

ORDINANCE NO. 11-009

SEWER USE ORDINANCE

AN ORDINANCE OF THE CITY OF GEORGETOWN CONCERNING USE OF THE MUNICIPAL SANITARY SEWER COLLECTION AND TREATMENT SYSTEM, SETTING FORTH POLICY, DEFINITIONS, RULES AND REGULATIONS REGARDING THE USE OF SAID SYSTEM, CONTROLLING PRIVATE WASTEWATER DISPOSAL, GOVERNING THE BUILDING OF SEWERS AND CONNECTION, POLLUTANT DISCHARGE LIMITS, PRETREATMENT PROGRAM ADMINISTRATION, ESTABLISHING THE RIGHT OF THE CITY TO CHARGE FEES FOR ADMINISTERING THE CITY'S REASONABLY NECESSARY FUNCTIONS RELATED TO SEWER USE, AND DELINEATING POWERS AND AUTHORITY OF INSPECTORS AND SETTING FORTH THE METHODS AND PROCEDURES OF ENFORCEMENT OF THE ORDINANCE AND PENALTIES FOR VIOLATION OF SAME AND REPEALING ORDINANCE 99-030.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GEORGETOWN AS FOLLOWS:

SUMMARY

ARTICLE I

States the purpose, definitions and abbreviations as used in this ordinance.

ARTICLE II

Mandates connection to sanitary sewers of the City; makes it unlawful to discharge wastewater or industrial wastes in storm sewers or natural outlets; requires compliance with local, state and federal laws; prohibits discharge of unpolluted water into sanitary sewers; and defining prohibited discharges.

ARTICLE III

Permits private wastewater disposal where public sewers are unavailable and lists requirements for installation of private sewers.

ARTICLE IV

Requires permits for building sewers and connections; lists prohibited connections; lists design and installation requirements and inspection procedures.

ARTICLE V

Lists limits of pollutants discharge; lists restricted discharges; lists concentration limits for each substance at each sewer treatment plant; prohibits dilution of wastewater discharges; establishes requirements for grease; oil and sand interceptors; establishes special industrial pretreatment requirements; requires protection for accidental and slug discharges; provides for application of state law requirements; reserves city's right of revision; provides for application of subsequent federal categorical pretreatment standards; and, authorizes development of best management practices.

ARTICLE VI

Establishes Pretreatment Program Administration requirements including: wastewater discharges, industrial user discharge permits; permit modifications; permit revocation/termination; permit conditions; alternative discharge limits; permit duration; permit transfers; best management practices; compliance data reporting; periodic compliance reports; permit violations; monitoring facilities and equipment; test procedures; pretreatment; annual publication of violations; definition of significant non-compliance; confidential information; signatory requirements; and, required reports.

ARTICLE VII

Authorizes charges and fees.

ARTICLE VIII

Establishes power and authority of inspection including: right to enter premises; right to obtain information regarding discharges; access to easements and data; and safety.

ARTICLE IX

Establishes guidelines for enforcement, including: notice of violation; administrative orders; show cause hearings; and additional enforcement remedies.

ARTICLE X

Establishes procedures for penalties through written notice and revocation of permit; sets fines of not more than \$1,000.00 and/or imprisonment of not more than twelve months for misrepresentation and falsifying documents and rendering inaccurate any monitoring device or method; permits arrest of any person who causes destruction of POTW; authorizes legal action, injunctive relief and civil penalties for violators of this ordinance; authorizes criminal prosecution of individual users punishable by fines not to exceed \$1,000.00 per violation per day and/or imprisonment for not more than twelve months for first conviction and fines not to exceed \$10,000 per violation per day and/or imprisonment for not more than three years for a second conviction; authorizes administrative fines not to exceed \$1,000.00 per violation..

ARTICLE XI

Repeals Ordinance 99-030 in its entirety.

ARTICLE XII

Repeals conflicting ordinances, provides for severability and effective date.

The full text of Ordinance 11-009 is available for examination in the City Clerk's Office, 100 Court Street, Georgetown, KY 40324 or at www.georgetownky.gov.

PUBLICLY INTRODUCED AND READ FIRST TIME: October 24, 2011

PUBLICLY READ SECOND TIME AND PASSED: November 14, 2011 _____

APPROVED: Everette Varney
Everette Varney, Mayor

ATTEST: Tracie Hoffman
Tracie Hoffman, City Clerk

I, Logan B. Askew, hereby certify I am an Attorney licensed to practice law in the Commonwealth of Kentucky, my office is located at 100 Court Street, Georgetown, Kentucky 40324. I further certify the foregoing Summary of Ordinance 11-009, of the City of Georgetown, Kentucky, was prepared in accordance with the requirements of KRS 83A.060(9), and is a true and accurate summary of the contents of said Ordinance.

Logan B. Askew
Logan B. Askew

ORDINANCE NO. 11-009

SEWER USE ORDINANCE

AN ORDINANCE OF THE CITY OF GEORGETOWN CONCERNING USE OF THE MUNICIPAL SANITARY SEWER COLLECTION AND TREATMENT SYSTEM, SETTING FORTH POLICY, DEFINITIONS, RULES AND REGULATIONS REGARDING THE USE OF SAID SYSTEM, CONTROLLING PRIVATE WASTEWATER DISPOSAL, GOVERNING THE BUILDING OF SEWERS AND CONNECTION, POLLUTANT DISCHARGE LIMITS, PRETREATMENT PROGRAM ADMINISTRATION, ESTABLISHING THE RIGHT OF THE CITY TO CHARGE FEES FOR ADMINISTERING THE CITY'S REASONABLY NECESSARY FUNCTIONS RELATED TO SEWER USE, AND DELINEATING POWERS AND AUTHORITY OF INSPECTORS AND SETTING FORTH THE METHODS AND PROCEDURES OF ENFORCEMENT OF THE ORDINANCE AND PENALTIES FOR VIOLATION OF SAME AND REPEALING ORDINANCE 99-030.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GEORGETOWN AS FOLLOWS:

SUMMARY

ARTICLE I

States the purpose, definitions and abbreviations as used in this ordinance.

ARTICLE II

Mandates connection to sanitary sewers of the City; makes it unlawful to discharge wastewater or industrial wastes in storm sewers or natural outlets; requires compliance with local, state and federal laws; prohibits discharge of unpolluted water into sanitary sewers; and defining prohibited discharges.

ARTICLE III

Permits private wastewater disposal where public sewers are unavailable and lists requirements for installation of private sewers.

ARTICLE IV

Requires permits for building sewers and connections; lists prohibited connections; lists design and installation requirements and inspection procedures.

ARTICLE V

Lists limits of pollutants discharge; lists restricted discharges; lists concentration limits for each substance at each sewer treatment plant; prohibits dilution of wastewater discharges; establishes requirements for grease; oil and sand interceptors; establishes special industrial pretreatment requirements; requires protection for accidental and slug discharges; provides for application of state law requirements; reserves city's right of revision; provides for application of subsequent federal categorical pretreatment standards; and, authorizes development of best management practices.

ARTICLE VI

Establishes Pretreatment Program Administration requirements including: wastewater discharges, industrial user discharge permits; permit modifications; permit revocation/termination; permit conditions; alternative discharge limits; permit duration; permit transfers; best management practices; compliance data reporting; periodic compliance reports; permit violations; monitoring facilities and equipment; test procedures; pretreatment; annual publication of violations; definition of significant non-compliance; confidential information; signatory requirements; and, required reports.

ARTICLE VII

Authorizes charges and fees.

ARTICLE VIII

Establishes power and authority of inspection including: right to enter premises; right to obtain information regarding discharges; access to easements and data; and safety.

ARTICLE IX

Establishes guidelines for enforcement, including: notice of violation; administrative orders; show cause hearings; and additional enforcement remedies.

ARTICLE X

Establishes procedures for penalties through written notice and revocation of permit; sets fines of not more than \$1,000.00 and/or imprisonment of not more than twelve months for misrepresentation and falsifying documents and rendering inaccurate any monitoring device or method; permits arrest of any person who causes destruction of POTW; authorizes legal action, injunctive relief and civil penalties for violators of this ordinance; authorizes criminal prosecution of individual users punishable by fines not to exceed \$1,000.00 per violation per day and/or imprisonment for not more than twelve months for first conviction and fines not to exceed \$10,000 per violation per day and/or imprisonment for not more than three years for a second conviction; authorizes administrative fines not to exceed \$1,000.00 per violation..

