



CORBIN, KENTUCKY
SEWER USE ORDINANCE

NO. 5-91, 4-95, 14-96, 2-2002
3-2011, 8-2011, 4-2014, 13-2015, 14-2016
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ORDINANCE NO. 5-91

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, PRETREATMENT BY INDUSTRIAL USERS, INSPECTION AND REPORTING, AND PROVIDING PENALTIES FOR VIOLATION THEREOF, IN AND FOR ALL USERS OF THE SEWER SYSTEM OF THE CITY OF CORBIN, KENTUCKY, AND COMBINING AND REVISING SIMILAR ORDINANCES NUMBERED 6-84, 14-84 AND 4-89 RESPECTIVELY.

WHEREAS, the presently existing Sewer Use Ordinances are no longer sufficient to comply with legal requirements and to properly serve the needs of the community; and,

WHEREAS, a new Sewer Use Ordinance is required pursuant to the terms of the National Pollutant Discharge Elimination System (NPDES/KPDES) permit and KAR 5:055 for the City of Corbin; and,

WHEREAS, the City does desire to comply with all laws and regulations, both Federal and State, and does desire to adopt appropriate Federal Environmental Protection Agency (EPA) standards;

NOW, THEREFORE, be it ordained by the Board of Commissioners of the City of Corbin, Kentucky, as follows:

ARTICLE I – GENERAL PROVISIONS

A. Purpose and Policy

This ordinance shall be known as the “City of Corbin Sewer Use Ordinance” and is enacted for the purposes of regulating the disposal of wastes and the use of the City’s sewer system, of adopting industrial pretreatment and reporting standards and of effecting compliance therewith, of helping to insure compliance with all applicable Federal and State laws and regulations, and of promoting the health and general welfare of all citizens. This ordinance shall be applicable within the entire city limits of Corbin, Kentucky, and to all persons and places served by the City of Corbin sewer system. Penalties for violation of the provisions of this ordinance are set forth hereinafter.

This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Corbin 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 of this ordinance are:

1. to prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
2. to prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
3. to improve the opportunity to recycle and reclaim wastewater and sludge from the system; and
4. to provide for equitable distribution of the cost of the municipal wastewater system.

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

This ordinance shall apply to the City of Corbin and to all other users/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 City Utilities Commission 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. 1251, 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. Available. As used in connection with this ordinance, means a public sewer located at the property line or point at which connection may be made with the City sanitary sewer collection facilities.
5. 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).
6. Building (or House). A structure having walls and a roof designed and used for the housing, shelter, enclosure or support of persons, animals, or property.
7. Building Drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
8. Building Sewer. The extension from the building drain to the public sewer or other place of disposal, also called "house connection."
9. Building Sewer Permit. As set forth in "Building Sewers and Connections" (Article IV).
10. Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.
11. City. The City of Corbin and/or the City Utilities Commission of the City of Corbin, Kentucky, or the Manager of the POTW or his/her designee or other entity having responsibility for the POTW.
12. Commission and/or CUC. The City Utilities Commission of the City of Corbin, Kentucky designated CUC or the Manager of the CUC.
13. Cooling Water. The water discharged from any system of condensation, air conditioning, cooling, refrigeration, or other such system, but which has not

been in direct contact with any substance which could result in the addition of any polluting material to the water other than an increased temperature of the water and this increase not to exceed limits considered detrimental to any of the facilities of the City or result in any changes in the water characteristics which would be objectionable from the standpoint of odor or other nuisance. The water must be free of oil and polluting material.

14. Compatible Pollutant. Biochemical oxygen demand, ammonia nitrogen, suspended solids and fecal coliform bacteria; plus any additional pollutants identified in the POTW's NPDES/KPDES permit, where the POTW is designated to treat such pollutants and, in fact, does treat such pollutants to the degree required by the POTW's NPDES/KPDES Permit.
15. Composite Wastewater Sample. A combination of individual samples of water or wastewater taken at selected intervals, generally hourly for some specified period, to minimize the effect of the variability of the individual sample. Individual samples may have equal volume or may be roughly proportioned to the flow at time of sampling.
16. Control Authority. The City Utilities Commission of the City of Corbin, Kentucky also referred to as CUC or the Manager of the CUC or his/her designee.
17. Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
18. County Health Department. The Health Department for Whitley, Laurel or Knox County, and shall be applicable to that county in which the applicant resides.
19. Dilution Stream. Any wastewater not generated by a process regulated for the specific pollutant by a categorical standard under 40 CFR, Subchapter N.
20. Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Kentucky.
21. Easement. An acquired legal right for the specific use of land owned by others.
22. Environmental Protection Agency or EPA. The U.S. 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.
23. Equipment. All movable, non-fixed items necessary to the wastewater treatment process.

24. Federal Pretreatment Standards. Federal Regulations for pretreatment of industrial wastewater under 40 CFR, Subchapter N and any applicable regulations, as amended.
25. Floatable Oil. Oil, fat, or grease in a physical states such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free from floatable oil if it is properly pretreated and the wastewater does not interfere with the proper operation of the collection system.
26. Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
27. Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
28. Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
29. Incompatible Pollutant. All pollutants other than compatible pollutants as defined in this section.
30. Indirect Discharge. The discharge or the introduction of non-domestic 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).
31. Industrial/Commercial User. A source of Indirect Discharge which does not constitute a “discharge of pollutants” under regulations issued pursuant to Section 402, of the Act (33 U.S.C. 1342).
32. Industrial Wastes. The wastewater from industrial or commercial processes as distinct from domestic or sanitary wastes.
33. Interceptor. A device designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from normal wastes while permitting normal sewage or liquid wastes to discharge into the sewer system or drainage system by gravity. Interceptor as defined herein is commonly referred to as a grease, oil or sand trap.
34. Interference. The inhibition or disruption of the POTW treatment processes or operations or which contributes to a violation of any requirement of the City’s NPDES/KPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act (33 U.S.C. 1345)

or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

35. Manager. The General Manager of the City Utilities Commission of the City of Corbin, Kentucky, or his authorized deputy, agent or representative.
36. Maximum Daily Concentration. The maximum concentration of a pollutant based on the analytical results obtained from a 24 hour composite sample.
37. May. This is permissive (see “shall,” definition 60).
38. 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.
39. 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.
40. Natural Outlet. Any outlet, including storm sewers, into watercourse, pond, ditch, lake, or other body of surface or groundwater.
41. New Source. Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307 (c) (33 USC 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard. Baseline Monitoring Reports (BMR) are required 90 days prior to discharge as required in 40 CFR 403.12 (b).
42. Operation and Maintenance Expenses. All annual operation and maintenance expenses including replacement related directly to operating and maintaining the sewage works as shown by annual audit.
43. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agent or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

