazardous waste, the EPA hazardous waste number, type of discharge, volume/mass of discharge and time of occurrence(s). The Manager may prohibit or condition the discharge(s) at any time;

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

(19) Waters and wastes containing substances which are not amenable to treatment or reduction by the waste water treatment processes employed or are amenable to treatment only to the degree that the waste water treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;

Table 1. Incompatible Pollutant Limitations

<i>Pollutant</i>	<i>Maximum Daily Average Concentration (mg/L)</i>
Biochemical Oxygen Demand (5 day)*	350.0
Suspended Solids*	350.0
Ammonia*	20.0
Arsenic	0.57
Cadmium	0.09
Chromium, Total	2.77
Chromium, Hexvalent	1.3
Copper	3.22
Cyanide, amenable	0.07
Iron	30
Lead	0.45
Mercury	0.007
Nickel	2.08
Selenium	0.21
Silver	0.81
Zinc	3.98

*Surcharge begins above this concentration limit, and a maximum limit may be established by the Manager.

(20) Any additional regulations as established by the Sewerage and Water Works Commission pursuant to §53.02. (Ord. 7-92, passed 2-4-1992; Ord. 15-2009, passed 8-20-2009; Ord. 26-2019, passed 12-17- 2019) Penalty, see §52.999

§ 52.062 DILUTION OF WASTE WATER 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 limitations contained in the federal categorical pretreatment standards, or in any other pollutant specific limitation developed by the city or state. Dilution may be permitted to pretreatment of compatible wastes if provided for in those users permit.

(Ord. 7-92, passed 2-4-1992) Penalty, see §52.999

§ 52.063 GREASE, OIL AND SAND INTERCEPTORS.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Manager they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All food service establishments, including but not limited to cafes, restaurants, hotels, retirement centers, nursing homes, hospitals, grocery stores, markets, prisons, mobile food units, or other food preparation establishments, are required to comply with the *Hopkinsville Water Environment Authority's Regulation # 09-2016: HWEA Fats, Oils and Grease (FOG) Management*

Program. The grease control equipment must be designed in accordance with the city design standards, shall be easily accessible for cleaning and inspection, have all proper components, have proper capacity, and be approved by the Manager. Outside grease interceptor installation and maintenance will be required for all food service establishments, unless the food service establishment meets specific criteria in the HWEA FOG Management Policy, and receives approval from the Manager. Failure to meet the requirements of the HWEA FOG Management Policy will result in enforcement action, which may include fines, penalties and compliance schedule requirements. 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 the 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's Health Department.

(Ord. 7-92, passed 2-4-1992; Ord. 26-2019, passed 12-17-2019) Penalty, see §52.999

§ 52.064 SPECIAL INDUSTRIAL PRETREATMENT REQUIREMENTS.

(A) Pursuant to the requirements imposed on publicly owned waste water 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 or her expense.

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

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

(2) 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 discharge specified by the Manager for such purposes.

(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 Manager 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 by the city for such purposes.

(5) Any liquid waste hauler illegally discharging to the public sewer system shall be subject to immediate revocation of discharge privileges (if granted) and further subject to the penalties prescribed in §§ 52.142 through 52.147 and § 52.999.

(6) Nothing in this chapter shall relieve waste haulers of the responsibility for compliance with county's Health Department, state or federal regulations.

(7) All grease waste haulers must comply with the requirements in the *Hopkinsville Water Environment Authority's Regulation # 09-2016: HWEA Fats, Oils and Grease (FOG) Management Program*.

(D) 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 C.F.R. part 261. The notification must include the name of the hazardous waste as set forth in 40 C.F.R. 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 the waste per calendar month to the POTW, the notification shall also contain the following information to the extent the information is known and readily available to the industrial user:

(1) An identification of the hazardous constituents contained in the wastes;

(2) An estimation of the mass and concentration of the constituents in the wastestream discharged during that calendar month; and

(3) An estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months.

(E) 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 division need be submitted only once for hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 C.F.R. § 403.12(j). The notification requirements in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 C.F.R. § 403.12(b), (d) and (e).

(F) Dischargers are exempt from the requirements stated in division (E) of this section 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 C.F.R. §§ 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or any quantity of acute hazardous wastes as specified in 40 C.F.R. §§ 261.30(d) and 261.33(e), requires a one-time notification.

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

(H) In case of any new regulations under § 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 the substance within 90 days of the effective date of the regulations. In the case of any notification made under this provision, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(Ord. 7-92, passed 2-4-1992; Ord. 26-2019, passed 12-17-2019) Penalty, see §52.999

§ 52.065 PROTECTION FROM ACCIDENTAL AND/OR SLUG DISCHARGES.