ARTICLE XI

Repeals Ordinance 99-030 in its entirety.

ARTICLE XII

Repeals conflicting ordinances, provides for severability and effective date.

The full text of Ordinance 11-009 is available for examination in the City Clerk's Office, 100 Court Street, Georgetown, KY 40324 or at www.georgetownky.gov.

PUBLICLY INTRODUCED AND READ FIRST TIME: October 24, 2011

PUBLICLY READ SECOND TIME AND PASSED: November 14, 2011

APPROVED: Everette Varney
Everette Varney, Mayor

ATTEST: Tracie Hoffman
Tracie Hoffman, City Clerk

I, Logan B. Askew, hereby certify I am an Attorney licensed to practice law in the Commonwealth of Kentucky, my office is located at 100 Court Street, Georgetown, Kentucky 40324. I further certify the foregoing Summary of Ordinance 11-009, of the City of Georgetown, Kentucky, was prepared in accordance with the requirements of KRS 83A.060(9), and is a true and accurate summary of the contents of said Ordinance.

Logan B. Askew
Logan B. Askew

ORDINANCE NO. 11-009

SEWER USE ORDINANCE

AN ORDINANCE OF THE CITY OF GEORGETOWN CONCERNING USE OF THE MUNICIPAL SANITARY SEWER COLLECTION AND TREATMENT SYSTEM, SETTING FORTH POLICY, DEFINITIONS, RULES AND REGULATIONS REGARDING THE USE OF SAID SYSTEM, CONTROLLING PRIVATE WASTEWATER DISPOSAL, GOVERNING THE BUILDING OF SEWERS AND CONNECTION, POLLUTANT DISCHARGE LIMITS, PRETREATMENT PROGRAM ADMINISTRATION, ESTABLISHING THE RIGHT OF THE CITY TO CHARGE FEES FOR ADMINISTERING THE CITY'S REASONABLY NECESSARY FUNCTIONS RELATED TO SEWER USE, AND DELINEATING POWERS AND AUTHORITY OF INSPECTORS AND SETTING FORTH THE METHODS AND PROCEDURES OF ENFORCEMENT OF THE ORDINANCE AND PENALTIES FOR VIOLATION OF SAME AND REPEALING PRIOR ORDINANCES.

WHEREAS, the City of Georgetown has and will be constructing facilities and improved trunk lines to same; and

WHEREAS, the City of Georgetown has determined the need for the adoption of a Sewer Use Ordinance to properly control the effluent to be discharged by the public into the City's sewer system, and the use of the system;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF GEORGETOWN that the following Ordinance shall be in effect from the date of publication hereof and until repealed and/or amendment thereof by the legislative body of the City.

Contents

ARTICLE I - GENERAL PROVISIONS	5
A. Purpose and Policy.....	5
B. Definitions.....	6
C. Abbreviations.....	16
ARTICLE II - USE OF PUBLIC SEWERS	17
A. Mandatory Sewer Connection.....	17
B. Unlawful Discharge to Storm Sewers or Natural Outlets.....	18
C. Compliance with Local, State and Federal Laws.....	18
D. Discharge of Unpolluted Waters into Sewer.....	18
E. Prohibited Discharges	19
ARTICLE III - PRIVATE WASTEWATER DISPOSAL.....	20
A. Public Sewer Not Available.....	20
B. Requirements for Installation.....	21
ARTICLE IV - BUILDING SEWERS AND CONNECTIONS.....	21
A. Permits	21
B. Prohibited Connections.....	22
C. Design and Installations	22
D. Inspection.....	24
ARTICLE V - POLLUTANT DISCHARGE LIMITS	24
A. General Conditions	24
B. Restricted Discharges.....	25
C. Dilution of Wastewater Discharge.....	29
D. Grease, Oil and Sand Interceptors.....	29
E. Special Industrial Pretreatment Requirements.....	29
F. Protection from Accidental and Slug Discharges	30
G. State Requirements	31
H. City's Right of Revision	32
I. Federal Categorical Pretreatment Standards	32
J. Best Management Practices Development.....	32
ARTICLE VI - PRETREATMENT PROGRAM ADMINISTRATION.....	32
A. Wastewater Discharges.....	32
B. Industrial User Discharge Permits	33
C. Permit Modification.....	35
D. Permit Revocation/Termination.....	36
E. Permit Conditions	37
F. Alternative Discharge Limits	38
G. Permit Duration.....	39
H. Permit Transfer	39
I. Best Management Practices	39
J. Compliance Data Reporting.....	39
K. Periodic Compliance Reports	40
L. Permit Violations	41
M. Monitoring	42

N. Inspection and Sampling.....	42
O. Test Procedures.....	43
P. Pretreatment.....	44
Q. Annual Publication.....	45
R. Significant Non-Compliance	45
S. Confidential Information.....	46
T. Signatory Requirements.....	47
U. Required Reports	47
ARTICLE VII - FEES.....	48
A. Purpose.....	48
B. Charges and Fees	48
ARTICLE VIII - POWER AND AUTHORITY OF INSPECTION.....	49
A. Right to Enter Premises	49
B. Right to Obtain Information Regarding Discharge.....	50
C. Access to Easements	50
D. Access to Data.....	50
E. Safety	50
ARTICLE IX - ENFORCEMENT.....	50
A. General.....	51
B. Notice of Violation	51
C. Administrative Orders.....	52
D. Show Cause Hearing.....	53
E. Additional Enforcement Remedies.....	54
ARTICLE X - PENALTIES	54
A. Written Notice.....	54
B. Revocation of Permit	54
C. Liability.....	55
D. Misrepresentation and/or Falsifying Documents	55
E. Destruction of POTW and Legal Action.....	55
F. Legal Action.....	55
G. Injunctive Relief.....	56
H. Civil Penalties	56
I. Criminal Prosecution	56
J. Emergency Response	57
ARTICLE XI - VALIDITY.....	57
A. Severability	57
B. Conflict	57
ARTICLE XII - REPEALING PRIOR ORDINANCES.....	57
ARTICLE XIII - ORDINANCE IN FORCE	57

ARTICLE I - GENERAL PROVISIONS

A. Purpose and Policy

This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Georgetown and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the general Pretreatment Regulations (40 CFR, Part 403).

The objectives to this ordinance are:

1. To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
2. To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system inadequately treated into receiving waters so as to cause violations of the City's KPDES permit or the atmosphere or otherwise be incompatible with the system;
3. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system;
4. To provide for equitable distribution of the cost of the municipal wastewater system; and
5. Provide for the safety of the treatment plant employees.

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

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

B. Definitions

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

1. ACT or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 12S1, et seq.
2. Approval Authority. The Secretary of the Kentucky Natural Resources and Environmental Protection Cabinet or an authorized representative thereof.
3. Authorized Representative. An authorized representative of a user may be: (1) a principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (2) a general partner or proprietor if the user is a partnership or proprietorship, respectively; (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

An authorized representative of the City may be any person designated by the City to act on its behalf.

4. Best Management Practices (BMPs) means schedules of activities, prohibition of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Article II E 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.
5. 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)).
6. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees Celsius expressed in terms of weight and concentration in milligrams per liter (mg/l).
7. Board of Commissioners. The duly appointed Board of Commissioners of the Georgetown Municipal Water & Sewer Service (GMWSS).
8. Building Drain. The 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 the inner face of the building wall.