44. pH. The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in moles per liter of solution.
45. Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
46. Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
47. POTW Treatment Plant. The portion of the POTW designed to provide treatment to wastewater.
48. 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 changes by other means, except as prohibited by 40 CFR Section 403.6 (d).
49. Pretreatment Requirements. Any substantive or procedural requirements related to pretreatment, other than a National Pretreatment Standard imposed on a significant user.
50. Prohibitive Discharge Standard. Any regulation developed under the authority of 307 (b) of the act and 40 CFR, Section 403. (5).
51. 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 (1.27) centimeters) in any dimension.
52. Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act. (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or agreement with the City, users of the City's POTW.

53. 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.
54. Replacement. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
55. Sanitary Sewer. A sewer that carries liquid and water-carried wastes from residences, commercial building, industrial plants, and institutions.
56. 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.
57. Sewage System or Works. All facilities for collecting, transporting, pumping treating and disposing of sewage and sludge, namely the sewerage system and POTW.
58. Sewer. A pipe or conduit that carries wastewater or drainage water.
59. Sewer User Charges. A system of charges levied on users of a POTW for the cost of operation and maintenance, including replacement of such works.
60. Shall. Is mandatory (see “may,” definition 37).
61. Significant User. Any user of the City’s wastewater disposal system who (i) is subject to a Categorical Pretreatment Standard(s) under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or (ii) has a discharge flow of 25,000 gallons or more per average work day; or (iii) has a flow greater than 5 percent of the flow in the City’s wastewater treatment system; or (iv) has in its wastewaters toxic pollutants as defined pursuant to Section 307 of the Act or state statutes and rules; or (v) is found by the City, State Approval Authority or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing users, on the wastewater treatment system, the quality of sludge, the system’s effluent quality or air emissions generated by the system.
62. Significant Violation. A violation that meets one or more of the following criteria:

- (A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceeded (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (B) Technical Review Criteria (TRC) – violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- (C) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the CUC determines has caused, alone, or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);
- (D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- (E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or other order issued hereunder for starting construction, completing construction, or attaining final compliance;
- (F) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (G) Failure to accurately report noncompliance;
- (H) Any other violation or group of violations which the Manager determines will adversely affect the operation or implementation of the local pretreatment program.

63. Slug Discharge. Any discharge of non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge and/or any discharge of water or wastewater in which the concentration of any given constituent or the quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four

(24) hour concentration or flow rate during normal operation and/or adversely affects the POTW.

64. Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, U.S. Bureau of the Budget, 1972.
65. Standard Methods. The examination and analytical procedures set forth in the most recent edition of “Standard Methods for the Examination of Water and Wastewater,” published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation and as set forth in the Congressional Record 40 CFR 136.
66. State. Commonwealth of Kentucky.
67. Storm Drain (Sometimes Termed “Storm Sewer”). A drain of sewer for conveying water, groundwater, surface water or unpolluted water from any source.
68. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
69. Superintendent. The General Manager of City Utilities Commission or his/her designee, agent or representative.
70. Surcharge. A charge for service in addition to the basic sewer user and debt service charge from those users whose contribution contains biochemical oxygen demand (BOD), chemical oxygen demand (COD), suspended solids (TSS) or ammonia nitrogen (NH₃-N) in concentrations which exceed limits specified herein for such pollutants.
71. 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” and referred to as nonfilterable residue.
72. Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA Section 307 (a) or other acts.
73. 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 benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

74. User. Any person, who contributes, causes or permits the contribution of wastewater into the POTW. (See “person”, definition 43).
75. User Charge. The charge levied on all users, including but not limited to, persons, firms, corporations, or governmental entities that discharge, cause or permit the discharge of sewage into the POTW.
76. 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.
77. Wastewater Contribution Permit. As set forth in the Administration Section of this ordinance.
78. Wastewater Facilities. The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.
79. Wastewater Treatment Works. An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “water pollution control plant” or “sewage treatment plant.”
80. Watercourse. A natural or artificial channel for the passage of water either continuously or intermittently.
81. Waters of the State. All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation system, drainage system and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.
82. Best Management Practices. Best Management Practices or BMPs means schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1A and B [40CFR 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. [Note: BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.]

C. Abbreviations

The following abbreviations shall have the designated meanings:

ADMI	-	American Dye Manufacturers Institute
BOD	-	Biochemical Oxygen Demand
CFR	-	Code of Federal Regulations
CWA	-	Clean Water Act of 1979
EPA	-	Environmental Protection Agency
l	-	Liter
mg	-	Milligrams
mg/l	-	milligrams per liter
NPDES	-	National Pollutant Discharge Elimination System
KPDES	-	Kentucky Pollutant Discharge Elimination System
POTW	-	Publicly Owned Treatment Works
SIC	-	Standard Industrial Classification
SWDA	-	Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
TSS	-	Total Suspended Solids
USC	-	United States Code

ARTICLE II – USE OF PUBLIC SEWERS

A. Mandatory Sewer Connection

1. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after 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. In all buildings in which any sanitary facility drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by an approved means and discharged to the building sewer. Drain pipe and sump for collection of such sanitary drainage shall be above basement floor or in separately watertight or drained sump or channel. Sewer usage charges will be assessed to the occupants or owner of all property as outlined above immediately upon connecting t the POTW or 90 days after the public sewer is available for use.

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

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 sewer system within ninety (90) 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 in any unsanitary manner on public or private property within the City of Corbin, or in any area under the jurisdiction of said City or into any sewer which connects to the storm sewer system of the City of Corbin, any objectionable wastewater or industrial wastes.
2. It shall be unlawful to discharge to any natural outlet within the City of Corbin or in any area under the jurisdiction of said City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance. No provision of this ordinance shall be 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. 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.