(A) *General.* 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 and/or slug discharges 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 90 days after the effective date of this chapter. Construction shall be completed within 120 days of approval of plans and notification by the Manager. 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 and/or slug discharge procedures have been approved by the city. Review and approval of the 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 and/or slug 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) *Written notice.* Within five days following an accidental and/or slug discharge, the user shall submit, to the Manager, a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. The notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this subchapter or applicable law.

(C) *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 ensure that all employees who may cause or suffer the dangerous discharge to occur are advised of the emergency notification procedure.

(Ord. 7-92, passed 2-4-1992)

§ 52.066 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. 7-92, passed 2-4-1992)

§ 52.067 CITY'S RIGHT OF REVISION.

The city reserves the right, at the recommendation of the Manager, to establish, by majority vote of its Commission revised limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in this chapter.

(Ord. 7-92, passed 2-4-1992)

§ 52.068 FEDERAL CATEGORICAL PRETREATMENT STANDARDS.

Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The Manager shall notify all affected users of the applicable reporting requirements under 40 C.F.R. § 403.12.

(Ord. 7-92, passed 2-4-1992)

§ 52.069 MODIFICATION OF FEDERAL CATEGORICAL PRETREATMENT STANDARDS.

Where the city's waste water 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 waste water treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95% of the samples taken when measured according to the procedures set forth in § 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 C.F.R. § 403.7 are fulfilled and prior approval from the Approval Authority is obtained.

(Ord. 7-92, passed 2-4-1992)

PRETREATMENT PROGRAM ADMINISTRATION

§ 52.080 WASTE WATER DISCHARGERS.

(A) It shall be unlawful to discharge, without a city permit, to any natural outlet within the city or in any area under the jurisdiction of the city and/or to the POTW any waste water, except as authorized by the Manager, in accordance with the provisions of this chapter.

(B) Any agency and/or industry outside the jurisdiction of the city that desires to contribute waste water to the POTW must first sign (through an authorized representative) an interjurisdictional agreement, whereby the agency and/or industry agrees to be regulated by all provisions of this chapter and state and federal regulations. An industrial user discharge permit may then be issued by § 52.081.

(Ord. 7-92, passed 2-4-1992) Penalty, see §52.999

§ 52.081 WASTE WATER CONTRIBUTION PERMITS.

(A) *General.* All significant users proposing to connect or to contribute to the POTW shall obtain an industrial user discharge permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain an industrial user discharge permit within 90 days after the effective date of this chapter.

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

- (1) Name, name of operator and owner, address and location if different from address;
- (2) SIC number(s) according to the *Standard Industrial Classification Manual*, United States Bureau of the Budget, 1972, as amended;
- (3) Waste water constituents and characteristics as determined by an analytical laboratory acceptable to the city; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to § 304(g) of the Act and contained in 40 C.F.R. part 136, as amended;
- (4) Time and duration of contribution;
- (5) Average daily and 30-minute peak waste water flow rates, including daily, monthly and seasonal variation if any;
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by size, location and elevation;
- (7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by city, state or federal pretreatment standards and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional pretreatment is required for the user to meet applicable pretreatment standards;
- (9) (a) If additional pretreatment will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard; and
(b) The following conditions shall apply to this schedule.
 1. The schedule must be acceptable to the city.
 2. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards.
 3. Not later than 14 days following each date in the schedule and the final date for compliance, the user may be required to submit a progress report to the Manager including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and steps being taken by the users to return the construction to the schedule established.

- (10) Each product produced by type, amount, process or processes and rate of production;
- (11) Type and amount of raw materials processed (average and maximum per day);
- (12) Number of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- (13) A copy of the industry's written environmental control program, comparable document or policy;
- (14) Any other information as may be deemed by the city to be necessary to evaluate the permit application; and
- (15) A list of any environmental control permits held by or for the facility.

(C) *Issuance.* The city shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue an industrial user discharge permit subject to terms and conditions provided herein.

(Ord. 7-92, passed 2-4-1992)

§ 52.082 PERMIT MODIFICATIONS.

Within nine months of the promulgation of national categorical pretreatment standards, the industrial user discharge permit of the users subject to such standards shall be revised to require compliance with the standard within the time frame prescribed by the standard. Where a user subject to national categorical pretreatment standards has not previously submitted an application for an industrial user discharge permit as required, the user shall apply for an industrial user discharge permit within 90 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing industrial user discharge permit shall submit, to the Manager, within 90 days after the promulgation of an applicable federal categorical pretreatment standard, the information required by this chapter.

