

CHAPTER 52: WATER AND SEWERS

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GENERAL PROVISIONS**§ 52.01 APPLICATION FOR WATER AND SEWER SERVICE.**

Each new user shall be required to make application for water and sewer service for which the following format will be utilized:

APPLICATION AND AGREEMENT FOR WATER AND/OR SEWER SERVICE

Premises located at _____

Mailing address _____

Name of applicant _____

Owner of premises _____

The undersigned hereby applies to the Benton Water and Sewer System for service at the premises designated above and agrees to take and pay for water and/or sewer service at such rates as may be now or hereafter fixed by the city.

The applicant agrees that the following shall be conditions precedent to the furnishing of water and/or sewer service.

(1) The applicant agrees to make a deposit of \$_____ which shall make them bound by, and obligates them to observe, all the rules and regulations that are now and may hereafter be prescribed by the city relative to water and/or sewer service, including the time, method and manner of installing and maintaining equipment, payment of bills, discontinuance of service etc. This deposit will be retained by the system as a meter deposit until such time that the services are discontinued.

(2) A 10% penalty will be added to all bills if not paid within ten (10) days following the date of bill.

(3) All bills for service, as well as service charges or penalties that are now or may hereafter be prescribed by the city, in its water and/or sewer service regulations, shall be promptly paid.

(4) The Benton Water and Sewer System shall have the right to enter upon the premises at any time for the purpose of servicing its equipment, reading meters, discontinuing service, removing water meters or for any other reason necessary and incidental to the conduct of its business as a water distributor.

(Ord. passed 6-4-73)

§ 52.02 WATER METER REQUIRED.

(A) No water from the city's water supply shall be furnished into any premises which contains more than one residence or point of service; or to any residential service that includes a commercial business on those premises unless that business is located in and conducted within a single-family dwelling located on those premises.

(B) An application for water for each point of service must be filed with the City Clerk, and the applicant must agree to abide by and accept all the provisions of the city's ordinances regulating its water and sewer service, and the required fee paid for each service to be provided at that location specified in the application. A single service shall be applied for each point of service to receive water. Any business or other point of service located upon the same premises must have a separate metered service and an application and metered deposit shall be filed for same.

(C) No water shall be provided to any premises in which the plumbing does not comply with the ordinances of this city, the requirements of the National Plumbing Code and all state and federal regulations applicable thereto. Water may be turned on for construction work in unfurnished buildings provided however no service shall be continued to that site unless a final inspection permit is received from the Department of Health for service to that location.

(D) No water shall be resold and distributed by the recipient thereof from the city to any premises other than that for which an application has been made and a meter installed except to a mobile home park serviced by the city with approval of the Department of Health.

(E) It shall be unlawful and a violation of this chapter for any person not authorized by the city to tamper with, alter, or injure any part of the city's water system, or any meter attached thereto. **ANY PERSON** shall include plumbers not otherwise specifically authorized by the city to tamper or alter with a city water meter.

(F) A straight meter coupling approved by the city shall be used to connect a water line to the city water meter; there shall be no direct connection.

(G) No person shall prevent free access to a city water meter at any time. Should any meter be inaccessible due to a locked gate, overgrown foliage and trees, yard debris, vegetation, construction materials, vehicles, animals or any hazardous condition deemed by the City Council or its employees to have prevented access to the meter by a city employee for reading purposes, the city may impose a fine for this offense.

(1) If the city's water meter is deemed to be inaccessible for reading purposes the property owner/customer will be fined \$50 for each offense. Each attempt made by the city's employee to obtain a reading from the meter shall be considered a separate offense.

(2) A \$50 fine will be assessed each time the city's employees return to the property to read the meter or repair or maintain same and is prevented from performing their duties due to the inaccessibility of the meter.

(3) If the fine for having an inaccessible meter is not paid within 60 days of the date of the city's issuance of the fine, the charge shall be deemed delinquent and same can be added as a charge against the property owner's customer account and enforced by termination of service or by legal proceeding before the City Code Enforcement Board.

(4) In addition to the fine provided herein if the city's employees are unable to access the city's meter for reading purposes the utility usage at that location will be estimated and any inaccuracies resulting from an estimated bill must be adjusted within 60 days or same will be considered final and not subject to an adjustment.

(Ord. 98-09-02, passed 9-21-98; Am. Ord. 99-03-02, passed 3-15-99; Am. Ord. 13-6-1, passed 6-17-13; Am. Ord. 22-09-02, passed 9-19-22; Am. Ord. 23-05-01, passed 5-15-23)

SEWER REGULATIONS

§ 52.10 PURPOSE AND POLICY.

(A) This subchapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the city 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).

(B) The objectives of this subchapter are:

(1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system inadequately treated into receiving waters so as to cause violations of the city's KPDES permit or the atmosphere or otherwise be incompatible with the system;

(3) To promote the reuse, recycling and reclamation of wastewaters and sludges from the treatment system;

(4) To provide for equitable distribution of the cost of operation, maintenance and replacement of the municipal wastewater system;

(5) To protect municipal personnel who may be affected by sewage, sludge and/or effluent in the course of their employment as well as protecting the general public;

(6) To ensure that the municipality complies with its KPDES permit conditions, sludge permit conditions, including use and disposal requirements, and any other federal or state environmental laws to which the municipal wastewater system is subject; and

(7) To reduce and/or eliminate in so much as is practical inflow and infiltration of groundwater into the collection system.

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

(D) This subchapter shall apply to all users of the city's municipal wastewater system. Except as provided herein, the WWTP Superintendent, or his or her designee, shall administer, implement and enforce the provisions of this subchapter. Any powers granted to or imposed upon the WWTP Superintendent may be delegated by the WWTP Superintendent to other city or contractual personnel. By discharging wastewater into the municipal wastewater system, all users located outside the city limits agree to comply with the terms and conditions established in this subchapter, as well as any permits, enforcement actions or orders issued hereunder.