9. Building Sewer. The extension from the building drain to the public sewer or other place of disposal, also called "house connection".
10. Building Sewer Permit. As set forth in "Building Sewers and Connections" (Article IV).
11. Categorical Industrial User. An industrial user subject to categorical pretreatment standards which have been promulgated by EPA.
12. Categorical Pretreatment Standards. National Categorical Pretreatment Standards or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.
13. City. The City of Georgetown, Kentucky.
14. Clean Water Act (CWA). (Also known as the Federal Water Pollution Control Act) enacted by Public Law 92-500. October 18, 1972. 33 USC 1251 et seq; as amended by PL 95-217. December 28, 1977; PL 97-117, December 29, 1981; PL 97-440, January 8, 1983, and PL 100-04, February 4, 1987.
15. Combined Sewer. Any conduit designed to carry both sanitary sewage and storm water or surface water.
16. Combined Wastestream Formula (CWF). Procedure for calculating alternative discharge limits at industrial facilities where a regulated wastestream is combined with other non-regulated wastestreams prior to treatment (40 CFR 403.7).
17. 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 so as to ensure compliance with the POTW's NPDES/KPDES permit.
18. Concentration-based Limit. A limit based on the relative strength of a pollutant in a wastestream, usually expressed in mg/L.
19. Control Authority. The term "control authority" shall refer to the City when there exists an approved Pretreatment Program under the Provisions of 40 CFR 403.11.

20. Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
21. Daily Maximum. The maximum allowable value for any single observation in a given day.
22. Dilute Wastestream. Boiler blowdown, sanitary wastewater, noncontact cooling water and certain process wastestreams that have been excluded from regulation in categorical pretreatment standards because they contain none or only trace amounts of the regulated pollutant.
23. Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Kentucky.
24. Discharger. Any person that discharges or causes a discharge to a public sewer.
25. Domestic Wastewater. The water-carried wastes produced from noncommercial or non-industrial activities and which result from normal human living Processes.
26. Easement. An acquired legal right for the specific use of land owned by others.
27. Effluent. The liquid overflow of any facility designed to treat, convey or retain wastewater.
28. Environmental Protection Agency or EPA. The US Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
29. Equipment. All movable, non-fixed items necessary to the wastewater treatment process.
30. Flow Proportional Composite Sample. Combination of individual samples proportional to the flow of the wastestream at the time of sampling.
31. Flow Weighted Averaging Formula (FWA). A procedure used to calculate alternative limits for a categorical pretreatment standard where regulated and nonregulated wastestreams combine after treatment, but prior to the monitoring point as defined in 40 CFR 403.
32. Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

33. GMWSS. Georgetown Municipal Water and Sewer Service as defined in Georgetown City Ordinance number 874, an ordinance consolidating the Municipal Water Works of the City of Georgetown, having been previously established by ordinance number 550 and supplemented by ordinance numbers 602 and 831, with the Sanitary Sewer System of the City of Georgetown and providing for the management, control and operation of said combined water works and sanitary sewer system by the Board of Water and Sanitary Sewer Commissioners
34. Grab Sample. A sample which is taken from a wastestream on a onetime basis with no regard to the flow in the wastestream and without consideration of time.
35. Health Department. The Georgetown/Scott County Health Department.
36. Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.
37. Incompatible Pollutant. All pollutants other than compatible pollutants as defined in paragraph 17 of this article.
38. Indirect Discharge. The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
39. 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.
40. Industrial Wastes. The wastewater from industrial or commercial processes as distinct from domestic or sanitary wastes.
41. Interceptor. A device designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from normal sewage or liquid wastes to discharge into the sewer or drainage system by gravity. Interceptor as defined herein is commonly referred to as a grease, oil or sand trap.
42. Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
 - (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
 - (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES/KPDES permit (including an increase in the magnitude or duration

of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substance Control Act, and the Marine Protection, Research and Sanctuaries Act (40 CFR 403.3).

43. Manager. The General Manager of GMWSS or their duly appointed deputy, agent or representative.
44. May. This is permissive (see "shall", paragraph 75).
45. Monthly Average. The maximum allowable value for the average of all observations obtained during one month.
46. 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.
47. National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Clean Water Act which applies to a specific category of industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.
48. National (or Kentucky) Pollutant Discharge Elimination System or NPDES/KPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1332), or a permit issued by the Commonwealth of Kentucky under this authority and referred to as KPDES.
49. Natural Outlet. Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface or groundwater.
50. New Source. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

- (A) The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (B) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (C) The production or wastewater generating processes of the building, structure, facility or installation 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.
51. Ninety (90) Day Compliance Report. A report submitted by a categorical industrial user, within 90 days following the date for final compliance with applicable categorical standards that documents and certifies the compliance status of the user (40 CFR 403.12(d).
52. Ordinance. This ordinance, unless otherwise specified.
53. Pass Through. A discharge of pollutant which cannot be treated adequately by the POTW, and therefore exits 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 POTW's NPDES/RPDES permit (including an increase in the magnitude or duration of a violation) (40 CFR 403.3).
54. Periodic Compliance Report. A report on compliance status submitted by significant industrial users to the Control Authority at least semi-annually (40 CFR 403.12 (e).
55. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estates, governmental entity of any other legal entity, or their legal representatives, agent or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
56. pH. The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.
57. Pollution. The man-made or man-induced alteration of the chemical physical, biological and radiological integrity of water.

58. Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.
59. POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
60. Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process change(s), or other means, except as prohibited by 40 CFR 403.6(d).
61. Process Wastewater. Any water which, during manufacturing or processing, comes into direct contact with or results from the production of or use of any raw material, intermediate product, finished product, by-product, or waste product.
62. Production-based Standard. A discharge limitation expressed in terms of allowable pollutant mass discharge rate per unit of production and is applied directly to an industrial user's manufacturing process.
63. Prohibitive Discharge Standard. Any regulation developed under the authority of 307 (b) of the Act and 40 CFR, Section 403 (5).
64. 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 1/2 inch in dimension.
65. Publicly Owned Treatment Works (POTW). A treatment works as defined in Section 212 of the Act. (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purpose of this ordinance, POTW shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or agreement with the City, users of the City's POTW.
66. 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.

67. Regulated Wastestream. An industrial process wastestream regulated by a National Categorical Pretreatment Standard.
68. Sanitary Sewer. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.
69. Sewage. The spent water of a community. Domestic or sanitary waste shall mean the liquid or water-carried wastes from residences, commercial buildings, and institutions as distinct from industrial sewage. The terms "sewage" and "wastewater" are used interchangeably.
70. Sewerage. Any and all facilities used for collecting, conveying, pumping, treating and disposing of wastewater.
71. Sewer User Charges. A system of charges levied on users of a POTW for the cost of operation and maintenance, including replacement, or such works.
72. Sewer Use Ordinance (SUO). Ordinance enacted by City for control of sanitary sewer use and construction.
73. Sewer System or Works. All facilities for collecting, transporting, pumping, treatment and disposing of sewage and sludge, namely the sewerage system and the POTW.
74. Sewer. A pipe or conduit that carries wastewater or drainage water.
75. Shall. Is mandatory (see "may", paragraph 44).
76. Significant Industrial User (SIU). Defined by EPA guidance as: (A) all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and (B) any non-categorical industrial user that (i) discharges 25,000 gallons per day or more of process wastewater ("process wastewater" excludes sanitary noncontact cooling, and boiler blowdown wastewaters) or (ii) contributes a process wastestream which makes up to five percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant or (iii) has a reasonable potential, in the opinion of the Control or Approval Authority, to adversely affect the pollutants. sludge contamination or endangerment of POTW workers).
77. Significant Noncompliance (SNC) See Article VI R
78. Slug Discharge. Any discharge of a non-routine episodic nature including, but not limited to, an accidental spill or noncustomary batch discharge or any discharge of

water or wastewater in which the concentration of any given constituent or 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 which adversely affects the POTW.