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, subsurface drainage, or cooling water to any sanitary sewer, building sewer, building drain or building plumbing. The CUC representative shall have the right, at any time, to inspect the inside or outside of buildings or smoke test, dye test, or perform other tests 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. Storm water, ground water and all other unpolluted drainage may be discharged to such sewers as are used as storm sewers approved by the CUC.

Unpolluted cooling water or unpolluted process waters may be discharged, on prior written approval of the CUC to a storm sewer or natural outlet. Under no circumstances shall sanitary sewage be discharged into a storm sewer.

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

E. Substances Which Interfere

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements. A user shall not contribute the following substances to any 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; including but not limited to pollutants with a closed cup flash point of less than 140 degrees F. (60 degrees C.). At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and any other substances which the City, the State or EPA has notified the user is a fire hazard to a hazard to the system.
2. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (a) of the Act.
3. Any waters or wastes having a pH lower than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the POTW.
4. Any slug load or pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow or concentration that will cause interference.

5. 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 such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground; spent lime, stone or marble dust, grass clippings, spent grains, spent hops, waste paper, gas, asphalt residues, unground garbage, residues from refining or processing of fuel or lubricating oil, or glass grinding or polishing wastes.
6. 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 104 degrees F (40 degrees C).
7. Any wastewater at the introduction to the POTW with a temperature which exceeds 150 degrees F (65 degrees C).
8. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repair.
9. 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 into the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
10. Any substance which will cause the POTW to violate its NPDES/KPDES and/or sludge disposal system permit or the receiving water quality standards.
11. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the CUC in compliance with applicable State or Federal Regulations.
12. Any wastewater which causes a hazard to human life or creates a public nuisance.

ARTICLE III – PRIVATE WASTEWATER DISPOSAL

A. Public Sewer Not Available

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

B. Requirements for Installation

1. A private sewage disposal system may not be constructed within the City unless and until a certificate is obtained from the CUC stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the County Health Department.
2. Before commencement of construction of a private sewage disposal system, the owner shall first obtain written permission from the County Health Department after approval of the system by the local and State authorities if required. The owner shall supply any plans, specifications, and other information as are deemed necessary by the County Health Department.
3. A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the local and State authorities, if required. They shall be allowed to inspect the work at any stage of construction, and in any event the applicant for the permit shall notify the County Health Department when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the County Health Department, Saturdays, Sundays and holidays excepted.

4. The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Commonwealth of Kentucky and the County Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

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 Commission. 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 CUC. Details regarding commercial and industrial permits include but are not limited to those required by this ordinance. Permit and inspection fees, tap-on fees, and customer security deposits shall be paid to the Commission at the time the application is filed.
2. Users shall notify the City of any proposed new introduction of wastewater constituents or any proposed substantial change in the volume or character of the wastewater constituents being introduced into the POTW.
3. No unauthorized person(s) shall uncover, plug or make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining written permission from the CUC.

B. Prohibited Connections

1. No person shall make connection of roof down spouts, basement wall seepage or floor seepage, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connections which already exist on the effective date of this ordinance shall be completely and permanently disconnected within sixty (60) days of the effective date of this ordinance. The owners of any 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.
2. Floor, basement or crawl space drains which are lower than ground surfaces surrounding the building shall not be connected to the building sanitary sewer. No sanitary inlet which is lower than six (6) inches above the top of the lowest of the two adjacent public sanitary sewer manholes shall be connected by direct drainage to the building sanitary sewer.

C. Design and Installation

1. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, yard, 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. A separate connection fee will be assessed for each building or apartment served.
2. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the CUC, to meet all requirements of this ordinance. Permit and inspection fees and tap-on fees for new building using existing building sewers shall be the same as for new building sewers. If additional sewer customers or additional facilities 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 cast iron soil pipe, ASTM A-74, latest revision, PVC (polyvinyl-chloride) sewer pipe, ASTM D-3034, latest revision, unglazed clay sewer pipe, ASTM C-261, latest revision, vitrified clay sewer pipe, ASTM C-700, latest revision or ductile iron pipe, AWWA specification C-151 cement lined, and shall meet requirements of State plumbing code. Joints shall be as set out hereinafter. Any part of the building sewer that is located within five feet of a water service pipe shall be constructed with cast iron soil pipe or ductile iron pipe, unless the building sewer is at least one foot deeper in the ground than the water service line. In the latter case, vitrified clay pipe may be used. Cast iron soil pipe or ductile iron pipe may be required by the CUC where the building sewer is exposed to damage or stoppage by tree roots. Cast iron soil pipe or ductile iron pipe shall be used in filled or unstable ground, in areas where the cover over the building sewer is subject to vehicular or other external loads.
5. The size and slope of the building sewer shall be subject to the approval of the CUC. In general, the building sewer shall not be less than four inches (4") in diameter. The slope of the building sewer should not be less than one-eighth inch (1/8") per foot.

6. No building sewer shall be laid parallel to within three feet (3') of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford 24 inches of cover over the pipe except where exposed to vehicular traffic. Portions of the building sewer subject to vehicular traffic shall have a minimum cover of 36 inches, or be encased in a six-inch envelope of concrete. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible.
7. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the CUC, and all such trenches shall be kept open until the pipe has been inspected, tested and approved by the Commission. Except where bends are supplied, trenches shall be straight in direction and grade to accommodate prefabricated joints. Trenches shall be at least 20 inches wide and perpendicular to the center line of the pipe. Building sanitary sewer laid in undisturbed ground must be laid on at least six inches of pea gravel, sand, or other approved grillage to support the pipe. The trench shall be filled with the same approved grillage on each side of the pipe and six inches over same. Building sewers laid in mud or filled ground shall be embedded to lower quadrant with at least a four-inch concrete pad below the invert or other support that may be considered necessary. Backfill shall be carefully tamped in and around pipe in not over four-inch layers to top of pipe for proper support. Backfill shall be solidly tamped above the pipe and hand placed up to 18 inches above the pipe. No backfill shall be placed over the pipe until the pipe laying has been inspected by the CUC or its duly authorized agent.
8. All joints and connections shall be made gas tight and water tight. Joints for cast iron soil pipe and fittings with hubs and plain end spigots shall be made with caulked lead and oakum as specified in Chapter 4 ASA A40.8, or by using positive double-seal elastomeric compression-type gaskets conforming to ASTM C-564. Service pipe shall be joined with service gaskets and extra heavy pipe with extra heavy gaskets. All joints between vitrified clay pipe and other approved pipe shall be made with an approved prefabricated rubber or plastic material conforming to ASTM Specification C-425, latest revision, and installed clean and uninjured by handling or weather according to manufacturers' direction, completely "homed" into place. The vitrified clay sewer pipe shall be joined with compressed watertight rubber rings meeting ASTM Specification D-1869, latest revision, and installed clean, according to manufacturers' directions. The ductile iron pipe shall be joined together with watertight rubber gaskets in accordance with the manufacturers' directions. The PVC pipe joints shall conform to ASTM D-3212, latest revision, and elastomeric gaskets to ASTM F477.
9. The building sewer shall be connected into the public sewer at the easement or property line. Where no properly located service branch is available, an authorized agent of the CUC shall cut a neat hole into the mainline of the