(Ord. 22-06-05, passed 6-20-22)

§ 52.11 DEFINITIONS.

(A) Unless the context specifically indicates otherwise, the following terms and phrases, as used in this subchapter, shall have the meanings hereinafter designated.

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

APPROVAL AUTHORITY. The Energy and Environment Cabinet or an authorized representative thereof.

AGENCY. Any governmental or quasi-governmental entity.

AUTHORIZED REPRESENTATIVE.

(a) If the user is a corporation:

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

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

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

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

(d) The individuals described in (a) through (c) above may designate a duly **AUTHORIZED REPRESENTATIVE** if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

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

BEST MANAGEMENT PRACTICES or BMPS. Schedules of activities, prohibitions of practices, maintenance procedures and other management practices to implement the prohibitions listed in 40 CFR 403.5. **BMPs** include, but are not limited to, treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw materials storage.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 degrees Celsius expressed in terms of weight and concentration in milligrams per liter (mg/l).

BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system which receives the discharge from inside the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

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

BUILDING SEWER PERMIT. As set forth in § 52.14.

BYPASS. The intentional diversion of wastestreams from any portion of a user's treatment facility.

CATEGORICAL INDUSTRIAL USER. An industrial user subject to categorical pretreatment standards which have been promulgated by EPA.

CATEGORICAL PRETREATMENT STANDARDS, NATIONAL CATEGORICAL PRETREATMENT STANDARDS or PRETREATMENT STANDARDS. 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.

CITY. The City of Benton, its City Council or water and sewer city, and all areas included in the 201 Planning Area and/or their designee.

CLEAN WATER ACT (CWA). (Also known as the Federal Water Pollution Control Act) enacted by Public Law 92-500. October 18, 1972. 33 U.S.C. 1251 *et seq.*; as amended by PL 95-217. December 28, 1977; PL 97-417 December 29, 1981; PL 97-440, January 8, 1983, and PL 100-04, February 4, 1987.

COMBINED SEWER. Any conduit designed to carry both sanitary sewage and storm water or surface water.

COMBINED WASTESTREAM FORMULA (CWF). Procedure for calculating alternative discharge limits at industrial facilities where a regulated wastestream is combined with other non-regulated wastestreams prior to treatment (40 CFR 403.7).

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

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

CONTROL AUTHORITY. The city, acting through the WWTP Superintendent and/or designee.

COOLING WATER. The water discharge from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

DAILY MAXIMUM LIMIT. The maximum allowable value for any single sampling observation in a given day.

DILUTE WASTESTREAM. Boiler blowdown, sanitary wastewater, noncontact cooling water and certain process wastestreams that have been excluded from regulation in categorical pretreatment standards because they contain none or only trace amounts of the regulated pollutant.

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

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

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

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

EFFLUENT. The liquid overflow of any facility designed to treat convey or retain wastewater.

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.

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

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

FLOW PROPORTIONAL COMPOSITE SAMPLE. Combination of individual samples proportional to the flow of the wastestream at the time of sampling.

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

GRAB SAMPLE. A sample which is taken from a wastestream on a one-time basis with no regard to the flow of the waste stream and over a period of time not to exceed 15 minutes.

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

INCOMPATIBLE POLLUTANT. All pollutants other than “compatible pollutants” as defined above in this section.

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).

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

INDUSTRIAL USER PERMIT. A permit issued to industrial users which authorizes discharges to the public sewer as set forth in the § 52.16.

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

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

INTERFERENCE. A discharge which, alone or in conjunction with a discharge or discharges from other sources:

(a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and/or

(b) Is a cause of a violation of any requirement of the POTW’s NPDES/KPDES permit including an increase in the magnitude or duration of a violation or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA)(including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act (40 CFR 403.3).

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

MAY. This is permissive. (See *SHALL.*)

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

MONTHLY AVERAGE LIMIT. The maximum allowable value for the average of all observations obtained during one month.

MULTI-UNIT SEWER CUSTOMER. A location served where there are two or more residential units or apartments, two or more businesses in the same building or complex or where there is any combination of business and residence in the same building or complex.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or PRETREATMENT STANDARD. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Clean Water Act which applies to a specific category of industrial users. This term includes the prohibitive discharge limits established pursuant to 40 CFR 403.5.

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.

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

NEW SOURCE.

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

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

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

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of 2. or 3. above but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a **NEW SOURCE** as defined herein has commenced if the owner or operator has:

1. Begun, or caused to begin, as part of a continuous onsite construction program

A. Any placement, assembly or installation of facilities or equipment; or

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

2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this division 2.

NINETY-DAY (90-DAY) COMPLIANCE REPORT. A report submitted by a categorical industrial user, within 90 days following the date for final compliance with applicable categorical standards that documents and certifies the compliance status of the user (40 CFR 403.12(d)).

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

ORDINANCE. This subchapter, unless otherwise specified.

PASS THROUGH. A discharge of pollutant which cannot be treated adequately by the POTW, and therefore exits into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES/KPDES permit (including an increase in the magnitude or duration of a violation) (40 CFR 403.3).

PERIODIC COMPLIANCE REPORT. A report on compliance status submitted by significant industrial users to the control authority at least semiannually (40 CFR 403.12(e)).

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estates, 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.

pH. A measure of the acidity or alkalinity of a substance, expressed in standard units, and calculated as the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

pH VIOLATION. For users that utilize a continuous pH monitoring system to determine compliance with the pH limitations established under this subchapter, a violation of the pH limitations will be deemed to have occurred when a continuous excursion from the range of pH limitations exceeds 15 minutes, provided that the total time during which the pH value was outside the required range of pH limitations does not exceed seven hours and 26 minutes in any calendar month. For users that do not utilize a continuous pH monitoring system to determine compliance with the pH limitations established under this subchapter, a violation of the pH limitations will be deemed to have occurred where a grab sample of the final effluent stream indicates that the pH of the wastewater sample was outside the pH limitation range established under this subchapter.

