

## CITY OF GREENSBURG

105 West Hodgenville Avenue  
Greensburg, Kentucky 42743

1-270-932-4298

City Ordinance  
Number:

**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 WASTE INTO THE PUBLIC SEWER SYSTEM/S; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; IN THE CITY OF GREENSBURG, COUNTY OF GREEN, COMMONWEALTH OF KENTUCKY.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GREENSBURG, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:**

**ARTICLE I: Definitions. Unless the context specifically indicates otherwise, the meaning of the terms used in this Ordinance shall be:**

**SECTION 1. “BOD” or “Biochemical Oxygen Demand” shall mean the measure of decomposable organic material in domestic or industrial wastewaters as represented by the oxygen utilized over a period of five (5) days at twenty degrees (20°) Centigrade and as determined by the appropriate procedure in “Standard Methods.”**

**SECTION 2. “Building Drain” shall mean that part of the lowest horizontal piping of a private, commercial or industrial drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to building sewer, beginning five (5) feet outside the inner face of the building wall.**

**SECTION 3. “Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.**

**SECTION 4. “City” shall mean the duly constituted municipal corporation of the City of Greensburg, Green County, Kentucky.**

**SECTION 5. “Superintendent” shall mean the Director of Public Works of the City of Greensburg.**

**SECTION 6. “Combined Sewer” shall mean a sewer designated to receive both surface runoff and wastewater.**

**SECTION 7. “Discharge” shall mean any facility that discharges or causes a discharge to a public sewer.**

**SECTION 8. “Domestic Wastewater” shall mean the water-carried wastes produced from noncommercial or non-industrial activities and which result from normal human living processes.**

**SECTION 9. “Effluent” shall mean the liquid outflow of any facility designed to treat, convey or retain wastewater.**

**SECTION 10. “Garbage” shall mean animal and vegetable waste resulting from the handling, preparation, cooking and serving of food in-home kitchens, stores, markets, restaurants, motels, hotels, and other places where food is stored, prepared, or served. Specifically excluded is food processing wastes from canneries, slaughterhouses, packing plants, and similar industries.**

**SECTION 11. “Industrial Wastewater” shall mean all water-carried wastes and wastewater of the community excluding domestic wastewater and uncontaminated water, and shall include all wastewater from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operation where the wastewater discharged includes significant quantities of wastes of non-human origin.**

**SECTION 12. “Natural Outlet” shall mean any outlet, including storm sewers, into a watercourse, pump, ditch, lake, or other body of surface or ground water.**

**SECTION 13. “Ordinance” shall mean, unless otherwise specified, this Ordinance.**

**SECTION 14. “Person” shall mean any individual, partnership, committee, association, corporation, public agency, firm, company, and any other organization or group of persons, public or private.**

**SECTION 15.** “PH” shall mean the reciprocal of the logarithm of the hydrogen ion concentration which is the weight of hydrogen ions in grams per liter of solution.

**SECTION 16.** “Properly Shredded Garbage” shall mean 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 one-half (1/2) inch in any dimension.

**SECTION 17.** “Public Sewer” shall mean 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.

**SECTION 18.** “Sanitary Sewer” shall mean a sewer which carries domestic and/or industrial wastewater and to which storm, surface, and ground waters are not intentionally admitted.

**SECTION 19.** “Sewage” shall mean wastewater.

**SECTION 20.** “Sewerage” shall mean any and all facilities used for collecting, conveying, pumping, treating, and disposing of wastewater.

**SECTION 21.** “Sewerage” shall mean a pipe or conduit for carrying wastewater.

**SECTION 22.** “Shall” is mandatory; “May” is permissive.

**SECTION 23.** “Slug Discharge” shall mean any discharge of a 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 of flow rate during normal operation and/or adversely affects the POTW.

**SECTION 24.** “Standard Methods” shall mean the current edition of “Standard Methods for the Examination of Water and Wastewater” and as published by the American Public Health Association.

**SECTION 25.** “Storm Drain” (sometimes termed “storm sewer”) shall mean a sewer which carries storm and surface waters and drainage, but excludes domestic and industrial wastewaters.

**SECTION 26.** “Total Suspended Solids” (Filterable Residue) shall mean the insoluble solid matter suspended in Wastewater that is separable by laboratory filtration in accordance with the procedure described in “Standard Methods”.

**SECTION 27.** “Wastewater” shall mean the water-carried wastes of the community derived from human or industrial sources including domestic wastewater and industrial wastewater. Rainwater, groundwater or drainage or uncontaminated water is not wastewater.

**SECTION 28.** “Wastewater Treatment Plant” shall mean any arrangement of devices and structures used for treating wastewater.

**SECTION 29.** “Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.

**SECTION 30.** “Act or “the Act” shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

**SECTION 31.** “Approval Authority” shall mean the Director in an NPDES state with an approved State Pretreatment Program and the Administrator of the EPA in a non-NPDES state or NPDES state without an Approved State Pretreatment Program.

**SECTION 32.** “Authorized Representative of Industrial User” – An authorized representative of an Industrial User may be:

- (a) A principal executive officer of at least the level of vice-president.
- (b) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively;
- (c) 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.