public sewer and a suitable wye or tee saddle installed to receive the building sewer. The invert of the building sewer at such point of connection with a saddle shall be in the upper quadrant of the main line of the public sewer. A neat workmanlike connection not extending past the inner surface of the public sewer shall be made and the saddle made secure and watertight by encasement in epoxy cement specially prepared for this purpose. A wye and H bend fitting shall be installed at the property line between the public sewer and the building sewer. This fitting shall serve the purpose of a clean out and for applying the smoke test during inspection of the line. After testing, a PVC, 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. Where a PVC riser and stopper or plug is installed, a metallic marker shall be installed adjacent to same to provide easy location of the riser.

10. In the absence of local code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.
11. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Fees for connection shall be as established by the City.
12. 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.
13. In all buildings in which any sanitary facility drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by an approved means and discharged to the building sewer. Drain pipe and sump for collection of such sanitary drainage shall be above basement floor or in separately watertight or drained sump or channel.
14. All building sanitary sewer lines will be installed so as to meet or exceed the most current revision of the State Plumbing Code.
15. All persons working on city sewers with a cleaning rod must use an approved type rod in cleaning sewer connections to city sewers.

D. Inspection

1. The applicant for the building sewer permit shall notify the CUC when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the CUC or its representative. All connections shall be made gas tight and water tight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the CUC before installation.
2. All building sewers shall be smoke tested through the wye branch at the public sewer connection or low pressure air tested per ASTM C-828-08 or latest revision, with public sewer tightly plugged off, after connections at both ends are made and after all pipe is properly bedded and backfilled at least to top of pipe and if backfill is completed, within two weeks after completion of backfill. At time of test any openings into the building drain inside the building shall be water trapped or plugged. Any leakage of smoke from building sewer or building drain and plumbing shall be located at test and repaired to stand repetition of smoke test without leakage. When smoke testing is completed, the temporary flow line plug shall be removed and a permanent water tight plug shall be placed in branch of test wye-branch and carefully backfilled by hand and tamped to at least six inches above the top of the branch. The CUC shall determine the method of testing to be performed.

ARTICLE V – SEWER SERVICE TO NEW DEVELOPMENTS

A. Permitted Connections

New developments will be permitted to connect to the public sewer system providing it is determined by the Commission that sufficient capacity is available in the trunk sewer(s); determination to be made upon information furnished by the developer regarding number of units, number of fixtures, expected water usage, expected discharge rates of flow; average and peak. New subdivisions and/or developments must install public sanitary collection and conveyance facilities to serve the entire new development where trunk lines are available.

B. Conditions

In addition, the developer shall comply with the following conditions:

1. Engineering for the proposed sewer extension(s) shall be performed by a Registered Professional Engineer or Consulting Engineering firm with experience in the design of sanitary sewer facilities.
2. All sanitary sewer construction shall be performed by a contractor with experience in the design and construction of sanitary sewer facilities.
3. Construction plans and specifications approved by the CUC shall not be changed or altered in any manner without the approval of the CUC.
4. The developer shall be responsible for scheduling preconstruction conferences with the developer, contractor, resident engineer/inspector, and the CUC, prior to beginning of construction work.
5. Engineering shall be provided for all construction work. The resident engineer/inspector shall be responsible for all grade lines, elevations, cut sheets and center line stakeouts and to assist the contractor in the interpretation and review of all plans and specifications.
6. The resident engineer/inspector and contractor shall keep accurate and sufficient records of construction work necessary to prepare “as built” construction plans to be submitted to the Commission when construction is complete.
7. Plans, specifications, and detailed drawings in accordance with the Commission’s standard regulations and specifications pertaining to materials and construction of new sanitary sewerage facilities shall be submitted in three (3) copies to the Commission for review and approval, and shall meet all requirements of State and local ordinances, regulations, and codes.

8. Construction will be inspected during and after construction, as required, by a representative of the Commission and final approval obtained prior to acceptance by the Commission
9. The developer will be responsible for all associated costs for engineering, inspections, tests, permits, and/or easements, review of plans and specifications and construction and materials.
10. Applicable sewer connection or tap-on fees shall be paid to the Commission.
11. The extension(s) including easements and/or permits will be dedicated to the City for maintenance.

C. Costs

All costs to the Commission for design or review and inspections shall be paid to the Commission by the developer and all dedications shall be executed prior to issuance by the Commission of a permit to connect.

D. Adherence

All provisions of the Commission's regulations and specifications pertaining to materials and construction of new sanitary sewerage facilities shall be adhered to.

ARTICLE VI – POLLUTANT DISCHARGE LIMITS

A. General Conditions

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

B. Restricted Discharges

The following discharges are prohibited:

1. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees centigrade using the test methods specified in 40 CFR 403.5(b)(1).
2. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through as specified in 40 CFR 403.5(b)(6).
3. Pollutants which result in the presence of toxic gasses, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems as specified in 40 CFR 403.5(b)(7).
4. Any trucked or hauled pollutants, except at discharge points designated by the POTW as specified in 40 CFR 403.5(b) (8) and Article VI Section E-3 of this ordinance.
5. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, motels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. The installation and operation of any

garbage grinder equipped with a 3/4 HP motor or greater shall be subject to review and approval.

6. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the CUC.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the CUC in compliance with applicable State or Federal Regulations.
8. Any waters or wastes containing cadmium, chromium, copper, cyanide, iron, lead, nickel, zinc or similar objectionable or toxic substances to such degree that they inhibit or damage the wastewater treatment processes, or tend to concentrate in the wastewater sludge to such a level that prevents the use of acceptable sludge disposal methods, or pass through the treatment process unremoved and at such concentration that exhibit toxicity to aquatic indicator organisms and cause a violation of effluent limitations or water quality standards which are or may be established by State and Federal Agencies having jurisdiction.
9. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
10. Any water or waste which has characteristics based on a 24 hour composite sample, or a shorter period composite sample if more representative which exceed the following normal maximum domestic wastewater parameter concentrations:

<i>Parameter</i>	<i>Max. Daily Concentrations (mg/l)</i>
BOD	250 mg/l
TSS	300 mg/l
NH ₃ -3	20 mg/l

11. The following limitations are established for characteristics of any wastewaters to be discharged into the municipal sewer system: (Revised per City Ordinance No. 1-2017 second reading 3/3/2017)

<i>Parameter</i>	<i>Max. Daily Concentrations (mg/l)</i>
Arsenic, total	0.22
Cadmium, total	0.02
Chromium, hexavalent	0.08
Chromium, total	1.00
Copper, total	1.1

Cyanide, total	0.08
Lead, total	0.25
Mercury, total	0.0005
Molybdenum	2.0
Nickel, total	1.5
Oil & Grease, total	100.00
Oil & Grease (hydrocarbon)	25.00
Selenium	0.66
Silver (Ag), total	0.1
Zinc, total	2.61

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 for any other pollutant specific limitation developed by the City or State as specified in 40 CFR 403.6(d).

D. Grease, Oil, and Sand Interceptors

Grease, oil, and sand interceptors shall be provided when; in the opinion of the CUC they are necessary for the proper handling of liquid wastes containing floatable oils and/or greases in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the CUC 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 CUC may require reporting of such information for their review. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms. Interceptors shall also comply with applicable regulations of the County Health Department in which the user is located.

E. Special Industrial Pretreatment Requirements

1. Pursuant to the requirements imposed on publicly owned wastewater treatment works by the Federal Water Pollution Control Act Amendments of 1972 and later amendments, all pretreatment standards promulgated by the U.S. Environmental Protection Agency under 40 CFR Subchapter N and 40 CFR 403 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, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.
3. Any person who transports septic tank contents, seepage pit or cesspool contents, liquid industrial waste or other batch liquid waste and wishes to discharge such waste to the public sewer system shall first obtain written permission for such discharge from the CUC. All persons receiving such permission shall abide by all applicable provisions of this ordinance and any other special provisions that may be established by the CUC as necessary for the proper operation and maintenance of the sewerage system. 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 CUC. 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 points of discharge designated by the Manager for such purposes. Any liquid waste hauler illegally discharging to the public sewer system shall be subject to immediate revocation of discharge privileges (if granted) and further subject to the penalties and enforcement actions prescribed in Article XI and Article XII. 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. Facilities to prevent accidental and slug discharges of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Once every two (2) years the CUC will determine whether each significant industrial user needs to develop a plan to control slug discharges. If the CUC decides that a slug control plan is needed, the plan shall contain the following:
 - a. description of discharge practices
 - b. description of stored chemicals
 - c. procedures for notifying the POTW
 - 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 the location of discharge, type of waste, concentration and volume and corrective actions taken.

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

G. State Requirements

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

H. City's Right of Revision

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

I. Federal Categorical Pretreatment Standards

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

ARTICLE VII – PRETREATMENT PROGRAM ADMINISTRATION

A. Wastewater Dischargers

It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the CUC and/or to the POTW any wastewater except as authorized by the Manager in accordance with the provisions of this ordinance. Any agency and/or industries outside the jurisdiction of the City that wish to contribute wastewaters to the POTW must first sign (through an authorized representative) an inter-jurisdictional agreement whereby the agency and/or industrial user agrees to be regulated by all provisions of this ordinance, state and federal regulations. A Wastewater Contribution Permit may then be issued by the Manager in accordance with Section B of this Article.

B. Wastewater Contribution Permits

1. General

All Industrial/Commercial users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Contribution Permit before connecting to or contributing to the POTW. All existing significant industrial users connected to or contributing to the POTW shall apply for a Wastewater Contribution Permit within 30 days after the effective date of this ordinance.

2. Permit Application

Users required to obtain a Wastewater Contribution Permit shall complete and file with the CUC, an application in the form prescribed by the CUC, and accompanied by a permit fee. Existing users shall apply for a Wastewater Contribution Permit within 30 days after the effective date of this ordinance, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit in units and terms appropriate for evaluation the following information, in addition to any other information the Manager may desire:

- a. Name, address, and location of facility, and owner if different from that given;
- 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 CUC; 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 and 40 CFR 261;

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

The following conditions shall apply to this schedule:

- (1) The schedule must be acceptable to the CUC.
- (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 Manager including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the users to return the construction to the schedule established.

- j. Each product produced by type, amount, process or processes, and rate of production;
 - k. Type and amount of raw materials processed (average and maximum per day);
 - l. Number of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
 - m. A copy of the industries written environmental control program, comparable document or policy;
 - n. Any other information as may be deemed by the CUC to be necessary to evaluate the permit application.
3. Issuance of a Wastewater Contribution Permit.

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

C. Permit Modifications

Within 9 months of the promulgation of federal categorical pretreatment standards, the Wastewater Contribution Permit of users subject to such standards shall be revised to require compliance with the standard within the time frame prescribed by such standard. Where a user, subject to federal categorical pretreatment standards, has not previously submitted an application for a Wastewater Contribution Permit as required, the user shall apply for a Wastewater Contribution Permit within 90 days of the date of promulgation of the applicable federal categorical pretreatment standard. In addition, the user with an existing Wastewater Contribution Permit shall submit to the CUC within 90 days after the date of promulgation of an applicable federal categorical pretreatment standard the information required by this ordinance.