POLLUTANT. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, medical waste, munitions, chemical, biological material, radioactive material, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

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

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

PRETREATMENT 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).

PRETREATMENT COORDINATOR. Personnel designated by the city to implement and enforce the city's approved pretreatment program or his or her designee.

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

PRETREATMENT STANDARDS. Prohibited discharge standards, categorical standards, best management practices and local limits.

PROCESS WASTEWATER. Any water which, during manufacturing or processing, comes into direct contact with or results from the production of or use of any raw material, intermediate product, finished product, by-product, or waste product.

PRODUCTION-BASED STANDARD. A discharge limitation expressed in terms of allowable pollutant mass discharge rate per unit of production and is applied directly to an industrial user's manufacturing process.

PROHIBITIVE DISCHARGE STANDARD. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5 and § 52.14(B).

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 one-half-inch in any dimension.

PUBLIC SEWER. A common sewer controlled by a governmental agency or public utility. In general, the **PUBLIC SEWER** shall include the main sewer in the street and the service branch to the curb or property line, or a main sewer on private property and the service branch to the extent of ownership by public authority. Nothing in this definition shall expand the city's current policy of maintenance of service branches.

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 purpose of this subchapter, **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.

REGULATED WASTESTREAM. An industrial process wastestream regulated by a national categorical pretreatment standard.

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

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.

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

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

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

SEWERAGE. Any and all facilities used for collecting, conveying, pumping, treating and disposing of wastewater.

SHALL. Is mandatory. (See *MAY*.)

SIGNIFICANT INDUSTRIAL USER (SIU).

(a) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and

(b) Any noncategorical user that

1. Discharges 10,000 gallons per day or more of process wastewater (“process wastewater” excludes sanitary noncontact cooling, and boiler blowdown wastewaters) or

2. Contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant or

3. Has a reasonable potential, in the opinion of the city or approval authority, to adversely affect the POTW treatment plant (inhibition, pass through of pollutants, sludge contamination or endangerment of POTW workers).

SLUG DISCHARGE. Any discharge of a non-routine episodic nature including, but not limited to, an accidental spill or non-customary batch discharge or any discharge of water or wastewater in which the concentration of any given constituent or quantity of flow exceeds, for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration or flow rate during normal operation which adversely affects the POTW or which has a reasonable potential to cause interference or pass-through or in any other way violate the POTW’s regulations, local limits or permit conditions.

SLUG LOAD. Any pollutant (including biochemical oxygen demand) released in a discharge at a flow rate or concentration which will cause interference with the operation of the treatment works or which exceeds limits set forth in the industry’s discharge permit and which include accidental spills.

SPILL PREVENTION AND CONTROL PLAN. A plan prepared by an industrial user to minimize the likelihood of a spill and to expedite control and cleanup activities should a spill occur.

SPLIT SAMPLE. Portion of a collected sample given to the industry or to another agency to verify or compare laboratory results.

STANDARD INDUSTRIAL CLASSIFICATION (SIC). Defined as set forth in “Standard Industrial Classification Manual,” published by the Executive Office of the President and the Office of Management and Budget,

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

STATE. Commonwealth of Kentucky.

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

STORM WATER. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

SURCHARGE. A charge for services in addition to the basic sewer user and debt service charges, for those users whose contributions contain biochemical oxygen demand (BOD5), chemical oxygen demand (COD), total suspended solids (TSS), oil and grease or ammonia-nitrogen (NH₃-N) in concentrations which exceed limits specified herein for such pollutants. Where authorized by the control authority, payment of a surcharge will authorize the discharge of the referenced pollutants so long as the discharge does not cause pass through or interference.

TIME PROPORTIONAL COMPOSITE SAMPLE. Combination of individual samples with fixed volumes taken at specific time intervals.

TOTAL 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."

TOXIC ORGANIC MANAGEMENT PLAN. Written plan submitted by industrial users as an alternative to TTO monitoring, which specifies the toxic organic compounds used, the method of disposal used and procedures for assuring that toxic organics do not routinely spill or leak into wastewater discharged to the POTW.

TOXIC POLLUTANT. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of EPA under the provisions of the Clean Water Act 307(a) or any amendments thereto.

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.

UNREGULATED WASTESTREAM. A wastestream that is not regulated by national categorical pretreatment standards.

USER. Any entity who contributes, causes or permits the contribution of wastewater into the POTW.

WASTEWATER. The liquid and water-carried wastes from residences, commercial buildings, industrial facilities, mobile sources, treatment facilities and institutions, whether treated or untreated, which are contributed into the POTW.

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

WASTEWATER TREATMENT WORKS. An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with **WASTE TREATMENT PLANT**, or **WASTEWATER TREATMENT PLANT** or **WATER POLLUTION CONTROL PLANT** or **SEWAGE TREATMENT PLANT**.

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

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

WWTP SUPERINTENDENT. The WWTP Superintendent of the POTW of the city or his or her duly authorized deputy, agent, or representative.

(B) *Abbreviations.* The following abbreviations shall have the designated meaning:

ADMI	American Dye Manufacturers Institute
ASTM	American Society for Testing and Materials
BMP	Best Management Practices
BOD	Biochemical Oxygen Demand
BPJ	Best Professional Judgment
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
CWA	Clean Water Act (33 U.S.C. 1251 <i>et seq.</i>)
CWF	Combined Wastestream Formula
EPA	Environmental Protection Agency