**SECTION 33.** “Categorical Standards” shall mean National Categorical Pretreatment Standards or Pretreatment Standard.

**SECTION 34.** “Cooling Water” shall mean the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

**SECTION 35.** “Control Authority” shall refer to the “Approval Authority” defined hereinabove; or the Superintendent if the City has an approved Pretreatment Program under the provisions of 40 CFR 403.12.

**SECTION 36.** “Direct Discharge” shall mean the discharge of treated or untreated wastewater directly to the water of the State of Kentucky.

**SECTION 37.** “Environmental Protection Agency, or EPA shall mean 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.

**SECTION 38.** “Grab Sample” shall mean 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.

**SECTION 39.** “Holding Tank Waste” shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers septic tanks, and vacuum-pump tank trucks.

**SECTION 40.** “Indirect User” shall mean a person who discharges or introduces 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).

**SECTION 41.** “Industrial User” shall mean a source of Indirect Discharge.

**SECTION 42.** “Interference” shall mean the inhibition or disruption of the POTW treatment processes or operation that contributes to a violation of any requirement of the City’s NPDES 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 Substance 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.

**SECTION 43.** “National Categorical Pretreatment Standard or Pretreatment Standard” shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 4007 (b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.

**SECTION 44.** “National Prohibitive Discharge Standard or Prohibitive Discharge Standard” shall mean any regulation developed under the authority of 407 (b) of the Act and 40 CFR, Section 403.5.

**SECTION 45.** “New Source” shall mean any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307 © (33 U.S.C. 1317) Categorical Pretreatment Standard which will be applicable to such sources, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the Federal Register. Where the standard is promulgated later than one hundred twenty (120) days after proposal, a new source means any source, the construction of which is commenced after date of promulgation of the standard.

**SECTION 46.** “National Pollution Discharge Elimination System of NPDES Permit” shall mean a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

**SECTION 47.** “Pollution” shall mean the man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

**SECTION 48.** “Pollutant” shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, 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.

**SECTION 49.** “Pretreatment or Treatment” shall mean 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 of alteration can be obtained by physical, chemical, or biological processes, or process changes other means, except as prohibited by 40 CRF Section 403.6 (d).

**SECTION 50.** “Pretreatment Requirements” shall mean any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an Industrial User.

**SECTION 51.** “Publicly Owned Treatment Works (POTW)” shall mean 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 wastewaters to the POTW treatment plant, but does not include pipes, or other conveyances not connected to a facility providing treatment. For the purposes of the Ordinance, “POTW” shall also include any sewer that convey wastewater to the POTW from persons outside the City who are, by contract or agreement with the City, Users of the City’s POTW.

**SECTION 52. “POTW Treatment Plant” shall mean a portion of the POTW designed to provide treatment to Wastewater.**

**SECTION 53. “Significant Industrial User” shall mean any user of the City’s wastewater disposal system who (1) is subject to a Categorical Pretreatment Standard(s) under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or (2) has a discharge flow of 25,000 gallons or more per average work day; or (3) has a flow greater than 5 percent of the flow in the City’s wastewater treatment system; or (4) has in its wastewaters toxic pollutants as defined pursuant to Section 307 of the Act or State statutes and rules; or (5) 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.**

**SECTION 54. “State” shall mean the State of Kentucky.**

**SECTION 55. “Standard Industrial Classification (SIC)” shall mean a classification pursuant to the Standard Industrial Classification manual issued by the Executive Office of the President, Office of Management and Budget, 1972.**

**SECTION 56. “Storm Water” shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.**

**SECTION 57. “Toxic Pollutant” shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307 (a) or other acts.**

**SECTION 58. “User” shall mean any person who contributes, causes or permits the contribution of wastewater into the City’s POTW.**

**SECTION 59. “Waters of the State” shall mean all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.**

**SECTION 60. “Wastewater Discharge Permit” (Permit for Industrial Discharge, Permit, etc.) shall mean as set forth in Article VI of this Ordinance.**

**SECTION 61. “Indirect Discharge” shall mean the discharge of the introduction of pollutants into a POTW from any nondomestic source regulated under Section 307 (b), (c) or (d) of the Act and including holding tank wastes discharged into the system.**

**SECTION 62. “Abbreviations”:** The following abbreviations shall have the designated meanings:

<b>.ASTM</b>	<b>-- American Society for Testing &amp; Materials</b>
<b>.BOD</b>	<b>-- Biochemical Oxygen Demand</b>
<b>.CFR</b>	<b>-- Code of Federal Regulations</b>
<b>.COD</b>	<b>-- Chemical Oxygen Demand</b>
<b>.EPA</b>	<b>-- Environmental Protection Agency</b>
<b>.l</b>	<b>-- Liter</b>
<b>.mg</b>	<b>-- Milligrams</b>
<b>.mg/l</b>	<b>-- Milligrams per liter</b>
<b>.NPDES</b>	<b>-- National Pollutant Discharge Elimination System</b>
<b>.POTW</b>	<b>-- Publicly Owned Treatment Works</b>
<b>.SIC</b>	<b>-- Publicly Owned Treatment Works</b>
<b>.TSS</b>	<b>-- Total Suspended Solids</b>
<b>.WPCF</b>	<b>-- Water Pollution Control Federation</b>

**ARTICLE II. Use of Public Sewers Required.**

**SECTION 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 or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.

**SECTION 2.** It shall be unlawful to discharge to any natural outlet within the City, or in any area the jurisdiction of the City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

**SECTION 3.** Except as hereinafter provided, 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.

**SECTION 4.** The owner 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 sewer of the City, is hereby required at his 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 determined to be available by the Superintendent.