79. Slug Load. Any pollutant (including Biochemical Oxygen Demand) released in a discharge at a flow rate or concentration which will cause interference with the operation of the treatment works or which exceeds limits set forth in the Industry's Discharge Permit and which includes accidental spills.
80. Spill Prevention and Control Plan. A plan prepared by an industrial user to minimize the likelihood of a spill and to expedite control and cleanup activities should a spill occur.
81. Split Sample. Portion of a collection sample given to the industry or to another agency to verify or compare laboratory results.
82. Standard Industrial Classification (SIC). A classification scheme based on the type of industry or process at the facility.
83. 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.
84. State. Commonwealth of Kentucky.
85. Storm Drain (Sometimes Termed "Storm Sewer"). A drain or sewer for conveying water, groundwater, surface water, or unpolluted water from any source.
86. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
87. Superintendent. The person designated by the City to supervise the day to day operations, maintenance and management of the publicly owned treatment works and who is charged with certain duties and responsibilities by the Manager.
88. Surcharge. A charge for services in addition to the basic sewer user and debt service charges, for those users whose contributions contain Biochemical Oxygen Demand (BOD), Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), Oil & Grease, Phosphorus, or Ammonia nitrogen (NH₃-N) in concentrations which exceed limits specified herein for such pollutants. Where authorized by the control authority,

payment of a surcharge will authorize the discharge of the referenced pollutants so long as the discharge does not cause pass through or interference.

89. Suspended Solids (TSS). Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater."
90. Time Proportional Composite Sample. Combination of individual samples with fixed volumes taken at specific time intervals.
91. Toxic Organic Management Plan. Written plan submitted by industrial users as an alternative to TTO monitoring, which specifies the toxic organic compounds used, the method of disposal used and procedures for assuring that toxic organics do not routinely spill or leak into wastewater discharged to the POTW.
92. Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of EPA under the provisions of the Clean Water Act 307 (a) or any amendments thereto.
93. 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.
94. Unregulated Wastestream. A wastestream that is not regulated by a National Categorical Pretreatment Standards.
95. User. Any person who contributes, causes or permits the contribution of wastewater into the POTW.
96. Wastewater. The spent water of a community. Sanitary or domestic wastes shall mean the liquid and water-carried wastes from residences, commercial buildings and institutions as distinct from industrial waste.
97. Wastewater Discharge Permit (WDP). A permit issued to industrial users which authorizes discharges to the public sewer as set forth in the Administration Section of this Ordinance.
98. Wastewater Facilities. The structures, equipment, and processes required to collect, carry away, treat domestic and industrial wastes, and dispose of the effluent.

99. Wastewater Treatment Works. (WWTP) An arrangement of devices and structures for treating was water, 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".
100. Watercourse. A natural or artificial channel for the passage of water either continuously or intermittently.
101. 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.
102. WWTP #1. Wastewater treatment works located within the City and which accepts sanitary, commercial and industrial flow from the City excluding the Toyota Manufacturing Facility.
103. WWTP #2. Wastewater treatment works treating the wastewaters from the Toyota Manufacturing Facility and sanitary, commercial and industrial flows from within its planning area or as agreed to by the Manager.

C. Abbreviations

The following abbreviations shall have the designated meanings.

ADMI	- American Dye Manufacturers Institute
AO	- Administrative Order
ASTM	- American Society for Testing and Materials
BMP	- Best Management Practices
BOD	- Biochemical Oxygen Demand
BPJ	- Best Professional Judgment
CFR	- Code of Federal Regulations
CIU	- Categorical Industrial User
COD	- Chemical Oxygen Demand
CWA	- Clean Water Act (33 U.S.C. 1251 et seq)
CWF	- Combined Wastestream Formula
EPA	- Environmental Protection Agency
FWA	- Flow Weighted Average
FR	- Federal Register
gpd	- gallons per day
GMWSS	- Georgetown Municipal Water and Sewer Service
IU	- Industrial User

l	- Liter
mg	- Milligrams
mg/l	- Milligrams per liter
NOV	- Notice of Violation
NPDES	- National Pollutant Discharge Elimination System
RPDES	- Kentucky Pollutant Discharge Elimination System
POTW	- Publicly Owned Treatment Works
RCRA	- Resource Conservation and Recovery Act
SIC	- Standard Industrial Classification
SIU	- Significant Industrial User
SNC	- Significant Noncompliance
SUO	- Sewer Use Ordinance
SWDA	- Solid Waste Disposal Act, 42 U.S. C. 6901, et seq
TSS	- Total Suspended Solids
TTO	- Total Toxic Organics
ug/l	- Microgram per liter
USC	- United States Code

ARTICLE II - USE OF PUBLIC SEWERS

A. Mandatory Sewer Connection

1. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is located or may in the future be located a public sanitary sewer of the City, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper sewer in accordance with the provisions of this ordinance, 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.
2. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater where public sanitary sewer service is available, as defined in paragraph 1, except as provided for in "Private Wastewater Disposal" (Article III).
3. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public system within sixty (60) days in compliance with this ordinance, and any septic tanks,

cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material or salvaged and removed.

B. Unlawful Discharge to Storm Sewers or Natural Outlets

1. It shall be unlawful for any person to place, deposit, or permit to be deposited any pollutant in any unsanitary manner on public or private property within the City of Georgetown, or in any area under the jurisdiction of said City of Georgetown except in compliance with the provisions of this ordinance.
2. It shall be unlawful to discharge to any natural outlet or storm sewer within the City of Georgetown or in any area under the jurisdiction of said City, any sanitary wastewater or other polluted waters, except where suitable treatment or management has been provided in accordance with subsequent provisions of this ordinance. No provision of this ordinance shall be construed to relieve the owner of a discharge to any natural outlet of the responsibility for complying with applicable State and Federal Regulations governing such discharge.

C. Compliance with Local, State and Federal Laws

1. Categorical Industrial users must comply with categorical pretreatment standards in 40 CFR Chapter 1, Subchapter N, Parts 405-471.
2. The discharge of any wastewater into the public sewer system by any person is unlawful except in compliance with the provisions of this ordinance, and 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, and 40 CFR 403.

D. Discharge of Unpolluted Waters into Sewer

1. No person(s) shall discharge or cause to be discharged through any leak, defect, or connection any unpolluted waters such as storm water, groundwater, roof runoff or subsurface drainage to any sanitary sewer, building sewer, building drain or building plumbing. The Manager or representative shall have the right, at any time, to inspect the inside or outside of buildings or smoke test for connections, leaks, or defects to building sewers and require disconnection or repair of any pipes carrying such water to the building sewer. No sanitary drain sump or sump pump discharge by manual switch-over of discharge connection shall have a dual use for removal of such water.

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

E. Prohibited Discharges

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

1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall the wastewater exhibit a closed cup flash-point of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.
2. Any waters or wastes having a pH lower than 6.0 or higher than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the POTW.
3. Any slug load of pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or concentration that will cause interference with the normal operation of the POTW.
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities (i.e., wood, glass, ashes, sand, cinders, unshredded garbage, etc.).
5. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW that will result in a treatment plant influent temperature which exceeds 40 degrees Celsius (104 degrees Fahrenheit).
6. Any pollutant(s) 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.
7. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scum, to be unsuitable for reclamation 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 developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Act, or State criteria applicable to the sludge management method being used.

8. Any substance which will cause the POTW to violate its NPDES/KPDES Permit and/or sludge disposal system permit.
9. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through at the POTW.
10. Any trucked or hauled pollutant except at discharge points designated by the POTW.

ARTICLE III - PRIVATE WASTEWATER DISPOSAL

A. Public Sewer Not Available

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

B. Requirements for Installation

1. The type, capacity, location and layout of a private sewage disposal system shall comply with all local or State regulations.
2. 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.

ARTICLE IV - BUILDING SEWERS AND CONNECTIONS

A. Permits

1. There shall be two (2) classes of building sewer permits required; (a) for residential and (b) for service to commercial and industrial establishments. In either case, the owner(s) or his agent shall make application on a special form furnished by the City. 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 Manager. Details regarding commercial and industrial permits include, but are not limited to those required by this ordinance. Permit and inspection fees shall be paid to the City at the time the application is filed.
2. Users shall promptly notify the City in advance of any introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW. The Manager may deny or condition the new introduction or change in discharge based on the information submitted in the notification or additional information as may be requested.
3. No person(s) shall uncover, plug or make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining permission from the Manager.

B. Prohibited Connections

1. No person shall make connection of roof downspouts, basement wall seepage or floor seepage, exterior foundation drains, areaway drains, or other surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connections which already exist on the effective date of this ordinance shall be completely and permanently disconnected within sixty (60) days of the effective date of this ordinance. The owner(s) 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.