<i>FR</i>	Federal Register
<i>FWA</i>	Flow Weighted Average
<i>GC</i>	Gas Chromatography
<i>GC/MS</i>	Gas Chromatography/Mass Spectroscopy
<i>gpd</i>	gallons per day
<i>IU</i>	Industrial User
<i>IUP</i>	Industrial User Permit
<i>l</i>	liter
<i>mg</i>	Milligrams
<i>mg/l</i>	Milligrams per liter
<i>NPDES</i>	National Pollutant Discharge Elimination System
<i>KPDES</i>	Kentucky Pollutant Discharge Elimination System
<i>O & M</i>	Operations and Maintenance
<i>POTW</i>	Publicly Owned Treatment Works
<i>QA</i>	Quality Assurance
<i>QC</i>	Quality Control
<i>RCRA</i>	Resource Conservation and Recovery Act
<i>SIC</i>	Standard Industrial Classification
<i>SIU</i>	Significant Industrial User
<i>S.U.</i>	Standard Units
<i>SWDA</i>	Solid Waste Disposal Act (42 U.S.C. 6901 <i>et seq.</i>)
<i>TSS</i>	Total Suspended Solids
<i>TTO</i>	Total Toxic Organics
<i>U.S.C.</i>	United States Code

(Ord. 22-06-05, passed 6-20-22)

§ 52.12 USE OF PUBLIC SEWERS.*(A) Mandatory sewer connections.*

(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 (are) hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper sewer in accordance with the provisions of this subchapter, within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet of the property line.

(2) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater where public sanitary sewer service is available, as defined in division (A)(1) above, except as provided for in § 52.13.

(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 90 days in compliance with this subchapter, 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) Previously developed areas and undeveloped areas within 201 Planning Area. Properties located inside the 201 Planning Area are not required to be annexed into the city in order to receive sewer service. However, the WWTP Superintendent of the city shall review plans submitted by the applicant to determine potential impacts to the city's existing collection system as well as the most appropriate appurtenances needed to convey the discharge to the city's system before granting approval to accept the discharge. In addition, plans for sewer lines and other appurtenances necessary to convey the discharge to the point of connection to city service shall be made in accordance § 52.14 and other appropriate written specifications, and approved by the WWTP Superintendent prior to construction. Installations shall be inspected in accordance with § 52.14. All construction and maintenance costs associated with conveying the discharge to the point of connection with city service shall be borne by the property owner. Properties located outside the city limits which receive sewer service shall enter into an inter-jurisdictional agreement with the city before the service is connected. All properties considered for annexation shall have approved sewer lines in place or an enforceable commitment from the property owner to install such sewer lines on a schedule acceptable to the WWTP Superintendent.

(C) Unlawful discharge to storm sewers or natural outlets.

(1) It shall be unlawful for any person to place, deposit, or permit to be deposited any pollutant in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city except in compliance with the provisions of this subchapter.

(2) It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city, any wastewater or other polluted waters, except where suitable treatment or

management has been provided in accordance with subsequent provisions of this subchapter. No provision of this subchapter 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.

D. *Compliance with local, state, and federal laws.* The discharge of any wastewater into the public sewer system by any person is unlawful except in compliance with the provisions of this subchapter, and any more stringent state or federal standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977, and subsequent amendments, and 40 CFR 403.

(E) *Discharge of unpolluted waters into sewer.*

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

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

(Ord. 22-06-05, passed 6-20-22)

§ 52.13 PRIVATE WASTEWATER DISPOSAL.

(A) *Public sewer not available.*

(1) Where a public sanitary sewer is not available under the provisions of § 52.12, the building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of the Marshall County Health Department and all applicable local and state regulations.

(2) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

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

(4) Holders of NPDES/KPDES permits may be excepted. Industries with current NPDES/KPDES permits may discharge at permitted discharge points provided they are in compliance of the issuing authority.

(B) *Requirements for installation.*

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

(2) A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of local and state authorities.

(Ord. 22-06-05, passed 6-20-22)

§ 52.14 BUILDING SEWERS AND CONNECTIONS.

(A) *Permits.*

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

(2) Users shall promptly notify the WWTP Superintendent in advance of any introduction of wastewater constituents, a slug and/or accidental discharge or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW. The WWTP Superintendent may deny or place conditions on any new introduction or change in discharge, or deny any slug/accidental discharge based on the information submitted in the notification or additional information as may be requested.

(3) No person(s) shall uncover, plug or make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining permission from the WWTP Superintendent.

(4) A permit and inspection fee for residential, commercial and industrial buildings shall be assessed by the city at the time the application is filed.

(B) *Prohibited connections.*

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

building sewers having such connections/leaks or defects shall bear all costs incidental to removal of such sources. Pipes, sumps, and pumps for such sources of ground and surface water shall be separate from wastewater facilities. Removal of such sources of water without presence of separate facilities shall be evidence of drainage to public sanitary sewer. Connections shall be subject to inspection by the WWTP Superintendent to verify compliance. Inspections may be performed periodically at the discretion of the WWTP Superintendent or at the time of connection/reconnection.

(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 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. Building sanitary sewer connections in structures not meeting the criteria of this section will be permitted only if the property owner has:

(a) Installed an individual pumping facility at the structure to receive the building sewage. The pumping facility shall include a discharge pipe with a high point which meets the criteria above; or,

(b) Installed a minimum of two sewer backflow stops or flaps at least 12 inches apart of such nature and design to provide gravity flow to the sanitary sewer system and to prevent sewage backflow into the property improvement.

(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, or driveway. The sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

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

(3) Extension of customer service lines from any point on the customer's side of the tap for delivery of waste from any location other than that of the customer in whose name the tap is registered shall not be permitted.

(4) The building sewer shall be cast iron soil pipe, ASTM A-74, latest revision, PVC (polyvinyl-chloride) sewer pipe, ASTM C-700, latest revision, or ductile iron pipe, AWWA specification C-151 cement lined, and shall meet all requirements of the State Plumbing Code. Joints shall be as set out hereinafter. Any part of the building sewer that is located within five feet of a water service pipe

shall be constructed with cast iron soil pipe or ductile iron pipe, unless the building sewer is at least one foot deeper in the ground than the water service line. Cast iron soil pipe or ductile iron pipe may be required by the city where the building sewer is exposed to damage or stoppage by tree roots. Cast iron soil pipe or ductile iron pipe shall be used in filled or unstable ground, in areas where the cover over the building sewer is less than three feet, or in areas where the sewer is subject to vehicular or other external loads.