**SECTION 5.** Land which is within 1,000 feet of existing public sanitary sewers, measured by way of public rights-of-way or public utility easements, is

considered to be served by sanitary sewage facilities. Any house, building or property constructed after the effective date of this ordinance and used for human occupancy, employment, recreation or other purpose constructed on property served by public sanitary sewer must be connected to public sanitary sewer.

### **ARTICLE III. Private Wastewater Disposal.**

**SECTION 1.** Where a public sanitary sewer is not available under the provisions of Article II, Section 4, the building sewer may be connected to a private wastewater disposal system complying with the requirements of the Green County Health Department and with the provisions of this article.

**SECTION 2.** Before commencement of construction of a private sewage disposal system, the Owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City which the applicant shall supplement any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of Twenty-Five Dollars (\$25.00) shall be paid to the City at the time the application is filed.

**SECTION 3.** A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction, and in any event the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the Superintendent.

**SECTION 4.** The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Kentucky. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where it conflicts with Green County Health Department Standards. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

**SECTION 5.** 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 within ninety (90) days after notification by the City and in compliance with this Ordinance. The private wastewater disposal facilities shall be abandoned and filled with suitable material in accordance with requirements of the Green County Health Department.

**SECTION 6.** The Owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City.

**SECTION 7.** No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Green County Health Department.

**ARTICLE IV. Building Sewers and Connections.**

**SECTION 1.** No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sanitary or combined sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

**SECTION 2.** There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastewater. In either case, the Owner or his agent shall make application on a form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent and/or City Engineer. A permit and Inspection Fee of Twenty-Five Dollars (\$25.00) for a residential or Commercial Building sewer permit and Fifty Dollars (\$50.00) for an industrial building sewer permit shall be paid to the City at the time the application is filed.

**SECTION 3.** All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Tapping of public sewer main lines, installation or wyes in the public sanitary sewer lines and extension of wyes in the public sanitary sewer main lines and extension of sewer lateral lines to owner's property, when required, shall be performed by the Greensburg Public Works Department at the owner's expense.

**SECTION 4.** A separate and independent building sewer shall be provided for every building except where one (1) 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, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.

**SECTION 5.** Old building sewer service connections may be used for new buildings only when they are found, on examination by the Superintendent, to meet all requirements of this Ordinance, and all applicable laws and regulations.

**SECTION 6.** No person(s) shall make connection of roof downspouts, 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. Existing conditions of this type shall be disconnected from discharging into the public sanitary sewer by owner at owner's expense.

**SECTION 7.** All excavations for building sewer installations that extend adjacent to public right-of-way shall be adequately guarded by the owner with barricades and/or lights so as to protect the public from hazard. Streets, sidewalks, parkways, of the work shall be restored in a manner satisfactory to the City.

**SECTION 8.** The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, the testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

**SECTION 9.** In all buildings in which any building drain is too low to permit gravity flow to the public sanitary sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer. All such required lifting devices shall be installed, owned and maintained by owner(s) of property being served by the lifting devices.

**SECTION 10.** The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

**SECTION 11.** The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

**SECTION 12.** All costs and expense incident to the maintenance of the building sewer shall be borne by the owner to include removal of any obstructions, except where it can be shown to the satisfaction of the Superintendent that the building sewer has physically collapsed between the owner's property line and the public sanitary sewer. The cost and expense of repairing the collapsed building sewer between the owner's property line and the public sanitary sewer will be borne by the City.

**ARTICLE V. Use of the Public Sewers.**

**Preamble.** This section establishes limitations and prohibitions on the quantity and quality of wastewater which may be lawfully discharged into the publicly owned treatment works. Pretreatment of some wastewater discharges may be required to achieve the goals established by this Section, the Clean Water Act, or applicable Federal Categorical Pretreatment Standards. The specific prohibitions and limitations contained in this Section are subject to change when necessary to enable the Superintendent to provide efficient wastewater treatment, protect the public health and environment, and to enable the Water and Sewer Department of the City of Greensburg, to meet requirements contained in the City's NPDES Permit.

The ultimate goal to be achieved by adherence to this Section is to protect the ability of the City's Wastewater Treatment Plant to provide a satisfactory effluent and the creation of a sludge residue that may be applied to the land without violating any applicable law or regulation.

It shall be the duty of the Superintendent of Public Works of the City of Greensburg to monitor the treatment works influent for elements which may adversely affect the treatment plant's biological processes and sludge disposal method. Should the influent at the treatment plant reach or exceed the levels established by this Ordinance, the Superintendent shall initiate technical studies to determine the cause of the influent violation and shall recommend to the Mayor such remedial measures as may be considered necessary; including, but not limited to, the establishment of new or revised pretreatment levels for the elements causing the violation.

The Superintendent shall also recommend to the Mayor such changes in the discharge standards as may be necessary. In the event the POTW effluent standards are changed or there are changes in any applicable law or regulation affecting the effluent standards the event changes are needed for a more efficient operation of the POTW.