(Ord. 7-92, passed 2-4-1992)

§ 52.083 PERMIT CONDITIONS.

Waste water contribution permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

- (A) The unit charge or schedule of user charges and fees for the waste water to be discharged to a community sewer;
- (B) Limits on the average and maximum waste water constituents and characteristics;
- (C) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (D) Requirements for installation and maintenance of inspection and sampling facilities;
- (E) Specifications for monitoring programs which may include sampling locations; frequency of sampling; number, types and standards for tests; and reporting schedule;
- (F) Compliance schedules;
- (G) Requirements for submission of technical reports or discharge reports (see §52.087);
- (H) Requirements for maintaining and retaining, for a minimum of three years, plant records relating to waste water discharge as specified by the city and affording city access thereto;
- (I) Requirements for notification of the city of any new introduction of waste water constituents or any substantial change in the volume or character of the waste water constituents being introduced into the waste water system;
- (J) Requirements for notification of slug discharges;
- (K) The permit may require the user to reimburse the city for all expenses related to monitoring, sampling and testing performed at the direction of the Manager and deemed necessary by the city to verify that the user is in compliance with that permit; and
- (L) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(Ord. 7-92, passed 2-4-1992)

§ 52.084 ALTERNATIVE DISCHARGE LIMITS.

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

(B) Where the effluent limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutants per unit of production (production-based standard), the Manager may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or of effluent concentration for purposes of calculating effluent permit limitations applicable to the permittee. The permittee shall be subject to all permit limits calculated in this manner under 40

C.F.R. § 403.6(c) and must fully comply with these alternative limits.

(Ord. 7-92, passed 2-4-1992)

§ 52.085 PERMIT DURATION.

Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 120 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification, by the city, during the term of the permit as limitations or requirements as identified in §§ 52.060 through 52.069 are modified or other just cause exists. The user shall be informed of any proposed changes in their permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(Ord. 7-92, passed 2-4-1992)

§ 52.086 PERMIT TRANSFER.

Waste water contribution permits are issued to a specific user for a specific operation. An industrial user discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(Ord. 7-92, passed 2-4-1992)

§ 52.087 REPORTING REQUIREMENTS FOR PERMITTEE.

(A) Compliance data reporting.

(1) Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new user, following commencement of the introduction of waste water into the POTW, any user subject to pretreatment standards and requirements shall submit, to the Manager, a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user's facility which are limited by the pretreatment standards or requirements.

(2) The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional pretreatment and time schedule is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the user.

(B) Periodic compliance reports.

(1) Any user subject to a pretreatment standard, after the compliance date of the pretreatment standard, or, in the case of a new user, after commencement of the discharge into the POTW, shall submit, to the Manager, during the month of May, unless required more frequently in the permit, a report indicating the nature and concentration of pollutants in the effluent which are limited by this chapter and measured in a scan to be conducted annually during March. In addition, this report shall include a record of measured or estimated average or maximum daily flows for the reporting period. At the discretion of the Manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles and the like, the Manager may agree to alter the months during which the above reports are to be submitted. The city may require more detailed reporting of flows as determined by the Manager.

(2) (a) The Manager may impose mass limitations on users where their imposition is appropriate. In such cases, the report required by division (A) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(b) The industrial user shall notify the POTW immediately of any slug loading as defined herein by the industrial user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass, where requested by the Manager, of pollutants contained therein which are limited by the applicable pretreatment standards. All analyses shall be performed by a laboratory acceptable to the city. Analytical procedures shall be in accordance with procedures established by the U.S. EPA Administrator pursuant to § 304(g) of the Act and contained in 40 C.F.R. part 136 and amendments thereto or with any other test procedures approved by the U.S. EPA Administrator. Sampling shall be performed in accordance with the techniques approved by the U.S. EPA Administrator.

(3) Where 40 C.F.R. part 136 does not include sampling or analytical techniques for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, *Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants*, April, 1977 and amendments thereto, or with any other sampling and analytical procedures approved by the U.S. EPA Administrator.

(4) The reports required by divisions (B)(1) through (3) of this section must be signed by an authorized representative of the industrial user as defined by this chapter.

(Ord. 7-92, passed 2-4-1992)

§ 52.088 PERMIT VIOLATION.

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

(B) The discharge shall be resampled and analyzed for the parameter(s) in question within two days and the results to the Manager within 30 days after becoming aware of the violation. Exception to this regulation is only if the city performs the sampling within the same time period for the same parameter(s) in question.

(Ord. 7-92, passed 2-4-1992) Penalty, see §52.999

§ 52.089 MONITORING FACILITIES.