D. Permit Conditions

- 1. Wastewater Contribution Permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges and fees established by the City. Permits may contain the following:
 - a. The unit charge or schedule of user charges and fees for the wastewater to be discharged to the public sewer system;

- b. Limits on the average and maximum wastewater constituents and characteristics;
 - c. Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
 - d. Requirements for installation and maintenance of inspection and sampling facilities;
 - e. Specifications for monitoring programs which may include sampling locations; frequency of sampling to be performed; types and standards of analysis and reporting schedules;
 - f. Compliance schedule(s);
 - g. Requirements for maintaining and retaining all records relating to wastewater discharge as specified by the CUC for a minimum of three (3) years, and afford CUC access thereto;
 - h. Requirements for notification of the CUC of 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 as specified in 40 CFR 403.12(j);
 - i. Requirements for notification of slug discharges;
 - j. Requirements for the user to reimburse the CUC for all expenses related to monitoring, sampling and testing performed at the direction of the Manager and deemed necessary by the CUC to verify that the user is in compliance with said permit;
 - k. All Industrial users are required to use sampling techniques and self monitoring protocols as described in 40 CFR 403.12(b)(5), 403.12(g)(2)(3)(5)&(h), 403.12(d)&(I);
 - l. Any other conditions as deemed appropriate by the Manager and/or the City to ensure compliance with this ordinance.
1. Where an effluent from an industrial process is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived for the discharge permit by the CUC. These alternative limits shall be applied to the mixed effluent. These alternative limits shall be calculated using the Combined Wastestream Formula and/or Flow-Weighted Average Formula given in 40 CFR 403.6(e). 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 CUC may convert the limits to equivalent limitations expressed either as mass of pollutant that may be 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 industrial users subject to production-based standards must report production rates annually so that alternative permit limits can be calculated if necessary. The categorical industrial user must notify the CUC thirty (30) days in advance of any change in production levels that might affect the flow or other data used to calculate the effluent limits in the discharge permit.

E. Permit Duration

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

F. Permit Transfer

Wastewater Contribution Permits are issued to a specific user for a specific operation. A Wastewater Contribution Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without, at a minimum, a thirty-day prior notification of the change to the CUC and provision of a copy of the existing permit to the new owner. The CUC may deny the transfer of the permit if it is deemed necessary to comply with all provisions of this ordinance.

G. Reporting Requirements for Permittee

1. Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new user, following commencement of the introduction of wastewater into the POTW, any user subject to federal categorical pretreatment standards and requirements shall submit to the CUC a report indicating the nature and concentration of all pollutants in the discharge from the regulated process or processes which are limited by categorical pretreatment standards and requirements 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. The report shall state whether the applicable categorical pretreatment standards and requirements are being met on a consistent basis and, if not, what additional pretreatment equipment and time schedule are necessary to bring the user into compliance with the applicable categorical standard or requirement. This statement shall be signed by an authorized representative of the user. ***[Note: The recordkeeping requirements for BMPs are a Required Streamlining Rule Change.]***

2. Periodic Compliance Reports

- a. All significant industrial users subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new user, after commencement of the discharge into the POTW shall submit to the CUC during the months of June and December, unless required more frequently by a pretreatment standard or the Wastewater Contribution Permit, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards or the Wastewater Contribution Permit. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the CUC and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the CUC may agree to alter the months during which the above reports are to be submitted.
- b. All analyses shall be performed by a laboratory acceptable to the CUC. Analytical procedures shall be in accordance with procedures established by the U.S. EPA pursuant to Section 304(g) of the Act and contained in 40 CFR 136 and amendments thereto or with any other test procedures approved by the U.S. EPA. Sampling shall be performed in accordance with the techniques approved by the U.S. EPA.
- c. Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the U.S. EPA.
- d. In accordance with 40 CFR 403.12(p), any industrial user falling under RCRA Section 3001 shall notify the POTW, the EPA Regional Waste Management Division Director and State Hazardous Waste Authorities in writing of any discharge into the POTW of a substance which if

otherwise disposed of, would be hazardous waste under 40 CFR Part 261. The industrial user shall provide all the information cited in 40 CFR 403.12(p).

- e. All industrial users shall retain all pretreatment records for a minimum of three (3) years, as required by 40 CFR 403.12(o) (2).

3. Baseline Monitoring Report

- a. A Baseline Monitoring Report (BMR) must be submitted to the CUC 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:
 - (i) production data including a process description, SIC code number, raw materials used, chemicals used, and final product(s) produced;
 - (ii) name of facility contact person;
 - (iii) wastewater characteristics such as total plant flow, types of discharges, average and maximum flows from each process;
 - (iv) nature and concentration of pollutants discharged to the public sewer system that are regulated by this ordinance, state and/or federal pretreatment standards and sample type and location;
 - (v) information concerning any pretreatment equipment used to treat the facility's discharge.
- b. All new sources of industrial discharge must be in compliance with all provisions of this ordinance prior to commencement of discharge.

H. Permit Violations

All significant industrial users must notify the CUC within 24 hours of first becoming aware of a permit violation. This notification shall include the date of the violation, the parameter violated and the amount in excess. Within 30 days of first becoming aware of a permit violation, the significant industrial user must re-sample for the parameter(s) violated and submit this sample analysis to the CUC, unless the CUC, on behalf of the City, conducts monitoring of this parameter within that 30 day period.

I. Monitoring Facilities

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

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the CUC's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following approval of the location, plans and specifications.

2. All sampling analyses done in accordance with approved U.S. EPA procedures by the significant industrial user during a reporting period shall be submitted to the CUC, regardless of whether or not the analysis was required by the user's discharge permit.
3. The significant industrial user must receive the approval of the CUC before changing the sampling point and/or monitoring facilities to be used in all required sampling.