No person shall discharge or cause to be discharged any substances, materials, waters, or wastes to any public sewer if it appears likely in the opinion of the Superintendent that such waste may harm either the sewers, wastewater treatment process, or equipment, or may adversely affect the receiving stream, or may otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent shall give consideration to such factors as the quantities of the subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment plant, degree, of treatability of wastes in the wastewater treatment plan, and such other factors as may be deemed appropriate in the opinion to the Superintendent.

**SECTION 1.** No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff or subsurface drainage to any sanitary sewer.

**SECTION 2.** Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or storm drains, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the superintendent, to a storm drain or natural outlet.

**SECTION 3.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas, lubrication oils or cutting oils. In order to protect against fire/explosion hazard, no item can be discharged that creates a closed-cup flashpoint less than 140° F.
- (b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
- (c) Any water or wastes having a pH lower than 6, or higher than 9.0 hr having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewerage system.
- (d) 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 sewerage system such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage's, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk container, either whole or ground by garbage grinders.
- (e) Any liquid or vapor having a temperature higher than one hundred fifty degrees (150° F) or in no case having a temperature which will cause the influent at the treatment plant to be higher than one hundred four degrees (104°F).

- (f) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F.
- (g) Any garbage that has not been property shredded.
- (h) Any water or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (i) Any water or waste containing the following chemical constituents and/or similar objectionable or toxic substances that exceed the following limits:

Constituent	Maximum for Any One Day (mg/1)	Average Daily Value (Weekly Average (mg/1)
Cadmium	1.2	.7
Chromium (Total)	7.0	4.0
Copper	4.5	2.7
Cyanide (Total)	1.9	1.0
Total Metals	10.5	6.8
Lead	.6	.4
Nickel	4.1	2.6
Zinc	4.2	2.6
Silver	1.2	.7

It should be noted that these values have been selected based upon information in Volume 1 of the Federal Guidelines for State and Local Pretreatment Programs (EPA-430/9-76-017 A, MCD 43, January 1977) related to the prevention of biological inhibition at a treatment facility.

Based upon the sampling program at the Greensburg Wastewater Treatment Plant, these values may be adjusted to reflect the City's needs; the City shall give public notice of any change proposed for these limits.

- (j) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite wastewater to meet the

requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

- (k) Any radioactive waste or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
- (l) Any wastes exerting an excessive chlorine demand to such a degree that any such material received in the composite sewage at the wastewater treatment plant exceeds the limits established by the Superintendent for such materials.
- (m) Materials which exist or cause:
  - (1) Unusual concentrations of inert suspended solids (such as, but not limited to Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - (2) Excessive discoloration (such as, but not limited to, daily wastes, dye wastes, and vegetable tanning solutions).
  - (3) Unusual BOD, chemical oxygen demand, or Chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment plant.
  - (4) Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.
- (n) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

**SECTION 4.** Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under the Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under the Ordinance. The superintendent shall notify all affected Industrial Users of the applicable reporting requirements under 40 CFR, Section 403.12.

**SECTION 5.** If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 3 or 4 of this Article, and which in the judgment of the Superintendent, may have a deleterious effect on the sewerage system, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent shall require the discharger to obtain a wastewater discharge permit. The Superintendent, at his/her discretion also may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge, and or;
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

**SECTION 6.** If the Superintendent permits the pretreatment or equalization of waste flows, the design and installment of the pretreatment plants and equipment shall be subject to review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

**SECTION 7.** If additional pretreatment and/or O & M will be required to meet the Pretreatment Standards or local limits, the user will be required to submit 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:

- (a) 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 or local limits (i.e., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc).
- (b) No increment referred to in paragraph (a) shall exceed nine (9) months.

- (c) **Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reasons for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.**

**SECTION 8. Where preliminary treatment or flow equalization facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Owner at his/her expense.**

**SECTION 9. Grease, Oil and Sand Traps.**

- (a) **Establishments involved in the preparation of food for commercial or public purposes shall provide grease interceptors or traps. Grease, oil and sand interceptors or traps shall be provided by others when necessary for the proper handling of liquid wastes containing grease in excessive amounts, sand and other harmful ingredients, except that such interceptors or traps will not be required for private living quarters or dwelling units.**
- (b) **All interceptors or traps shall be of type and capacity approved by the Health Officer, and the Superintendent, and shall be located so as to be readily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, gastight, watertight, and equipped with easily removable covers.**
- (c) **For new or remodeled (food handling) establishments, all wastewater drain piping from food processing equipment; sinks for washing of food equipment and utensils; mop sinks; dishwashers; hand sinks and floor drains in food processing or food preparation areas, shall be separated from other wastewater piping and connected to an approved exterior-type grease trap prior to discharge into the public sanitary sewer. Minimum capacity for an exterior-type grease trap is five hundred (500) gallons, based upon rectangular dimensions that**

will support a liquid (dept) of at least three (3) feet and six (6) inches depth.

- (d) Existing food handling establishments must within two (2) years of written notification, install grease trap(s) on all wastewater drain piping, except floor drains, as listed above. Floor or flush mounted, under the fixture units such as Zurn model Z-1170 or Z1170 LT series grease trap(s) or approved equal will be permitted. Capacity will be determined upon the size, number and types of fixtures utilized by the grease trap. Minimum single-fixture grease trap capacity requirements will be fifty (50) pounds with dishwashers and twenty (20) pounds without.
- (e) All grease, oil and sand interceptors or traps shall be maintained by the use in continuously efficient operation at all times at his expense.
- (f) Approval of proposed facilities or equipment by the Superintendent does not, in any way guarantee that these facilities or equipment will function in the manner described by their constructor or manufacturer; nor shall it relieve a person of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose.