(5) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the local and state building and plumbing codes and other applicable rules and regulations of the city. Manholes may be required at all commercial and industrial connections to the city municipal sewer system. The owner of the facility shall be responsible for all costs associated with installation of the manhole(s). Specifications for manholes may be obtained by contacting the WWTP Superintendent.

(6) 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.

(7) The owner shall ensure that all excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

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

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

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

(11) 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 WWTP Superintendent and/or a duly authorized representative when the building sewer is ready for connection to the public sewer. The connection shall be made under the supervision of the WWTP Superintendent or his or her representative. The connections shall be made gastight and watertight and verified by proper testing.

(2) All building sewers shall be smoke tested through the wye branch at the public sewer connection, with public sewer tightly plugged off, after connections at both ends are made and after all pipe is properly bedded and backfilled at least to top of pipe and if backfill is completed, within two weeks after completion of backfill. At time of test, any openings into the building drain inside the building shall be water trapped or plugged. Any leakage of smoke from building sewer or building drain and plumbing shall be located at test and repaired to stand repetition of smoke test without leakage. Tests shall be performed at the expense of the property owner in the presence of the WWTP Superintendent or his or her designee. 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.

(Ord. 22-06-05, passed 6-20-22)

§ 52.15 POLLUTANT DISCHARGE LIMITS.

(A) *General conditions.* The following described substances, materials, waters or wastes shall be limited in discharges to municipal systems to concentration or quantities which: will not harm either the sewers, wastewater treatment process or equipment, will maintain and protect water quality in the receiving stream, and will not otherwise endanger lives, limb, public property, or constitute a nuisance. The WWTP Superintendent may set additional limitations or limitations more stringent than those established in the provisions below if in his or her opinion more severe limitations are necessary to meet the above objectives. In forming his or her opinion as to the acceptability of a discharge, the WWTP Superintendent shall give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors.

(B) *Prohibited discharges.* No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with performance of the POTW. These general prohibitions apply to all such users of the POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user shall not contribute the following substances to the POTW:

(1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall the wastewater exhibit a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.

(2) Any waters or wastes having a pH lower than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the POTW.

(3) Any slug load of pollutants, including oxygen-demanding pollutants (BOD, etc.), released at a flow rate and/or concentration, either individually or by interaction with other pollutants, that will cause interference with the normal operation of the POTW.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the waste water facilities, (i.e., flushable wipes, wood, glass, ashes, unshredded garbage, cinders, paper products of any kind, and milk containers, etc.).

(5) Any wastewater having a temperature leaving a facility that exceeds 100 degrees Fahrenheit or which will inhibit biological activity in the POTW treatment plant resulting in interference, and in no case wastewater with a temperature at the introduction into the POTW that will result in a treatment plant influent temperature which exceeds 40 degrees Centigrade (104 degrees Fahrenheit).

(6) Any pollutant(s) which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(7) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in 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.

(8) Any substance which will cause the POTW to violate its NPDES/KPDES permit and/ or sludge disposal system permit.

(9) Any trucked or hauled pollutants except at discharge points designated by the WWTP Superintendent.

(10) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the WWTP Superintendent in compliance with applicable state and federal regulations.

(C) *Restricted discharges.*

- (1) Wastewater containing more than 50 milligrams per liter (25 mg/l) of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.
- (2) Wastewater containing floatable oils, fat, or grease, whether emulsified or not, in excess of 100 milligrams per liter (100 mg/l) or containing substances which may solidify or become viscous at temperatures 32-150 degrees Fahrenheit (0-65 degrees Centigrade).
- (3) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, motels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants which: injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, causes the city to violate the terms of its KPDES permit, prevents the use of acceptable sludge disposal methods, or exceed a limitation set forth in a categorical pretreatment standard.
- (5) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water and unpolluted industrial wastewater, unless specifically authorized by the WWTP Superintendent.
- (6) Any water or wastes which by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- (7) Any wastewater with objectionable color which cannot be removed to an acceptable level within the operation of the wastewater treatment process unless otherwise specifically noted in the industrial user permit (IUP).
- (8) Any medical wastes, except as specifically authorized by the WWTP Superintendent in a industrial user permit.
- (9) Any wastes containing detergents, surface active agents or other substances which will cause excessive foaming in the municipal wastewater system.
- (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed to the extent required by the city's NPDES/KPDES permit.
- (11) Any waste(s) or wastewater(s) classified as a hazardous waste by the Resource Conservation and Recovery Act (RCRA) without a 60-day prior notification of such discharge to the WWTP

Superintendent. This notification must include the name of the hazardous waste, the EPA hazardous waste number, type of discharge, volume/mass of discharge and time of occurrence(s). The WWTP Superintendent may prohibit or place conditions on the discharge(s) at any time.

(12) (a) Any water or wastes which have characteristics based on a 24-hour composite sample, grab or a shorter period composite sample, if more representative, that exceed the following normal maximum domestic wastewater pollutant concentrations:

<i>Parameter</i>	<i>Maximum Allowable Concentration Without Surcharges</i>
BOD	250 mg/l
TSS	250 mg/l
NH3-N	30 mg/l
Oil & Grease (total)	100 mg/l

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

(13) The following discharge limitations are established for characteristics of any wastewaters to be discharged into the municipal sewer system subject to any compliance schedule as established by the WWTP Superintendent. All significant industrial users must comply with these limitations where they are more stringent than applicable state and/or federal regulations. In accordance with 40 CFR 403, these limitations are considered pretreatment standards equivalent to the federal limitations established in 40 CFR Subchapter N.