C. Design and Installations

1. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway. The sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
2. Old 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 ordinance. Permit and inspection 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 system.
3. Extension of customer service lines from any point on the customer's side of the tap for delivery of waste from any location other than that of the customer in whose name the tap is registered shall not be permitted.
4. The building sewer shall be case iron soil pipe, ASTM A-74, latest revision, PVC (polyvinyl-chloride) sewer pipe, ASTM D-3034, 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. 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 by cover over the building sewer is less than three feet, or in areas where the sewer is subject to vehicular or other external loads.
5. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, place 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.

6. All costs and expenses incidental to the installation and connection to the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City for any loss of 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.
7. The owner shall ensure that all excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.
8. 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 same 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.
9. 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 to 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 clean out 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.
10. All building sanitary sewer lines will be installed so as to meet or exceed the most current revisions of the State Plumbing Code.

D. Inspection

1. The applicant for the building sewer permit shall notify the Manager when the building sewer is ready for connection to the public sewer. The connection shall be made under the supervision of the Manager or representative. The connections shall be made gaslight and watertight and verified by proper testing.
2. 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 watertight 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.

ARTICLE V - POLLUTANT DISCHARGE LIMITS

A. General Conditions

1. The following described substances, materials, waters or wastes shall be limited in discharges to municipal systems to concentration or quantities which: will not harm either the sewers, wastewater treatment process or equipment, will maintain and protect water quality in the receiving stream, and 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 provisions below if in his opinion more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability of a discharge, the Manager 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.
2. No user shall introduce a pollutant or wastewater that causes a pass through or interference of the wastewater treatment plant.

B. Restricted Discharges

1. Wastewater containing more than 50 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.
2. Wastewater containing floatable oils, fat, or grease, whether emulsified or not, in excess of 100 milligrams per liter (100 mg/l) or containing substances which may solidify or become viscous at temperatures 32-150 degrees (0-65 degrees Celsius).
3. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, motels, institutions, restaurants, hospitals,

catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. Paper products are prohibited from being discharged into the sewer system.

4. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants which: injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, causes the City to violate the terms of its KPDES permit, prevents the use of acceptable sludge disposal methods, or exceed a limitation set forth in a Categorical Pretreatment Standard.
5. 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.
6. 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.
7. Any wastewater with objectionable color which cannot be removed to an acceptable level within the operation of the wastewater treatment process but in no case, wastewater with a color that exceeds 300 ADMI units.
8. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed to the extent required by the City's NPDES/KPDES permit.
9. Any waste(s) or wastewater(s) classified as a hazardous waste by the Resource Conservation and Recovery Act (RCRA) without a 60 day prior notification of such discharge to the Superintendent. 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 Superintendent may prohibit or condition the discharge(s) at any time.
10. Any water or wastes which have characteristics based on a 24 hour composite sample, grab or a shorter period composite sample, if more representative, that exceed the following normal maximum domestic wastewater parameter concentration:

<u>Parameter</u>	<u>Maximum Allowable Concentration</u> <u>Without Surcharges</u>
------------------	---

BOD	225 mg/l
COD	400 mg/l
TSS	225 mg/l
NH3-N	30 mg/l
Oil & Grease (total)	100 mg/l
Phosphorous (total)	10 mg/l
Total Nitrogen (TKN)	45mg/l

Any person discharging wastewater exceeding the maximum allowable concentration as noted above, will be subject to a surcharge fee for each pound loading over and above the set limit. Any other amenable constituents requiring the addition of specific chemicals for proper treatment will also be subject to surcharge as noted on the Wastewater Discharge Permit. Exceedance of the effluent limits specified above shall not be deemed to constitute a violation of a permit condition or this ordinance if the appropriated surcharge fee is paid and the discharge does not cause interference or pass through of the POTW.

- The limitations in Table I (WWTP #1) and Table II (WWTP #2) are established for characteristics of any wastewaters to be discharged into the municipal sewer system. All significant industrial users must comply with the applicable limitations where they are more stringent than applicable State and/or Federal Regulations. These local limits are established to protect against pass through and interference. Additional and/or more stringent limits may be necessary if any pass through and/or interference are detected. Best Management Practices may be developed, or required by industry, to implement the prohibitions listed in 40 CFR 403.5(A) (1) or within this ordinance. Such BMP's shall be considered local limits and pretreatment standards as determined by the manager.

TABLE I - WWTP #1
CONCENTRATIONS LIMITS
mg/l

SUBSTANCE	MAX. DAILY	MONTHLY AVG.
Arsenic	1	.70
Cadmium	0.88	0.028
Chromium, III	4.15	2.77
Chromium VI	0.410	0.264
Copper	0.763	0.119

Iron	24.6	20.4
Lead	0.60	0.125
Mercury	N/A	0.0005
Nickel	3.98	2.14
Selenium	0.235	.148
Silver	0.294	0.294
Zinc	3.915	2.610
Cyanide, Free	0.15	0.10
Chloride	1800	1,200
Hydrogen Sulfide	35	30
Total Toxic Organics	2.13	N/A
Color (ADMI Units)	N/A	300
pH		6-10.0
BOD5	N/A	225
TSS	N/A	225
COD	N/A	400
Ammonia Nitrogen	N/A	30
Total Nitrogen (TKN)	N/A	40
Phosphorus (Total)	N/A	10
Temperature, F	120	N/A
Oil & Grease*(Total)	100	N/A
Products of Mineral Oil Origin*	50	N/A

NOTE: Limits on TSS BOD5, COD, NH3-N, Total Phosphorus and Total Nitrogen for WWTP #1 are addressed under Article V, Part B. 10.

TABLE 2 - WWTP #2
CONCENTRATIONS LIMITS
mg/l

SUBSTANCE	MAX. DAILY (Acute)	MONTHLY AVG. (Chronic)
Arsenic	0.939	0.222
Cadmium	0.018	0.0046
Chromium, III	3.17	0.38
Chromium VI	0.21	0.0144
Copper	0.245	0.147
Iron	24.6	1.69
Lead	0.34	0.04
Mercury	N/A	0.0005

Nickel	0.98		0.46
Selenium	0.394		0.02
Silver	0.0323		0.0323
Zinc	0.75		0.57
Cyanide, Free	.15		.10
Chloride	900		600
Hydrogen Sulfide	6.4		4.3
Total Toxic Organics	2.13		N/A
Color (ADMI Units)	N/A		300
pH		6-10.0	
BOD5	N/A		300
TSS	N/A		300
COD	N/A		1,200
Ammonia Nitrogen	N/A		25
Total Nitrogen (TKN)	N/A		40
Phosphorus, Total	N/A		10
Temperature, Degree F	120		N/A
Oil & Grease(Total)	100		N/A
Products of Mineral Oil Origin	50		N/A

NOTE: Limits on TSS BOD5, COD, NH3-N, Total Phosphorus and Total Nitrogen for WWTP #2 are addressed under Article V, Part B. 10.

12. The City has received authority through the US EPA and State Statues to enforce the requirements of 40 CFR Subchapter N, 40 CFR 403, and 40 CFR Part 35. All users shall comply with the requirements of those regulations.

C. 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 the limitations contained in the Federal Categorical Pretreatment Standards, or in any pollutant specific limitation developed by the City or State.

D. 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 interceptor shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Manager 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 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.

E. Special Industrial Pretreatment Requirements

1. Pursuant to the requirements imposed on publicly owned wastewater treatment works by the Federal Water Pollution Control Act Amendments of 1972 and later amendments, all Pretreatment Standards promulgated by the EPA for new and existing industrial dischargers to public sewer systems are hereby made a part of this ordinance. Any industrial waste discharge which violates these EPA Pretreatment Standards shall be in violation of this ordinance.
2. Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, the industry shall be solely responsible for the continued maintenance in satisfactory and effective operation of such facilities and at their expense. The City may agree to assume these responsibilities if proper and appropriate arrangement for reimbursement of costs are made.
3. Any person who transports septic tank, seepage pit or cesspool contents, liquid industrial waste or other batch liquid waste and wishes to discharge such waste to the public sewer system shall first have a valid Discharge Permit. All applicants for a Discharge 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 ordinance, and any other special provisions that may be established by the City as necessary for the proper operation and maintenance of the sewerage system.