**SECTION 10.** When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole and related equipment prescribed by the Superintendent shall be installed by the Owner at his/her expense, and shall be maintained by him/her so as to be safe and accessible at all times.

**SECTION 11.** All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods", and shall be determined at the control manhole provided, or on suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out

by customarily accepted methods to reflect the effect of constituents on the sewerage system and to determine the existence of hazards to life, limb, and property.

**SECTION 12.** No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern. Such agreements shall not concern pretreatment standards. Obviously, such agreements cannot be contrary to state or federal laws and regulations.

#### **ARTICLE VI. Industrial Wastewater.**

**SECTION 1.** No person shall discharge or cause to be discharged any industrial wastewater directly or indirectly to sewerage facilities owned by the City without first obtaining a City Permit for Industrial Wastewater Discharge.

The permit for Industrial Wastewater Discharge may require pretreatment of industrial wastewaters before discharge, restriction of peak flow discharges, discharge of certain wastewaters only to specified sewers of the City, relocation of point of discharge, prohibition of discharge of certain wastewater components, restriction of discharge to certain hours of the day, payment of additional charges to defray increased costs of the City created by the wastewater discharge and such other conditions as may be required to effectuate the purpose of this Ordinance.

No permit for Industrial Wastewater Discharge is transferable without the prior written consent of the Superintendent.

No person shall discharge industrial wastewaters in excess of the quantity of quality limitations set by the Permit for Industrial Wastewater Discharge. Any person desiring to discharge wastewaters or use facilities which are not in conformance with the Permit should apply to the City for an amended Permit.

**SECTION 2.** Applicants for a Permit for Industrial Wastewater Discharge shall complete an Application for Wastewater Discharge Permit available at the office of the Superintendent.

Upon receipt of the permit fee prescribed in Article IV, Section 2, of this Ordinance and of all required information, the application shall be processed and, upon approval, be signed by the Superintendent and one (1) copy returned to the applicant.

The application shall be approved if the applicant has complied with all applicable requirements of this Ordinance and furnished to the City all required

information and if the Superintendent determines that there is adequate capacity in the sewerage facilities to convey, treat, and dispose of the Wastewaters.

Upon approval of the Permit Application, the City of Greensburg will issue a Wastewater Discharger Permit incorporating discharge conditions, monitoring schedules, compliance schedules, etc., tailored to the individual Industrial User. This Wastewater Discharger Permit 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 re-issuance a minimum of one hundred eighty (180) 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 Section 3, 4, and 5 are modified or other just cause exists. The User shall be informed of any proposed changes in his Permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the Permit shall include a reasonable time schedule for compliance.

**SECTION 3.** All Industrial Users shall submit periodic reports regarding the nature and concentration of all pollutants as outlined in their Wastewater Discharge Permit. In addition, within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into POTW, any User subject to Pretreatment Standards and/or local requirements shall submit to the Superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated processes which are limited by Pretreatment Standards and/or local requirements and the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards and/or local requirements. The report shall state whether the applicable Pretreatment Standards and/or local requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards and/or local requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified by a qualified professional.

The Superintendent may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards and/or local requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, all reports shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Superintendent, of pollutants contained therein which are limited by the applicable Pretreatment Standards. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

**SECTION 4.** The Superintendent may suspend a Permit for Industrial Wastewater Discharge for a period of not to exceed sixty (60) days when such suspension is necessary in order to stop a discharge which presents an imminent hazard to the public health, safety, or welfare, to the local environment or to the City's sewerage system.

Any discharger notified of a suspension of this Permit shall immediately cease and desist the discharge of such industrial wastewater to the sewerage system. In the event of a failure of the discharger to comply voluntarily with the suspension order, the Superintendent shall take such steps as are reasonably necessary to insure compliance.

Any suspended discharger may file with the Superintendent a request for a meeting with the Mayor. The Mayor shall meet within thirty (30) days of the receipt by the Superintendent. Reasonable notice of the meeting shall be given to the suspended discharger. At this meeting the suspended discharger may appear personally or through counsel, cross-examine witnesses and present evidence in his own behalf.

In the event that the Mayor fails to meet within the time set forth above or fails to make a determination within a reasonable time after the close of the meeting, the order of suspension shall be stayed until a determination is made either confirming or revoking the action of the Superintendent.

The Superintendent shall reinstate the Permit on proof of satisfactory compliance with all discharge requirements of the City.

**SECTION 5.** The Superintendent may revoke a Permit for Industrial Wastewater Discharge on a finding that the discharger has violated any provision of this Ordinance. No revocation shall be ordered until a meeting on the question has been held by the Mayor. At this meeting, the discharger may appear personally or through counsel, cross-examine witnesses, and present evidence in his/her own behalf. Notice of the meeting shall be given to the discharger at least fifteen (15) days prior to the date of the meeting.