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

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

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

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

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

(Ord. 7-92, passed 2-4-1992)

§ 52.090 INSPECTION AND SAMPLING.

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

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

(Ord. 7-92, passed 2-4-1992)

§ 52.091 PRETREATMENT.

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

(Ord. 7-92, passed 2-4-1992)

§ 52.092 PUBLICATION OF VIOLATORS.

(A) The city is required by federal regulation to keep the public informed of all cases of significant violation. To accomplish this, the city shall, annually, publish in a newspaper of local circulation a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the 12 previous months. A significant violation shall meet one or more of the following criteria:

- (1) Chronic violations of waste water discharge limits, defined here as those in which 66% or more of all of the

measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(2) Technical review criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the city determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 C.F.R. part 403 to halt or prevent such a discharge;

(5) Failure to provide, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;

(6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring report and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; and/or

(8) Any other violation or group of violations which the city determines will adversely affect the operation or implementation of the local pretreatment program.

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

(C) All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

(Ord. 7-92, passed 2-4-1992)

§ 52.093 CONFIDENTIAL INFORMATION.

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

(B) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or a secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this chapter, the NPDES/KPDES permit, sludge disposal system permit and/or the pretreatment programs; provided, however, that, the portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Waste water constituents and characteristics shall not be recognized as confidential information.

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

(Ord. 7-92, passed 2-4-1992) Penalty, see §52.999

§ 52.094 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. The 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 the analyses.

(B) Any industrial user subject to the reporting requirements established in this chapter shall be required to retain, for a minimum of three years, any records of monitoring activities and results (whether or not the monitoring activities are required) and shall make the 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. 7-92, passed 2-4-1992)

§ 52.105 PURPOSE.

This subchapter provides for the recovery of costs from users of the POTW for the implementation and conduct of the program established herein. The applicable charges or fees shall be set forth in the city's schedule of charges and fees.

(Ord. 7-92, passed 2-4-1992)

§ 52.106 CHARGES AND FEES.

(A) The city may adopt charges and fees which may include:

- (1) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;
- (2) Fees for monitoring, inspections and surveillance procedures;
- (3) Fees for reviewing accidental and/or slug discharges procedures and construction;
- (4) Fees for permit applications;
- (5) Fees for filing appeals;
- (6) Fees for consistent removal, by POTW, of pollutants otherwise subject to federal pretreatment standards; and
- (7) Other fees as the city may deem necessary to carry out the requirements contained herein.

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

(Ord. 7-92, passed 2-4-1992)

§ 52.107 CONDITIONS FOR CHANGES.

The following shall be general conditions for changes.

(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.

(D) All flow to the sewage works not directly attributable to user (such as, 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 a regular bill, of the rate and that portion of the user charge which is attributable to operation and maintenance of the POTW.

(Ord. 7-92, passed 2-4-1992)

§ 52.108 SURCHARGES.

(A) *Excessive strength surcharge.*

(1) In the event a user discharges wastes to the sewage works in excess of the limitations as stated in §2.061(B)(20), the user shall pay a surcharge based upon the excess strength of its wastes.

(2) The surcharge will be calculated by obtaining the normal sewer service; then from the analysis of the discharge determining the strength of the discharge waste; selecting the proper multiplier based on the strength of the discharge and then multiplying the normal sewer service by that figure.

(3) The costs of treatment for each parameter 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.

(B) *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 effected users:

Actual Test Results - Current Limits = Amount Exceeding Limitation

Surcharge = (AEL) × 8.34 × (TMF) × (CP)

AEL = Amount Exceeding Limitation (mg/1)

TMF = Total Monthly Flow (MGD)

CP = Cost per Pound

(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 contains less than the current limitations.

(Ord. 7-92, passed 2-4-1992)

POWERS AND AUTHORITIES OF INSPECTORS

§ 52.120 RIGHT TO ENTER PREMISES.

The Manager 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, sampling and testing pertinent to discharges to the public sewer system in accordance with the provisions of this chapter.

(Ord. 7-92, passed 2-4-1992)

§ 52.121 RIGHT TO OBTAIN INFORMATION REGARDING DISCHARGE.

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

(Ord. 7-92, passed 2-4-1992)

§ 52.122 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 a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the waste water facilities lying within that easement. All entry and subsequent work, if any, on that easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. 7-92, passed 2-4-1992)

§ 52.123 SAFETY.

While performing the necessary work on private properties referred to §52.122, the Manager, or 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 employees and the city shall indemnify the company against loss or damage to its property by the 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 such may be caused by negligence or failure of the company to maintain safe conditions as required in § 52.089.