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 analysis.

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 purpose.

Any liquid waste hauler illegally discharging to the public sewer system or discharging wastewater not authorized in the permit shall be subject to immediate revocation of discharge privileges and further subject to the penalties and enforcement actions prescribed in Article X including fines and imprisonment.

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 GMWSS Board of Commissioners..

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

F. Protection from Accidental and Slug Discharges

1. Each significant industrial user shall provide protection from accidental and/or slug discharges of prohibited materials or other substances regulated by this ordinance which adversely affects the POTW. 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. Once every two (2) years, the Manager will determine whether each industrial user needs to develop or update a plan to control slug discharges. If the Manager determines that a slug control plan or revision is necessary, the plan shall contain the following:
 - a. Description of discharge practices.
 - b. Description of stored chemicals.
 - c. Procedures for notifying the POTW.
 - d. Prevention procedures for spills.

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

2. Written Notice. Within five (5) days following an accidental 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. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification

relieve the user of any fines, civil penalties, or other liability which may be imposed by this article, the Enforcement Response Plan or other applicable law.

3. 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 a dangerous discharge to occur are advised of the emergency notification procedure.
4. Change in discharge. Any anticipated facility expansions, production increases, or process modifications which will result in new, different, or increased discharges of pollutants must be reported to the Control Authority for review prior to such discharges taking place. If such changes violate the discharge limitation specified in this ordinance, a modified permit may be issued to specify and limit any pollutant not previously limited.

G. State Requirements

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

H. City's Right of Revision

The City reserves the right to establish more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in this ordinance.

I. Federal Categorical Pretreatment Standards

Upon the promulgation of Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this ordinance.

J. Best Management Practices Development

GMWSS may develop BMP's by ordinance or discharge permits to implement local limits and prohibited discharge standards.

ARTICLE VI - PRETREATMENT PROGRAM ADMINISTRATION

A. Wastewater Discharges

It shall be unlawful to discharge to the POTW any wastewater except as authorized by the City in accordance with the provisions of this ordinance. It is the duty of all permitted dischargers to halt and/or reduce any prohibited discharge or discharges that may cause interference or pass through.

Any agency, nondomestic user, and/or industry outside the jurisdiction of the City that desires to contribute wastewater to the POTW must execute (through an authorized representative) an interjurisdictional agreement, whereby the agency and/or industry agrees to be regulated by all provisions of this ordinance and State and Federal regulations. An Industrial User Permit may then be issued by the Duly Authorized Representative of GMWSS (Manager) in accordance with Section B of this article.

The Duly Authorized Representative for GMWSS by definition of this ordinance is the manager. He 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 of GMWSS, and the written authorization is submitted to the GMWSS Board of Commissioners.

B. Industrial User Discharge Permits

1. General

All significant industrial users proposing to connect to or to contribute to the POTW shall obtain an Industrial User Permit before connecting to or contributing to the POTW.

2. Permit Application

Users required to obtain an Industrial User Permit shall complete and file with the City, an application in the form prescribed by the City, and accompanied by a permit fee. New users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. Existing permit holder shall apply no later than sixty (60) days prior to expiration of permit. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- a. Name, address, and location if different from the address;
- b. SIC number(s) according to the Standard Industrial Classification Manual, United States Bureau of the Budget, 1972, as amended;
- c. Wastewater constituents and characteristics as determined by an analytical laboratory acceptable to the City; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
- d. Time and duration of contribution;
- e. Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- g. Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged;
- h. Where known, the nature and concentration of any pollutants in the discharge which are limited by the City, State or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional pretreatment is required for the user to meet applicable Pretreatment Standards.
- i. If additional pretreatment will be required to meet the Pretreatment Standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standards;

The following conditions shall apply to this schedule:

1. The schedule must be acceptable to the City.
2. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards.

3. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent including, as a minimum, whether or not is 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 and the reason for delay, and the steps being taken by the user to return the construction to the schedule established.
- j. Each product produced by type, amount, process or processes, and the rate of production;
- k. Type and amount of raw materials processed (average and maximum per day);
- l. Number of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- m. Any other information as may be deemed by the City to be necessary to evaluate the permit application;
- n. A copy of the industry's written environmental control program, comparable document, or policy.

3. 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 Manager or designee may issue an Industrial Wastewater Discharge Permit subject to terms and conditions provided herein.

C. Permit Modification

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

- (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- (2) 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;

- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to the City's POTW, city personnel, or the receiving waters.
- (5) Violation of any terms or conditions of the individual wastewater discharge permit;
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting
- (7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
- (8) To correct typographical or other errors in the individual wastewater discharge permit; or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section IV.H.

The Manager may modify a pretreatment permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- (2) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (3) To correct typographical or other errors in the individual wastewater discharge permit; or
- (4) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with section IV.H.

D. Permit Revocation/Termination

The Manager may revoke an individual wastewater discharge permit or coverage under a pretreatment permit for good cause, including, but not limited to, the following reasons:

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

- (2) Failure to provide prior notification to the manager of changed conditions
- (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 Manager 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 ordinance.

Individual wastewater discharge permits or coverage under pretreatment permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits or pretreatment permits issued to a User are void upon the issuance of a new individual wastewater discharge permit or pretreatment permits to that User.

E. Permit Conditions

Industrial Wastewater Discharge Permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges and fees established by the City. Permits may contain the following.

1. The unit surcharges or schedule of other charges and fees for the wastewater to be discharged to a community sewer;
2. Limits on the average and/or maximum wastewater constituents and characteristics;
3. Limits on average and/or maximum rate and time of discharge or requirements for flow regulations and equalization;
4. Requirements for installation and maintenance of inspection and sampling facilities;
5. Specifications for monitoring programs which may include sampling location; frequency of sampling; number, type and standards for tests; and reporting schedule;
6. Compliance schedules;
7. Requirements for submission of technical reports or discharge reports;
8. Requirements for maintaining and retaining, for a minimum of three (3) years, all plant records relating to pretreatment and/or wastewater discharge as specified by the City, and affording City access thereto as required by 40 CFR 403.12(o)(2);
9. Requirements for notification of the City or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
10. Requirements for notification of and failure to comply to include slug discharges;
11. 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 said permit;
12. Other conditions as deemed appropriate by the City to ensure compliance with this ordinance.

F. Alternative Discharge Limits

Where an effluent from a categorical industrial process(es) is mixed prior to treatment with wastewater other than that 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 the mixed effluent and shall be calculated using the Combined Wastestream Formula and/or Flow-Weighted Average Formula as defined in Article I.

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 CFR 403.6(c) and must fully comply with these alternative limits.

All categorical users subject to production-based standards must report production rates annually so that alternative permit limits can be calculated if necessary. The categorical user must notify the Manager thirty (30) days in advance of any major change in production levels that will affect the limits for the discharge permit.

G. Permit Duration

Permits shall be issued for a specified time period, not to exceed five (5) 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 sixty (60) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in Article V are modified or other just cause exists. The user shall be informed of any proposed changes in their permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time for compliance.

H. Permit Transfer

Industrial User Permits are issued to a specific user for a specific operation. An Industrial User Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without a thirty (30) day prior written notification to the Manager and provision of a copy of the existing permit to the new owner. The Manager may deny the transfer of the permit if it is deemed necessary.

I. Best Management Practices

Industrial Users may be required to implement BMP's based on applicable Pretreatment Standards, local limits, state or local law, to include schedules, maintenance procedures, and treatment requirements.

J. Compliance Data Reporting

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards or, in the case of a new user, following commencement of the introduction of wastewater into the POTW, any user subject to Federal Categorical Pretreatment Standards and Requirements or significant non-categorical users 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 Categorical Pretreatment Standards and Requirements and/or local limits and the average and maximum daily flow for these process units in the user's facility which are limited by such Categorical Standards and Requirements and/or local limits. The report shall state whether the applicable Categorical Pretreatment Standards and Requirements and/or local limits are being met on a consistent basis and, if not, a compliance plan to bring the user into compliance with the applicable Categorical Pretreatment Standards or Requirements and /or local limits. This statement shall be signed by an authorized representative of the user.