Any discharger whose permit has been revoked shall immediately stop all discharge of any liquid carried wasted covered by the Permit to any public sewer that is tributary to the sewerage system of the City. The Superintendent may disconnect or permanently block from such public sewer the industrial connection sewer of any discharger whose Permit has been revoked if such action is necessary to insure compliance with the order of revocation.

Before any further discharge of industrial wastewater may be made by the discharger, he/she must apply for a new Permit for Industrial Wastewater Discharge, pay all charges that would be required upon initial application together with all delinquent fees, charges and penalties and such other sums as the discharger may owe to the City. Cost incurred by the City in revoking the Permit and disconnecting the industrial

connection sewer shall be paid for by the discharger before issuance of a new Permit for Industrial Wastewater Discharge.

**SECTION 6.** The Superintendent may recommend the establishment of an industrial wastewater treatment surcharge based on the average flow quality and flow quantity. Surcharge rates shall be based upon the actual cost for treating wastewater at the wastewater plant, e.g., \$/lb. BOD; \$/lb. T.S.S.; \$/gpd treated; etc.. Charges shall be for wastewater strengths over the average raw wastewater strengths entering the POTW. These charges shall be used to pay for portions of the Industrial Surveillance Program. Industries designated to contribute such surcharges shall be billed on a quarterly basis, the surcharge based upon the average strength of those composite samples taken during the previous quarter and appropriate flow records.

The surcharge parameters will be for high biochemical oxygen demand (BOD5) high suspended solids, high chemical oxygen demand (COD) and high ammonia nitrogen levels in wastewater discharged into the sanitary sewers by a non-residential user. Any wastewater which has characteristics based on a 24 hour composite sample (or a shorter period composite sample it more representative) exceeding the following maximum domestic wastewater parameter concentration shall be subject to surcharge:

<u>Parameter</u>	<u>Maximum Allowable Concentration</u>
BOD <sub>6</sub>	240 mg/1
Suspended Solids	240 mg/1
Ammonia Nitrogen	25 mg/1
Chemical Oxygen Demand (COD)	400 mg/1

Surcharge rates may be revised where necessary to reflect current treatment costs. The excessive strength surcharge shall be calculated based on the following formulas:

BOD <sub>6</sub>	(O & M/Pound) x (Strength of Discharge, mg/1-240) x Quantity of Discharge*, MG) x (8.34)
Suspended Solids	( O & M/Pound) x (Strength of Discharge, Mg/1-240) x (Quantity of Discharge*, MG) x (8.34)

Ammonia Nitrogen ( O & M/Pound) x (Strength of Discharge, Mg/1-25) x (Quantity of Discharge\*, MG) x (8.34)

COD ( O & M/Pound) x (Strength of Discharge, Mg/1-400) x (Quantity of Discharge\*, MG) x (8.34)

**\*Total quantity of wastewater during surcharge period, million gallons.**

Surcharge may be assessed for BOD and COD, but not for both parameters simultaneously. No reduction in sewage service charges, fees or taxes shall be permitted because of the fact that certain wastewater discharged to the sanitary sewer contain less than the maximum allowable concentration(s). Unusually high BOD5, suspended solids, ammonia nitrogen and/or COD may be prohibited from discharge to the sanitary sewer until properly pretreated to within the maximum allowable concentration limits. Such pretreatment shall be required in lieu of surcharges when it is found that the existing Wastewater Treatment Facility can no longer adequately treat incoming wastewaters to within NPDES limits due to the excessive strength of the waste.

**SECTION 7. All Industrial Users shall immediately notify the Superintendent and/or the wastewater treatment plant of an accidental discharge/sludge loading. The notification shall include location of discharge, type of waste, concentrations and volume, and corrective actions.**

Within five (5) days following an accidental discharge; the User shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss or 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 or other applicable law.

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 dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

Each User shall provide protection from accidental discharge or prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Owner or User's own cost and expense. Detailed plans showing facilities and operation procedures to provide this protection shall be submitted to the Superintendent for review, and shall be approved by the Superintendent before construction of the facility.

No User who commences contribution to the POTW after the effective date of this Ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Superintendent. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of this Ordinance.

**SECTION 8.** All persons owning vacuum or "cesspool" pump trucks or other liquid waste transport trucks and desiring to discharge septic tank, seepage pit, interceptor or cesspool contents, industrial liquid wastes, or other liquid wastes to sewerage facilities of the City or to facilities that discharge directly or indirectly to such sewerage facilities shall first have a valid Trucker's Discharge Permit. Permit fee shall be 10 dollars. All applicants for a Trucker's Discharge Permit shall complete the application form, pay the appropriate fee, receive a copy of the City's regulations governing discharge to sewers of liquid wastes from trucks and shall agree, in writing, to abide by these regulations.

Discharge of septic tank, seepage pit, interceptor or cesspool contents, or other wastes containing no industrial wastes may be made by trucks holding a Permit at manhole designated by the Superintendent for that purpose. Truck transported industrial wastes shall be discharged only at the locations specified by the Superintendent for the specific waste. All applications to disposed industrial waste shall be accompanied by a representative analysis of the waste. The City may require payment for treatment and disposal costs or may refuse permission to discharge certain prohibited wastes.

The Trucker's Discharge Permit shall be valid for one (1) year from date of issuance.