(Ord. 7-92, passed 2-4-1992)

ENFORCEMENT AND ADMINISTRATION

§ 52.135 SUSPENSION ORDER; NOTIFICATION AND COMPLIANCE.

(A) The Manager may suspend the waste water treatment service and/or an industrial user discharge permit whenever the suspension is necessary, in the opinion of the Manager, in order to stop an actual or threatened discharge which is presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW or the environment.

(B) Any user notified of a suspension of waste water treatment service and/or the industrial user discharge permit shall immediately stop or eliminate the contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream or endangerment to any individuals. The Manager shall allow the user to recommence its discharge when the endangerment has passed, unless the termination proceedings set forth in § 52.139 are initiated against the user.

(C) An industrial user which is responsible, in whole or part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and measures taken to prevent any future occurrence to the Manager prior to the date of the hearing described in § 52.138.

(Ord. 7-92, passed 2-4-1992)

§ 52.136 NOTIFICATION OF VIOLATION.

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

(Ord. 7-92, passed 2-4-1992)

§ 52.137 ADMINISTRATIVE ORDERS.

(A) *Consent orders.* The Manager is hereby empowered to enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. The orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to division (B) of this section.

(B) *Compliance order.* When the Manager finds that an industrial user has violated or continues to violate this chapter or a permit or order issued thereunder, he or she may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.

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

(1) Comply forthwith; and

(2) Take the appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(Ord. 7-92, passed 2-4-1992)

§ 52.138 SHOW CAUSE HEARING.

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

(Ord. 7-92, passed 2-4-1992)

§ 52.139 TERMINATION OF PERMIT.

(A) Significant industrial users proposing to discharge into the POTW, must first obtain an industrial user discharge permit from the city. Any user who violates the following conditions of this chapter or an industrial user discharge permit or order, or any applicable state or federal law, is subject to permit termination:

(1) Failure to accurately report the waste water constituents and characteristics of its discharge;

(2) Failure to report significant changes in operations or waste water 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 industrial user discharge permit and be offered an opportunity to show cause why the proposed action should not be taken.

(Ord. 7-92, passed 2-4-1992)

§ 52.140 TREATMENT UPSETS.

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

(1) A description of the upset, its cause(s) and impact on the discharger's compliance status;

(2) The duration of noncompliance, including exact dates and times of noncompliance and, if the noncompliance is

continuing, the time by which compliance is reasonably expected to be restored; and

(3) All steps taken or planned to reduce, eliminate and prevent recurrence of such an upset.

(B) An industrial user which complies with the notification provisions of this section in a timely manner shall have an affirmative defense to any enforcement action brought by the Manager for any noncompliance with this chapter or an order or permit issued hereunder by the user, which arises out of the documented and verified upset.

(Ord. 7-92, passed 2-4-1992)

§ 52.141 TREATMENT BYPASSES.

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

- (1) The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
- (2) There was no feasible alternative to bypass, including the use of auxiliary treatment or retention of waste water; and
- (3) The industrial user properly notified the Manager as described in division (B) of this section.

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

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

(Ord. 7-92, passed 2-4-1992)

§ 52.142 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 and providing a reasonable time limit for satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(Ord. 7-92, passed 2-4-1992)

§ 52.143 REVOCATION OF PERMIT.

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

(Ord. 7-92, passed 2-4-1992)

§ 52.144 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 industrial user discharge 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 \$1,000 per violation per day or imprisonment for not more than one year or both.

(Ord. 7-92, passed 2-4-1992)

§ 52.145 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.

(Ord. 7-92, passed 2-4-1992) Penalty, see §10.99

§ 52.146 LEGAL ACTION.

If any person discharges sewage, industrial wastes or other wastes into the city's waste water disposal system contrary to the provisions of this chapter or any order or permit issued hereunder, the Manager may commence an action for appropriate legal and/or equitable relief in the appropriate court of this jurisdiction.

(Ord. 7-92, passed 2-4-1992)

§ 52.147 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 waste water treatment facilities by reason of the violation.

(Ord. 7-92, passed 2-4-1992)

§ 52.999 PENALTY.

Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter, or permits and orders issued hereunder shall be fined in an amount not to exceed \$1,000 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate distinct violation. The assessments may be added to the user's next scheduled sewer service charge and the Manager shall have such other collection remedies as he or she has to collect other service charges. Unpaid charges, fines and penalties shall constitute a lien against the individual user's property. Industrial users desiring to dispute the fines must file a request for the Manager to reconsider the fine within ten days of being notified of the fine. Where the Manager believes a request has merit, he or she shall convene a hearing on the matter within 15 days of receiving the request from the industrial user.

(Ord. 7-92, passed 2-4-1992)