K. Periodic Compliance Reports

1. All significant industrial Users shall submit, to the Manager, every six (6) months (on dates specified in the Industrial User Permit) unless required more frequently by the Permit, a report indicating, at a minimum, the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the control authority or the Pretreatment Standard necessary to determine compliance status of the User. At the discretion of the Manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Manager may agree to alter the months during which the above reports are to be submitted.
2. All analyses shall be performed by a laboratory acceptable to the City. Analytical procedures shall be in accordance with procedures established by the US EPA Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto and 40 CFR 261 or with any other test procedures approved by the US EPA Administrator. Sampling shall be performed in accordance with the techniques approved by the US EPA Administrator.
3. Where 40 CFR, part 136 does not include a sampling or analytical technique for the pollutant(s) 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 US EPA Administrator.

4. A Baseline Monitoring Report (BMR) must be submitted to the Manager by all categorical industrial users at least ninety (90) days prior to initiation of discharge to the sanitary sewer. The BMR must contain, at a minimum, the following:
 - a. Production Data: a process description, SIC code number, raw materials used, chemicals used, final product, pretreatment industrial category (if applicable), and a schematic which indicates points of discharge to the sewer system.
 - b. Identifying information to include name, address of facility, owner(s), contact person and any other permits held by the facility.
 - c. Wastewater characteristics: total plant flow, types of discharges, average and maximum flows from each process.
 - d. Nature/Concentration of Pollutants: analytical results for all pollutants regulated by this ordinance and/or any applicable federal pretreatment standard and sample type and location. All analyses must conform with 40 CFR, Part 136 and amendments thereto.
 - e. Information concerning any pretreatment equipment used to treat the facility's discharge.
 - f. Compliance Schedule
5. New sources shall give estimates of the information requested in sections (c) and (d) above, but at no time shall a new source commence discharge(s) to the public sewer of substances that do not meet provisions of this ordinance. All new sources must be in compliance with all provisions of this ordinance, State and Federal pretreatment regulations prior to commencement of discharge to the public sewer.

L. Permit Violations

1. 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.
2. The user shall immediately repeat the sampling and analysis of the parameter(s) in question and submit the results to the Manager within thirty (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. If the Control Authority performs sampling in lieu of the user, the Control Authority will be responsible for re-sampling unless the Control Authority notifies the user to perform the repeat sampling.

3. Compliance with the terms of an industrial user permit shall be deemed in compliance with the terms of this ordinance.

M. Monitoring

1. The City shall require significant users to provide and operate, at the user's own expense, monitoring facilities and equipment necessary 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 such monitoring facilities and may require them to be constructed to provide for the separate monitoring and sampling of industrial waste and sanitary sewage flows.

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

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

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 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.

2. 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.

3. 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.

N. Inspection and Sampling

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

The City, Approval Authority, and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry onto their premises, the user shall make the necessary arrangements with 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.

O. Test Procedures

1. 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 Manager or other parties approved by the EPA

2. Sample Collection Procedures

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.

- a. Except as indicated in Section B and C 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 manager. Where time-proportional composite sampling or grab sampling is authorized by GMWSS, the samples must be representative to 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 GMWSS, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- b. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- c. For sampling required in support of baseline monitoring and 90-day compliance reports required in Article VI K 4, 40 CFR 403.12(b) and (d), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the manager may authorize a lower minimum. For the required by paragraphs Article VI K, 40 CFR 403.12(e) and Article VI K 1, 403.12(h), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

3. Recordkeeping

Users subject to reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best

Management Practices established under Article VII. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed, who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or GMWSS, or where the User has been specifically notified of a longer retention period by the Manager.

P Pretreatment

All significant industrial users shall provide necessary wastewater treatment as required to comply with this ordinance and achieve compliance with any applicable Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. The City may require the development of a compliance schedule for installation of pretreatment technology and/or equipment by any industrial user that cannot meet discharge limits required by this ordinance. Any facilities required to pretreat wastewater to a level required by this ordinance shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent that complies with the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the user's initiation of the changes.

Q. Annual Publication

The City shall annually publish in its largest daily newspaper a list of significant users which were in significant noncompliance with any Pretreatment Requirements or Standards. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.

R. Significant Non-Compliance

A user is defined as being in significant non-compliance when it commits one or more of the following conditions:

1. Causes imminent endangerment to human health or the environment or results in the exercise of emergency authority;

2. Involves failure to report non-compliance accurately;

Results in a chronic violation defined herein as sixty-six percent (66%) or more of all measurements taken during a six (6) month period that exceed (by any magnitude) the daily maximum limit or the monthly average limit for the same pollutant parameter;

3. Results in a Technical Review Criteria (TRC) Violation defined here as thirty-three percent (33%) or more of all measurements for each pollutant parameter taken during a six (6) month period that 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, and oil and grease and 1.2 for all other pollutants except pH);
4. Any violation of a pretreatment effluent limit that the Control Authority determines has caused, along or in combination with other discharges, interference or pass through or has endangered the health of the POTW personnel or the public;
5. Any discharge causing imminent endangerment to human health/welfare or to the environment or resulting in the POTW's use of its emergency authority to halt or prevent such a discharge;
6. Violations of Compliance Schedule Milestones, failure to comply with schedule milestones for starting or completing construction or attaining final compliance by ninety (90) days or more after schedule date;
7. Failure to provide required reports within thirty (30) days of the due date;
8. Any violation or group of violations which may include a violation of Best Management Practices, which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.
9. Violations may be subject to applicable civil and criminal penalties, liabilities and criminal prosecution.

S. Confidential Information

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

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to all governmental agencies for uses related to this ordinance, the NPDES/KPDES Permit, Sludge Disposal System Permit and/or the Pretreatment Programs upon request. Such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics shall not be recognized as confidential information and shall be available to the public without restriction.

T. Signatory Requirements

All applications, reports or information submitted to the City shall be signed and certified.

1. All permit applications shall be signed:
 - a) For a corporation: by a principal executive officer of at least the level of vice-president;
 - b) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
2. All other correspondence, reports and self-monitoring reports shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a) The authorization is made in writing by a person described above;
 - b) The authorization specifies either an individual or a position having facility or activity, such as the position of plant manager, superintendent or position of equivalent responsibility.
3. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that I am familiar with the information contained in this report and its attachments and that to the best of my knowledge and belief such information is true, complete and accurate."

U. Required Reports

The Following Reports/Reporting Requirements shall be provided:

1. Develop compliance schedule for installation of technology
2. Reporting Requirements
 - a) Baseline monitoring report
 - b) Compliance schedule progress report
 - c) Report on compliance with categorical Pretreatment Standard deadline;
 - d) Periodic reports on continued compliance
 - e) Notice of potential problems to be reported immediately
 - f) Notification of changes affecting potential for a slug discharge
 - g) Notice of violation/sampling requirement
 - h) Requirement to conduct representative sampling
 - i) Notification of changed discharge
 - j) Notification of discharge of hazardous waste
 - k) Data accuracy certification and authorized signatory
 - l) Record keeping requirement (3+ years)
 1. Including documentation associated with BMP's
 - m) Submission of all monitoring data

ARTICLE VII - FEES

A. Purpose

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

B. Charges and Fees

The City may adopt charges and fees which may include:

1. Fees for reimbursement of costs of setting up and operating the City's Pretreatment Program;
2. Fees for monitoring, inspections, and surveillance procedures;
3. Fees for reviewing accidental discharge procedures and construction;
4. Fees for permit applications;
5. Fees for filing appeals;
6. Fees/Surcharges for consistent removal by the POTW of excessive strength conventional pollutants;
7. Other fees as the City may deem necessary to carry out the requirements contained herein.
8. Fees for the acceptance and treatment of trucked in waste, including but not limited to:
 - a) Grease Trap Waste
 - b) Septic Tank Waste
 - c) Waste from portable toilets

These fees will be periodically reviewed by the GMWSS board of commissioners and will reflect the actual cost of the handling and treatment of such waste.