Any person negligently or willfully violating the City's requirements for liquid waste discharges from trucks shall be in violation of this Ordinance and may have his Permit revoked by the Superintendent.

**SECTION 9.** The Superintendent may suspend the wastewater treatment services and/or a Wastewater Discharge Permit when such suspension is necessary, in the opinion of the Superintendent, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the City to violate any conditions of its NPDES Permit.

Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Discharge Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Superintendent shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Superintendent shall reinstate the

**Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the User describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Superintendent within fifteen (15) days of the date of occurrence.**

**ARTICLE VII. Protection from Damage.**

**SECTION 1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment that is part of the sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and be fined not less than \$100.00 nor more than \$500.00 conduct and in addition thereto, shall become liable to the City for any expense, loss, or damage occasioned by the City by such violation.**

**ARTICLE VIII. Power and Authority of Inspectors/Confidentiality.**

**SECTION 1. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling (24 hours composite or grab) and testing, as well as to inspect and copy records of wastewater discharge in accordance with the provisions of this Ordinance. The Superintendent or his representatives shall have no authority to inquire into any industrial process beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.**

**Information and data on a User obtained from reports, questionnaires, permits 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 and is able to demonstrate to the satisfaction of the Mayor that the release of such information would divulge information, processes or methods of reproduction entitled to protection as trade secrets of the User.**

**When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State 2 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 will not be recognized as confidential information.**

Information accepted by the City as confidential, shall not be transmitted to any governmental agency or to the general public by the Superintendent until and unless a ten (10) day notification is given to the User.

The Superintendent shall annually publish in the local newspaper(s) a list of the Users, which were not in compliance with any Pretreatment Requirements and/or local Standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the User(s) during the same twelve (12) months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Approval Authority upon request.

**SECTION 2.** While performing the necessary work on private properties referred to in Article VII, Section 1 above, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 8.

**SECTION 3.** The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewerage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

#### **ARTICLE IX. Enforcement Provisions.**

**SECTION 1.** Notification of Violation (See Article VI. Section 7): When the City finds that a person has violated or is violating this Ordinance, or a wastewater permit or order issued hereunder, the Mayor or his agent may serve upon said User, written notice of the violation. Within ten (10) days from the receipt date of this notice, an explanation of violation and a plan for the satisfactory correction and prevention thereof, to include specific required action, shall be submitted to the Mayor. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation.

**SECTION 2.** Consent Orders: The Mayor is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents

establishing an agreement with the User responsible for the non-compliance. Such orders will include specific action to be taken by the User to correct the non-compliance within a time period also specified by the order. Consent Orders shall have the same force and effect as administrative orders issued.

**SECTION 3. Show Cause Hearing:**

1. The Mayor may order any User, which causes or contributes to violation of this Ordinance or order or wastewater permit issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the hearing, the proposed 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 prior to the hearing. Such notice may be served on any principal executive, general partner or corporate officer. In the event a duly notified User does not appear as noticed, immediate enforcement action may be pursued.

2. At any hearing held pursuant to this Ordinance, testimony taken must be under oath and either audio recorded or stenographically. The transcript, so recorded, will be made available to any party to the hearing, and any member of the public upon payment of the usual charges thereof.

**SECTION 4. Compliance Order:** When the City finds that a User has violated or continues to violate the ordinance of a permit or order issued thereunder, he may issue an order to the User responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the non-compliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

**SECTION 5. Cease and Desist Orders:** When the City finds that a User has violated or continues to violate this Ordinance or those contained in any permit issued hereunder, the Mayor may issue an order to cease and desist all such violations, and direct those person in non-compliance to:

- (a) Comply forthwith;
- (b) Comply in accordance with a compliance time schedule set forth in the order;

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

**SECTION 6. Administrative Penalties:** Any User who is found to have violated any provision of the Ordinance, or the orders and permits issued hereunder, may be fined in an amount not to exceed \$1,000.00 per violation. Each day on which non-compliance shall occur or continue may be deemed a separate and distinct violation. Such assessments may be added to the User's next scheduled sewer service charge and the City shall have such other collection remedies as it has to collect other service charges. Penalties are in addition to, and not in lieu of, surcharges described herein.

**SECTION 7. Emergency Suspensions:** The Mayor may suspend the wastewater treatment service and/or wastewater permit whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing any of the following conditions:

- (a) An imminent or substantial endangerment to the health or welfare of persons, or the environment.
- (b) An interference or pass through.
- (c) A violation of any condition of the POTW's NPDES permit.

Any User notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. A hearing will be held within fourteen (14) days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure of the person to comply voluntarily with the suspension order, the Mayor shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Mayor shall reinstate the wastewater permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge.

A 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 to prevent any future occurrence to the City prior to the date of the hearing described.