<i>Parameter</i>	<i>Maximum Daily Concentration (mg/l)</i>
Arsenic	0.24
Cadmium	0.01
Chromium, Total	1.71
Chromium, Hexavalent	0.55

<i>Parameter</i>	<i>Maximum Daily Concentration (mg/l)</i>
Copper	1.21
Cyanide, Amenable	0.66
Lead	0.15
Mercury	0.006
Nickel	1.39
Selenium	0.15
Silver	0.31
Zinc	1.20

(14) The city reserves the right to establish limitations and requirements which are more stringent than those required above or by state or federal regulations if deemed necessary to comply with the objectives presented in § 52.10 or the general and specific prohibitions in divisions (B) and (C) above.

(15) The city has received authority through the U.S. EPA and state statutes to enforce the requirements of 40 CFR Subchapter N and 40 CFR Part 403. All users shall comply with the requirements of those regulations.

(D) *Dilution of wastewater discharge.* No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any pollutant specific limitation developed by the city or state.

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

(F) *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 for new and existing industrial dischargers to public sewer systems are hereby made a part of this subchapter. Any industrial waste discharge which violates these EPA pretreatment standards shall be in violation of this subchapter.

(2) Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, the industry shall be solely responsible for the continued maintenance in satisfactory and effective operation of such facilities and at their expense.

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

(b) In addition, any person holding a valid permit and wishing to discharge to the wastewater treatment plant must submit to the Chief Operator a sample of each load prior to discharge. A fee and payment schedule shall be established in the permit to cover cost of the required analysis. The WWTP Superintendent may require proof of origin of the hauled waste and analysis of the sample prior to discharge.

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

(d) Any liquid waste hauler illegally discharging to the public sewer system or discharging wastewater not authorized in the permit shall be subject to immediate revocation of discharge privileges and further subject to the penalties and enforcement actions prescribed in § 52.20 including fines and imprisonment.

(e) 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 WWTP Superintendent and approved by the city.

(f) Nothing in this subchapter shall relieve waste haulers of the responsibility for compliance with Marshall County Health Department, state, or federal regulations.

(G) *Protection from accidental and slug discharges.*

(1) (a) Each significant user shall provide protection from accidental and/or slug discharges of prohibited materials or other substances regulated by this subchapter which adversely affects the POTW. Facilities to prevent accidental and/or slug discharges of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Once every two years, the WWTP Superintendent will determine whether each industrial user needs to develop or update a plan to control slug discharges. If the WWTP Superintendent determines that a slug control plan or revision is necessary, the plan shall contain the following:

1. Description of discharge practices.
2. Description of stored chemicals.
3. Procedures for notifying POTW.
4. Prevention procedures for spills.

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

(2) *Written notice.* Within five days following an accidental discharge, the user shall submit to the WWTP Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this subchapter, the enforcement response plan or other applicable law.

(3) *Notice to employees.* A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(H) *State requirements.* State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this subchapter.

(I) *City's right of revision.* The city reserves the right, at the recommendation of the WWTP Superintendent to establish by majority vote of its Council, more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in this subchapter.

(J) *Federal categorical pretreatment standards.* Upon the promulgation of the federal categorical pretreatment standards for a specific industrial subcategory, the federal standard, if more stringent than limitations imposed under this subchapter for sources in that subcategory, shall immediately supersede the limitations imposed under this subchapter.

(Ord. 22-06-05, passed 6-20-22)

§ 52.16 PRETREATMENT PROGRAM ADMINISTRATION.

(A) *Wastewater discharges.*

(1) It shall be unlawful to discharge to the POTW any wastewater except as authorized by the city in accordance with the provisions of this subchapter.

(2) Any agency, nondomestic user, and/or industry outside the jurisdiction of the city that desires to contribute wastewater to the POTW must execute (through an authorized representative) an inter-jurisdictional agreement/whereby the agency and/or industry agrees to be regulated by all provisions of this subchapter and state and federal regulations. An industrial user permit may then be issued by the WWTP Superintendent in accordance with division (B) below.

(B) *Industrial user permits.*

(1) *General.* All significant industrial users proposing to connect to or to contribute to the POTW shall obtain a industrial user permit before connecting to or contributing to the POTW.

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

(a) Name, address, and location if different from the address;

(b) Applicable SIC number(s) according to the Standard Industrial Classification Manual, United States Bureau of the Budget, 1987, as amended;

(c) Wastewater constituents and characteristics as determined by an analytical laboratory acceptable to the city; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, as amended;

(d) Time and duration of contribution;

(e) Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal 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 the city, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional pretreatment is required for the user to meet applicable pretreatment standards;

(i) 1. 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;

2. The following conditions shall apply to this schedule:

A. The schedule must be acceptable to the city.

B. 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.

C. 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 WWTP 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 and the reason for delay, and the steps being taken by the user to return the construction to the schedule established.

(j) Each product produced by type, amount, process or processes, and the rate of production;

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

(l) Number of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(m) Any other information as may be deemed by the city to be necessary to evaluate the permit application;

(n) A copy of the industry's written environmental control program, comparable document, or policy.

(3) *Permit issuance.* The city shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the WWTP Superintendent or his or her designee may issue an industrial user permit subject to terms and conditions provided herein.

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

(D) *Permit conditions.* Industrial user permits shall be expressly subject to all provisions of this subchapter and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

(1) The unit surcharges or schedule of other charges and fees for the wastewater to be discharged to a community sewer;

(2) Limits on the average and/or maximum wastewater constituents and characteristics;

(3) Limits on average and/ or maximum rate and time of discharge or requirements for flow regulations and equalization;

(4) Requirements for installation and maintenance of inspection and sampling facilities;

(5) Specifications for monitoring programs which may include sampling location; frequency of sampling; number, type and standards for tests; and reporting schedule;

(6) Compliance schedules;

(7) Requirements for submission of technical reports or discharge reports;

(8) Requirements for maintaining and retaining, for a minimum of three years, all plant records relating to pretreatment and/or wastewater discharge as specified by the city, and affording city access thereto as required by 40 CFR 403:12(o)(2);

(9) Requirements for notification of the city or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(10) Requirements for notification of slug discharges;

(11) The permit may require the user to reimburse the city for all expenses related to monitoring, sampling and testing performed at the direction of the WWTP Superintendent and deemed necessary by the city to verify that the user is in compliance with said permit;

(12) Other conditions as deemed appropriate by the city to ensure compliance with this subchapter and state and federal regulations.