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

ARTICLE VIII - POWER AND AUTHORITY OF INSPECTION

A. Right to Enter Premises

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

B. Right to Obtain Information Regarding Discharge

The Manager and other duly authorized employees of the City and authorized representatives of applicable Federal and State regulatory agencies bearing proper credentials and identification are authorized to obtain information including but not limited to copying of records concerning character, strength and quantity of industrial wastes which have a direct bearing on the kind and source of discharge to the wastewater collection system.

C. Access to Easements

Duly authorized employees and representatives of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the 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.

D. Access to Data

The City shall have access to government and public records/data

E. Safety

While performing the necessary work on private properties referred to in Section C above, all duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company. The company shall be held blameless for injury or death to City employees. The City shall secure 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 such may be caused by negligence or failure of the company to maintain safe conditions as required by this ordinance.

ARTICLE IX -ENFORCEMENT

A. General

The City, through the Manager or designee, to insure compliance with this ordinance, and as permitted through 40 CFR Subchapter N, and 401 KAR 5:055, may take the following enforcement steps against users in noncompliance with the ordinance. The remedies available to the POTW include injunctive relief, civil and criminal penalties, immediate discontinuance of discharges and/or water service and the publishing of the list of significant violators annually. The enforcement authority shall be vested in the Manager or their designee.

The Manager may suspend the wastewater treatment service and/or an Industrial User Permit when such suspension is necessary, in the opinion of the City, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the City to violate any condition of its NPDES/KPDES permit.

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

B. Notice of Violation

Any user found to be violating any provisions of this ordinance, wastewater permit, or any order issued hereunder, shall be served by the City with written notice stating the nature of the violation(s). Within ten (10) days of the receipts 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 potential liability for any violation occurring before or after the receipt of the Notice of Violation.

If the violations persist or the explanation and/or plan are not adequate, the City's response shall be more formal and commitments (or schedules as appropriate) for compliance will be established in an enforceable document. The enforcement response selected will be related to the seriousness of the violation. Enforcement responses will be escalated if compliance is not achieved expeditiously after the initial action. A significant noncompliance as defined in Article VI, Subparagraph 0, will require a formal enforcement action.

The full scale of enforcement actions will be as detailed in the Enforcement Response Plan.

C. Administrative Orders

Any user who after receiving a Notice of Violation shall continue to discharge in violation of this ordinance or other pretreatment standards or requirements or is determined to be a chronic or persistent violator or who is determined to be a significant violator, shall be ordered to appear before the City. At said appearance, a compliance schedule will be given to the non-conforming user and an administrative fine assessed. The shall be determined on a case-by case basis which shall consider the type and severity of impact on the POTW, impact on human health, users economic benefit from the violation, history of violations, good faith of the user, and shall be a non-arbitrary but appropriate amount.

The administrative order may take any of the following three forms:

1. Consent Orders

The Manager or their designee 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. Such 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 effects as orders issued pursuant to Article IX, Section C.3. below.

2. Compliance Order

When the Manager or their designee finds that an industrial user has violated or continues to violate the ordinance or a permit or order issued thereunder, he 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 address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.

3. Cease and Desist Orders

When the Manger finds that an industrial user has violated or continues to violate this ordinance 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: a) comply forthwith, or b) take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

D. Show Cause Hearing

1. The Manager of their designee may issue to any user who causes or contributes to violations of this ordinance, wastewater permit or order issued hereunder, an order to appear and show cause why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of the hearing to be held by the Manager regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause, before the Manager, why the proposed enforcement action not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agency or officer of the industrial user. Whether or not a duly notified industrial user or its representative appears, immediate enforcement action may be pursued.
2. The City, may, itself, conduct the hearing and take the evidence, or designate a representative to:
 - (a) Issue, in the name of the City, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;
 - (b) Take the evidence;
 - (c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City for action thereon.
3. At any hearing held pursuant to this ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to

any member of the public or any party to the hearing upon payment of the usual charges thereof.

4. After the City has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices, or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

E. Additional Enforcement Remedies

1. Performance Bonds

The Manager may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this ordinance or any order or previous permit issued hereunder unless such user first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the Manager to be necessary to achieve consistent compliance.

2. Liability Insurance

The Manager may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this ordinance or any order or previous permit issued hereunder, unless the industrial user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

ARTICLE X - PENALTIES

A. Written Notice

Any user found to be violating any provision of this ordinance of a wastewater permit or order issued hereunder, shall be served by the Manager or their designee with written notice stating the nature of the violation. The offender shall permanently remedy all violations upon receipt of this notice.

As contained in Article IX, the notice may be of several forms. Also as contained in Article IX, penalties of various forms may be levied against users for violations of this ordinance. The penalties, if levied, shall range from publication of violators in the local newspaper to administrative fines of at least \$1,000.00 per day per violation.

B. Revocation of Permit

Any user violating any of the provisions of this ordinance or a wastewater permit order issued hereunder may be subject to termination of its authority to discharge sewage into the municipal sewer system. Such termination may be immediate if necessary for the protection of the POTW. Said user may also have water service terminated.

Any user who violates the following conditions of this ordinance, or applicable State or Federal Regulations, is subject to having his permit revoked in accordance with the procedures of this ordinance.

1. Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
2. Failure of the user 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 or monitoring; or
4. Violation of conditions of the permit.

C. Liability

Any user violating any of the provisions of this Ordinance, discharge permit or other order issued hereunder shall become liable to the City of Georgetown for any expense, loss or damage occasioned by the City by reason of such violation. This civil liability is as provided by state and federal regulations.

D. Misrepresentation and/or Falsifying Documents

Any user who knowingly and/or negligently makes any false statements, representations or certification or any application, record, report, plan or other document filed or required pursuant to this Ordinance or Industrial User Discharge Permit or who falsifies, tampers with or knowingly and/or negligently renders inaccurate any monitoring device or method required under this Ordinance, shall be punished by a fine of at least \$1,000.00 or by imprisonment for not more than twelve (12) months or by both.

E. Destruction of POTW and Legal Action

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. It shall be noted that the Clean Water Act does not require proof of specific intent to obtain conviction.

F. Legal Action

If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provision of this ordinance, Federal or State Pretreatment Requirements or any order of the City, the City may commence an action for appropriate legal and/or equitable relief in the appropriate Court of this jurisdiction and to enforce the "Enforcement Response Plan."

G. Injunctive Relief

Whenever a user has violated or continues to violate the provisions of this ordinance or permit or order issued hereunder, the Manager, through counsel may petition the Court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the industrial user.

H. Civil Penalties

1. Any user who has significantly violated or continues to violate this ordinance or any order or permit issued hereunder, may be liable to the Manager for a civil penalty of not more than \$1,000.00 per day plus actual damages incurred by the POTW per violation per day for as long as the violation continues. Each day in which such violation shall continue shall be deemed a separate offense. In addition to the above described penalty and damages, the Manager may recover reasonable attorney's fees, court costs, court reporter's fees, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.
2. The Manager may petition the Court to impose, assess and recover such sums. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factor as justice requires.

I. Criminal Prosecution

1. Violations - General

- A. Any user who willfully or negligently violates any provision of this ordinance or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$1,000.00 per violation per day or imprisonment for not more than one (1) year or both.
- B. In the event of a second conviction, the user shall be punishable by a fine not to exceed \$10,000.00 per violation per day or imprisonment for not more than three (3) years or both.

J. Emergency Response

All discharges shall comply with the effective Emergency Response Plan applicable to their discharge.

ARTICLE XI - REPEAL OF ORDINANCE 99-030

Ordinance No. 99-030, entitled "Sewer Use Ordinance, adopted on September 16, 2009, is hereby repealed.

ARTICLE XI - MISCELLANEOUS

- A. If any provision, paragraph, word, section, or article of this ordinance is invalidated by any court or competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.
- B. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.
- C. This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

PUBLICLY INTRODUCED AND READ FIRST TIME: October 24, 2011

PUBLICLY READ SECOND TIME AND PASSED: November 14, 2011

APPROVED: Everette Varney
Everette Varney, Mayor

ATTEST: Tracie Hoffman
Tracie Hoffman, City Clerk