**SECTION 8. Termination of Permit: Any User who violates the following conditions of this Ordinance or a wastewater discharge permit or order, or any applicable or state or federal law, is subject to permit termination:**

- (a) Failure to accurately report the wastewater constituents and characteristics of its discharge.**
- (b) Failure to report significant changes operations or wastewater constituent's characteristics.**
- (c) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling.**
- (d) Intentional violation of permit conditions.**

**SECTION 9. JUDICIAL REMEDIES (SEE ARTICLE X)**

**If any person discharges sewage, industrial wastes, or other wastes, or other wastes into the wastewater disposal system contrary to the provisions of this Ordinance or any order or permit issued hereunder, the Mayor, through the City Attorney, may commence an action for appropriate legal and/or equitable relief in the Circuit Court for Green County.**

- (a) Injunctive Relief: Whenever an industrial User has violated or continues to violate the provisions of this Ordinance or an order or permit issued hereunder, the Mayor through the City Attorney, may petition the Court for the issuance of a preliminary or permanent injunction, or both (as may be appropriate) which restrains or compels the activities on the part of the User. In the event the Mayor chooses to correct the violation himself, the cost of such correction may be added to the next scheduled sewer service charge payable by the person(s) causing the violation. The City shall have such remedies to collect these fees, as it has to collect other sewer service charges.**
- (b) Civil Penalties: Any User who has violated and/or continues to violate this Ordinance or any order or permit issued hereunder shall be liable to the City for a civil penalty of not more than \$5,000.00 plus actual damages incurred by the POTW per violation per day for as long as the violation(s) continues. In addition to the above described penalty and damages, the City may recover reasonable attorney's fees, court costs, surcharges, and other expenses his such as enforcement activities including special sampling and monitoring expenses.**

- (c) Any User who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished by a fine of not more than \$1,000.00 per violation, per day, or imprisonment for not more than one (1) year, or both.

**SECTION 11. ADDITIONAL ENFORCEMENT ACTION**

- (a) **Annual Publication of Significant Violations:** The Superintendent shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those Users who are found to be in significant violation, as defined by this Ordinance, with any provisions of this Ordinance of any order or permit issued hereunder during the period since the previous publication.
- (b) **Performance Bonds:** The Superintendent may decline to reissue a permit to any User which has failed to comply with the provisions of this Ordinance of any order or previous permit issued hereunder unless such User first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the Mayor to be necessary to achieve consistent compliance.

**ARTICLE X. LEGAL ACTION:** If any person discharges sewage, industrial wastes, or other wastes into the City's wastewater disposal system contrary to the provisions of this Ordinance, Federal or State Pretreatment Requirements, or any order of the City, the Mayor may direct the City Attorney to commence an action for appropriate legal/and/or equitable relief in the Court of Green County.

**ARTICLE XI. FEES:** It is the purpose of this Article to provide for the recovery of costs from Users of the City's wastewater disposal system for the implementation of the Pretreatment Program established herein and for other costs associated with the monitoring and treating of wastewaters within the City. The applicable charges or fees shall be set forth in the City's Schedule of Charges and Fees. The City may adopt charges and fees which may include:

- (a) Fees for reimbursement of costs of setting up and operating the City's Pretreatment Program;
- (b) Fees for monitoring, inspection, and surveillance procedures;
- (c) Fees for reviewing accidental discharge procedures and construction;

- (d) Fees for permit applications;
- (e) Fees for filing appeals;
- (f) Fees for consistent removal (by the City) of pollutants otherwise subject to Federal Pretreatment Standards;
- (g) Other fees as the City may deem necessary to carry out the requirements contained herein (e.g., see Article VI, Section 6).

A minimum fee will be charged to all customer based upon water consumption or metered flow.

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

## **ARTICLE XII. VALLIDITY.**

**SECTION 1. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.**

**SECTION 2. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.**

## **ATICLE XIII. SUPPLEMENTAL REGULATIONS.**

**SECTION 1. New Sources: Categorical standards are based on existing source industries and new source industries. The term “New Source” shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commence after the publication of proposed Pretreatment Standards provided that:**

- (1) The building, structure of facility or installation is constructed at a site which no other source is located; or
- (2) It totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (3) The production or wastewater generating processes are substantially independent of an existing source at the same site.

New sources shall install and have in operating condition and shall “start-up” all pollution control equipment required to meet applicable Pretreatment Standards before beginning to

discharge. Within the shortest feasible time (not to exceed ninety (90) days), new sources must meet all applicable Pretreatment Standards.

**SECTION 2. Conversion of mass Limits to Concentration Limits:** When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Superintendent may convert the limits to equivalent limitations expressed as effluent concentration limits.

**SECTION 3. Dilution:** Except where expressly authorized, no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a substitute for adequate treatment to achieve compliance.

**SECTION 4. Monitoring Combined Water Streams:** Where a treated regulated process waste stream is combined prior to treatment with waste streams not regulated, the Industrial User may monitor either the segregated waste stream, or the combined waste streams using the combined waste stream formula. The Industrial User may change monitoring points only with prior approval from the Superintendent and not for purposes of dilution in order to achieve compliance.

**SECTION 5. Violation Notification:** If sampling performed by an Industrial User indicates a violation, the user shall notify the Superintendent within 24-hours. The user shall repeat the sampling and analysis and submit the results to the Superintendent within thirty (30) days after becoming aware of the violation. Exception to this regulation is only if the City performs sampling within the same time period for the same pollutant in question.

**ARTICLE XIV. Ordinance in Force.**

**SECTION 1.** This Ordinance shall become effective after passage, approval and publication as required by law.

**ENACTED THIS 7th DAY OF April, 2003.**

\_\_\_\_\_  
George C. Cheatham, II  
Mayor

Attest:

\_\_\_\_\_  
Wilma DeSpain, City Clerk