(E) *Alternative discharge limits.*

(1) Where an effluent from a categorical industrial process(es) is mixed prior to treatment with wastewater other than that generated by the regulated process, fixed alternative discharge limits may be derived for the discharge permit by the WWTP Superintendent. These alternative limits shall be applied to the mixed effluent and shall be calculated using the combined wastestream formula as defined in § 52.11.

(2) 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 WWTP Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or of effluent concentration for purposes of calculating effluent permit limitations applicable to the permittee. The permittee shall be subject to all permit limits calculated in this manner under 40 CFR 403.6(c) and must fully comply with these alternative limits.

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

(4) Where the city's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the city may apply to the approval authority for modification of specific limits in the federal pretreatment standards. The city may modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR 403.7 are fulfilled and prior approval from the approval authority is obtained.

(F) *Permit duration.* Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 60 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements as identified in § 52.15 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.

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

(H) *Compliance data reporting.* Within 90 days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new user, following commencement of the introduction of wastewater into the POTW, any user subject to federal categorical pretreatment standards and requirements shall submit, to the WWTP Superintendent, a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by categorical pretreatment standards and requirements and the average and maximum daily flow for these process units in the user's facility which are limited by such categorical pretreatment standards or requirements. The report shall state whether the applicable categorical pretreatment standards or requirements are being met on a consistent basis and, if not, what additional pretreatment and time schedule is necessary to bring the user into compliance with the applicable categorical pretreatment standards or requirements. This statement shall be signed by an authorized representative of the user.

(I) *Periodic compliance reports.*

(1) (a) All significant industrial users shall submit to the WWTP Superintendent, every six months unless required more frequently by the industrial user permit (or on dates specified in the permit), a report indicating, at a minimum, the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards or the discharge permit and information and compliance status with regard to best management practices. In addition, the WWTP Superintendent may require the submittal on the report of a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the WWTP Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, and the like, the WWTP Superintendent may agree to alter the months during which the above reports are to be submitted.

(b) In lieu of the significant industrial user, the city may conduct the monitoring required by the user's industrial user permit. In such cases, the significant industrial user shall not be required to monitor or report to the city the analytical results from the monitoring conducted by the city.

(2) (a) All analyses shall be performed by a laboratory certified by the Kentucky Division of Water and acceptable to the city. Analytical procedures shall be in accordance with procedures established by the U.S. EPA Administrator pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136 and amendments thereto and 40 CFR 261 or with any other test procedures approved by the U.S. EPA Administrator. Sampling shall be performed in accordance with the techniques approved by the U.S. EPA Administrator.

(b) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report.

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

(4) A baseline monitoring report (BMR) must be submitted to the WWTP Superintendent by all categorical industrial users at least 90 days prior to initiation of discharge to the sanitary sewer. Submittal of the permit application required by the city shall also satisfy this requirement. The BMR or permit application must contain, at a minimum, the following:

(a) Production data: a process description, SIC code number, raw materials used, chemicals used, final product, pretreatment industrial category (if applicable), and a schematic which indicates points of discharge to the sewer system.

(b) Identifying information to include name, address of facility, owner(s), contact person and any other permits held by the facility.

(c) Wastewater characteristics: total plant flow, types of discharges, average and maximum flows from each process.

(d) Nature/concentration of pollutants: analytical results for all pollutants regulated by this subchapter and/or any applicable federal pretreatment standard and sample type and location. All analyses must conform with 40 CFR Part 136 and amendments thereto.

(e) Information concerning any pretreatment equipment used to treat the facility's discharge.

(5) New sources shall give estimates of the information requested in divisions (I)(4)(c) and (d) above, but at no time shall a new source commence discharge(s) to the public sewer of substances that do not meet provisions of this subchapter. All new sources must be in compliance with all provisions of this subchapter, state and federal pretreatment regulations prior to commencement of discharge to the public sewer.

(J) *Permit violations.*

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

(2) The user shall immediately repeat the sampling and analysis of the parameter(s) in question and submit the results to the WWTP Superintendent within 30 days after becoming aware of the violation. Exception to this regulation is only if the city performs the sampling within the same time period for the same parameter(s) in question.

(3) Compliance with the terms of a industrial user permit shall be deemed in compliance with the terms of this subchapter.

(K) Monitoring.

(1) (a) 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 WWTP Superintendent 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.

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

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

(2) All sampling analyses done in accordance with approved federal EPA procedures by the industrial user during a reporting period, as required by the user's industrial user permit or by the city, shall be submitted to the WWTP Superintendent.

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

(L) Inspection and sampling.

(1) The WWTP Superintendent shall inspect the facilities of any user to ascertain whether the purposes of this subchapter are being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the WWTP Superintendent or his or her representative ready access at all reasonable times to all parts of the premises for the

purposes of inspection, sampling, copying records, records examination or in the performance of any of their duties.

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

(M) *Pretreatment.* All significant industrial users shall provide necessary wastewater treatment as required to comply with this subchapter and achieve compliance with any applicable federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. The city may require the development of a compliance schedule for installation of pretreatment technology and/ or equipment by any industrial user that cannot meet discharge limits required by this subchapter. Any facilities required to pretreat wastewater to a level required by this subchapter 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 WWTP Superintendent for review and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent that complies with the provisions of this subchapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

(N) *Annual publication.* The city shall annually publish in a newspaper of general circulation that provides meaningful public notice a list of industrial users which were in significant non-compliance with any pretreatment requirements or standards. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

(O) *Significant non-compliance.* A user is defined as being in significant non-compliance when it commits or meets one or more of the following conditions:

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

(2) Involves failure to report noncompliance accurately;

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

(4) Results in a technical review criteria (TRC) violation defined here as 33% or more of all measurements for each pollutant parameter taken during a six-month period that equal or exceed the

product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 14 for BOD, TSS, fats, and O&G and 1.2 for all other pollutants except pH). For pH violations, see the definition in § 52.11;

(5) Any violation of a pretreatment effluent limit that the WWTP Superintendent determines 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;

(6) Any discharge causing imminent endangerment to human health/welfare or to the environment or resulting in the WWTP Superintendent's use of his or her emergency authority to halt or prevent such a discharge;

(7) 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;

(8) Failure to provide required reports within 30 days of the due date; or

(9) Any violation or group of violations, which may include violation(s) of best management practices, which the WWTP Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

(P) *Confidential information.*

(1) 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.