J. Inspection and Sampling

The CUC 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. The POTW shall inspect and sample each significant industrial user at least once a year (or more if indicated in the permit) as specified in 40 CFR 403.8(f) (2) (v). Persons or occupants of premises where wastewater is created or discharged shall allow the City or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, copying and examination of records, or in the performance of their duties. "Reasonable times" shall include any time during which the user is discharging to the public sewer system and/or operating any manufacturing process. The City, Approval Authority, and U.S. EPA shall have the right to set up on the users' property such devices as are necessary to conduct sampling inspections, 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 necessary arrangements with their security guards so, that upon presentation of suitable identification, personnel from the City, Approval Authority and U.S. EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

K. Pretreatment

1. All significant industrial users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the Federal Pretreatment Regulations. The CUC may require the development of a compliance schedule for installation of pretreatment technology and/or equipment by any significant industrial user that is not meeting discharge limits established in the user's Wastewater Contribution Permit. Any facilities required to pretreat wastewater to a level acceptable to the CUC 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 CUC for review, and shall be acceptable to the CUC 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 acceptable to the CUC under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method or operation shall be reported to and be acceptable to the CUC prior to the user's initiation of the changes.
2. The CUC is required by federal regulations to keep the public informed of all cases of significant violations. To accomplish this, the CUC shall annually publish in a newspaper of local circulation a list of the users which were in significant noncompliance with any pretreatment requirements or standards. Significant noncompliance is any significant violation that meets one or more of the following conditions:
 - a. Results in the exercise of emergency authority by the Manager;
 - b. Remains uncorrected 45 days after notice of noncompliance is given;
 - c. Involves failure to report noncompliance accurately;
 - d. Wastewater violations:
 - (i) Chronic Violations – Sixty-six (66%) percent or more of all measurements taken during a 6-month period exceed, by any magnitude, the daily maximum limit or the monthly average limit for the same pollutant parameter;

- (ii) Technical Review Criteria (TRC) Violations – Thirty-three (33%) percent or more of all measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the monthly average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease and 1.2 for all other pollutants except pH).
- (iii) Any violations of a pretreatment effluent limit that the Manager believes has caused, alone or in combination with, other discharges, interference or pass-through or has endangered the health of the POTW personnel or the public.
- (iv) Any discharge causing imminent endangerment to human health or to the environment or resulting in the Manager’s use of his emergency authority to halt or prevent such a discharge.
- (v) Violations of compliance schedule milestones, failure to comply with schedule milestones for starting or completing construction or attaining final compliance by 90 days or more after the schedule date.
- (vi) Failure to provide required reports within 30 days of the due date.
- (vii) Any violation or group of violations which the Manager determines will adversely effect the operation or implementation of the local pretreatment program. The public notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months. All records relating to the pretreatment program of the CUC shall be made available to officials of the U.S. EPA or Approval Authority upon request. All records shall be maintained for a minimum of three (3) years in accordance with 40 CFR 403.12 (o) (2).

L. Confidential Information

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

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

ARTICLE VIII – FEES

A. Purpose

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

B. Charges and Fees

The CUC may adopt charges and fees which may include:

1. fees for reimbursement of costs of setting up and operating the City's Pretreatment Program;
2. fees for monitoring, inspections and surveillance procedures;
3. fees for reviewing accidental discharge procedures and construction;
4. fees for permit applications;
5. fees for filing appeals;
6. fees for consistent removal by the POTW of excessive strength conventional pollutants;
7. other fees as the CUC may deem necessary to carry out the requirements contained herein.
8. fees for the connection of a discharger (residential or other). These fees relate solely to the matters covered by this ordinance and are separate from all other fees chargeable by the City.

C. Surcharges and Debt Services

Charges shall be comprised of a system of excessive strength surcharges and a system of charges for debt services, operation and maintenance costs including normal replacement costs.

ARTICLE IX – POWERS AND AUTHORITY OF INSPECTORS

A. Right to Enter Premises

The Manager and other duly authorized promulgated employees and representatives of the CUC and authorized representatives of applicable Federal and State regulatory agencies bearing proper credentials and identification shall be permitted to enter all properties at any reasonable time for purposes of, but not limited to, inspection, observation, measurement, sampling, and testing of discharges to the public sewer system and inspection and copying of all records in accordance with the provisions of this ordinance.

B. Right to Obtain Information Regarding Discharge

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

C. Access to Easements

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

D. Safety

While performing the necessary work on private properties referred to in Article IX, Section A above, all duly authorized employees of the City shall observe all safety rules applicable to the premises established by the facility and the company shall be held blameless for any injury or death to the City employee. The City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this ordinance.

***ARTICLE X – INDUSTRIAL COST RECOVERY-USER CHARGE
REQUIREMENTS***

A. Charges

All users of the POTW shall be required to pay monthly user charges based on rates proportional to water loading as determined by the City, and as will be made a part of the City water and sewer rate structure. This system of charges is based upon the annual audit of the operation and maintenance costs of the entire sewerage collection, pumping, and sewage treatment system. Additionally, the replacement cost for vital equipment is included in the user charge determination.

ARTICLE XI – ENFORCEMENT

A. General

The CUC through the Manager or his/her designee, to insure compliance with this ordinance, and as permitted through 40 CFR Subchapter N, 401 through 471 and 401 KAR 5:005, Section 9 may take the following enforcement steps against users in noncompliance with this ordinance. The remedies available to the Manager 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 of the POTW or his/her designee.

All violations of requirements of this ordinance must be reviewed and responded to by the Manager or his/her representative shall notify the industrial user when a violation occurs. For all violations, the Manager or his/her representative shall receive an explanation and, as appropriate, a plan from the industrial user to correct the violation within a specific time period. If the violation(s) persist or the explanation and/or plan are not adequate, the Manager or his/her representative'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 violation will require a formal enforcement action. The full scale of enforcement actions will be detailed in the City's Pretreatment Program Enforcement Response Plan.

B. Enforcement Actions

1. Informal Notice – These actions include statements made to the industrial user during sampling and/or inspection visits, telephone calls to the appropriate company official, informal meetings, warning or reminder letters. These informal notices shall be used for minor violations.
2. Formal Notice – These actions include the following:
 - A. Notice of Violation/Fine – Any person found to be violating any provision of this ordinance, wastewater discharge permit or any order issued hereunder shall be served by the POTW Manager or his/her representative with a written notice stating the nature of the violation and an administrative fine may be assessed. The offender must permanently cease all violations. The fine shall be determined on a case-by-case basis which shall consider the type, severity, duration and number of violations, severity of impact on the POTW, impact on human health, user's economic benefit from the violation, past history of the user, and good-faith efforts made by the user. The fine

shall be a non-arbitrary but appropriate amount. Such assessments may be added to the user's next scheduled sewer service charge and the CUC shall have such other collection remedies as it has to collect other service charges. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property.

- B. Administrative Orders/Fines – Any person who, after receiving a Notice of Violation, shall continue to discharge in violation of this ordinance or other pretreatment standard or requirement or is determined to be a chronic or persistent violator, shall be ordered to appear before the Manager or his/her representative. At said appearance, a compliance schedule will be given to the violating user and an administrative fine assessed. The fine shall be determined on a case-by-case basis which shall consider the type, severity, duration and number of violations, severity of impact on the POTW, impact on human health, user's economic benefit from the violation, past history of the user, and good-faith efforts made by the user. The fine shall be a non-arbitrary but appropriate amount. Such assessments may be added to the user's next scheduled sewer service charge and the CUC shall have such other collection remedies as it has to collect other service charges. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property.

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

Consent Order – The Manager or his/her representative 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 in the order. Consent Orders shall have the same force and effect as all other administrative orders.

Compliance Order – When the Manager or his/her representative finds that an industrial user has violated or continues to violate this ordinance or permit or order issued hereunder, he may issue an order to the industrial user responsible for the violation directing that following a specified time period, sewer service and water 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.

Cease and Desist Order – When the Manager or his/her representative finds that an industrial user has violated or continues to violate this ordinance or any permit or order issued hereunder, the Manager or his/her representative may issue an order to cease and desist all such violations to the user and direct those persons in noncompliance to:

- a. Comply forthwith;
- 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.

Show Cause Hearing – The Manager or his/her representative may issue to any user who causes or contributes to violations of this ordinance, discharge permit or order issued hereunder, an order to appear and show cause why more severe 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 or his/her representative 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 or his/her representative why more severe enforcement action should 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 agent or officer of the facility. Whether or not a duly notified industrial user or its representative appears, immediate enforcement action may be pursued.

The CUC itself may conduct the hearing and take evidence or may designate a representative to:

- (a) Issue in the name of the City notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relative to any matter involved in such hearings;
- (b) Take the evidence;
- (c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Commission for action thereon.

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. After the Commission has reviewed the evidence, it may issue an order to the user responsible for the violation directing that, following a

specified time period, the sewer services and water services be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Further orders and directives as are necessary and appropriate may be issued.

ARTICLE XII – PENALTIES

A. Written Notice

Any user found to be violating any provision of this ordinance or a discharge permit or order issued hereunder shall be served by the Manager or his/her representative with written notice stating the nature of the violation. The violator shall permanently cease all violations upon receipt of this notice. As contained in Article XI, the notice may be of several forms. Also as contained in Article XI, penalties of various forms may be levied against users for violations of this ordinance. The penalties shall range from publication of violators to administrative fines not to exceed \$1,000 per day per violation.

B. Continued Violation

Any user who shall violate any provision of this ordinance, a discharge permit or other order issued hereunder shall be guilty of a violation of this ordinance and shall be liable to the CUC for a civil penalty of at least \$1,000 per violation for each day on which the violation occurs. Each day in which such violation occurs shall be deemed a separate offense.

C. Revocation of Permit

Any user violating any of the provisions of this ordinance or discharge permit or other order issued hereunder shall be subject to termination of its authority to discharge sewage into the public sewer system. Such termination shall be immediate if necessary for the protection of the POTW. Said user may also have water service terminated. Any user who violates any condition(s) of this ordinance, discharge permit, order or applicable state or federal regulations is subject to having its Wastewater Contribution Permit revoked in accordance with the procedures of this ordinance. Violations resulting in immediate permit revocation shall include, but not be limited to, the following:

- a) Failure of a user to factually report the wastewater constituents and characteristics of its discharge;
- b) Failure of the user to report significant changes in operations, proceeds, wastewater constituents and characteristics;
- c) Refusal of reasonable access to the user's premises for the purpose of inspection and sampling; and
- d) Violation(s) of any condition of the Wastewater Contribution Permit.

D. 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 Corbin for any expense, loss, or damage occasioned the City by reason of such violation. This civil liability is as provided by state and federal regulations.

E. Misrepresentation and/or Falsifying of Documents

Any user who knowingly and/or negligently makes any false statements, representations or certification of any application, record, report, plan or other document filed or required pursuant to this ordinance or Wastewater Contribution 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 or by imprisonment for not more than twelve (12) months or by both.

F. 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.

G. Judicial Action

If any person(s) discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this ordinance, discharge permit, any order of the Manager or the CUC, or federal or state pretreatment requirements, the City may commence an action for appropriate legal and/or equitable relief in the appropriate Court of this jurisdiction. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person(s) found to have violated this ordinance or the orders, rules, regulations and permits issued hereunder.

H. Termination of Service

The Manager may suspend the wastewater treatment service and/or wastewater discharge permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of the public, the POTW or the environment. Any user notified of a suspension of the wastewater treatment service and/or the discharge permit, shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Manager shall take such steps as deemed necessary including immediate severance of the sewer connection and/or termination of

water service to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. Any industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Manager of the CUC.

I. Criminal Prosecution

Any industrial user who willfully or negligently violates any provisions of this ordinance, any orders or permits issued hereunder, or any other pretreatment requirements shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of at least \$1,000 per violation per day to a maximum fine of \$25,000 per violation per day or imprisonment for not less than one year or both.

ARTICLE XIII – VALIDITY

A. Inconsistent or Conflicting Ordinance

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.

B. Separation Clause

The provisions of this ordinance are hereby declared to be severable and if any provision, sentence, clause, section or parts thereof is held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not effect or impair any of the remaining provisions, sentences, clauses, sections, or parts of the ordinance or their application to persons and circumstances.

ARTICLE XIV – ORDINANCE IN FORCE

This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

GIVEN first reading and passed on the 18th day of February, 1991.

GIVEN second reading and finally passed on the 25th day of February, 1991.

Published in the Corbin Times Tribune on 2nd day of March, 1991.

/s/ Tom Thurston
TOM THURSTON, MAYOR
CITY OF CORBIN, KENTUCY

ATTEST:

/s/ Erin Blount
ERIN BLOUNT
CITY CLERK
CITY OF CORBIN, KENTUCKY