(2) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to all governmental agencies for uses related to this subchapter, the NPDES/KPDES permit, sludge disposal system permit and/or the pretreatment programs upon request. Such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics shall not be recognized as confidential information and shall be available to the public without restriction.

(Q) *Signatory requirements.* All applications, reports or information submitted to the city shall be signed and certified in accordance with the following requirements. Written designation of the signatory official must be received by the city prior to acceptance of any application or other required document.

(1) All permit applications shall be signed:

(a) For a corporation: by a principal executive officer of at least the level of vice-president;

(b) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;

(2) All other correspondence, reports and self-monitoring reports shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(a) The authorization is made in writing by a person described above;

(b) The authorization specifies either an individual or a position having facility or activity, such as the position of plant manager, WWTP Superintendent or position of equivalent responsibility.

(3) *Certification.* Any person signing a document under this section shall make the following written certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

(R) *Recordkeeping.* All records relating to the city's pretreatment program shall be made available to officials of the EPA and/ or approval authority upon request. All records shall be maintained for a minimum of three years in accordance with 40 CFR 403.12(o)(2).

(Ord. 22-06-05, passed 6-20-22)

§ 52.17 FEES AND CHARGES.

(A) *Purpose.* This section provides for the recovery of costs from users of the POTW for the implementation of the program established herein.

(B) *Charges and fees.*

(1) 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, inspections, 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 POTW of excessive strength conventional pollutants;
- (g) A tap-on fee for sewer taps to include the cost of permits and inspections;
- (h) Other fees as the city may deem necessary to carry out the requirements contained herein.

(2) These fees relate solely to the matters covered by this subchapter and are separate from all other fees chargeable by the city.
(Ord. 22-06-05, passed 6-20-22)

§ 52.18 POWERS AND AUTHORITY OF INSPECTORS.

(A) *Right to enter premises.* The WWTP Superintendent and other duly authorized employees and representatives of the city and authorized representatives of applicable federal and state regulatory agencies bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to discharges to the public sewer system in accordance with the provisions of this subchapter.

(B) *Right to obtain information regarding discharge.* Duly authorized employees of the city and representatives of the state and EPA are authorized to obtain information including but not limited to copying of records concerning character, strength and quantity of industrial wastes which have a direct bearing on the kind and source of discharge to the wastewater collection system.

(C) *Access to easements.* Duly authorized employees and representatives of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds an easement for the purpose of, but not limited to, construction, inspection, observation, measurement, sampling, repair, and maintenance of any portions of the wastewater facilities lying within said easement. All entry and subsequent work, if any on said easement shall be done in full accordance with the terms of the easement pertaining to the private property involved.

(D) *Safety.* While performing the necessary work on private properties referred to in division (C) above, all duly authorized employees of the city shall observe all safety rules applicable to the premises established by the property owner. The city shall secure the property owner 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 property owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the property owner to maintain safe conditions as required by this subchapter.

(Ord. 22-06-05, passed 6-20-22)

§ 52.19 ENFORCEMENT.

(A) *General.*

(1) The city, through the WWTP Superintendent or his or her designee, to insure compliance with this subchapter, and as permitted through 40 CFR Subchapter N, and 401 KAR 5:055, may take the following enforcement steps against users in non-compliance with this subchapter. The remedies available to the POTW include injunctive relief, civil and criminal penalties, immediate discontinuance of discharges and/or water service and the publishing of the list of significant violators annually. The enforcement authority shall be vested in the WWTP Superintendent or his or her designee.

(2) The WWTP Superintendent may suspend the wastewater treatment service and/or a industrial user permit when such suspension is necessary, in the opinion of the WWTP 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 POTW to violate any condition of its NPDES/KPDES permit.

(3) Any user notified of a suspension of the wastewater treatment service and/or the industrial user permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary including immediate severance of the sewer connection and/or water service to prevent or minimize damage to the POTW system or endangerment to any individuals. The city shall reinstate the industrial user permit and/or the wastewater treatment service upon proof of the elimination of the 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 city within 15 days of the date of occurrence.

(B) *Notice of violation.*

(1) Any user found to be violating any provisions of this subchapter, wastewater permit, or any order issued hereunder, shall be served by the city with written notice stating the nature of the violation(s). The user shall submit a written explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the WWTP Superintendent. Submission of this plan in no way relieves the user of potential liability for any violation occurring before or after receipt of the notice of the violation.

(2) If the violations persist or the explanation and/or plan are not adequate, the city's response shall be more formal and commitments (or schedules as appropriate) for compliance will be established in an enforceable document. The enforcement response selected will be related to the seriousness of the violation. Enforcement responses will be escalated if compliance is not achieved expeditiously after the initial action. Identification of significant non-compliance as defined in § 52.16(O) will require a formal enforcement action.

(3) The full scale of enforcement actions and implementation of such is as detailed in the city's enforcement response plan.

(C) *Administrative orders.*

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

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

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

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

(c) *Cease and desist orders.* When the WWTP Superintendent finds that an industrial user has violated or continues to violate this subchapter or any permit or order issued hereunder, the WWTP Superintendent may issue an order to cease and desist all such violations and direct those persons in noncompliance to: a) comply forthwith, or b) take such appropriate remedial or preventive action as may

be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(d) *Show cause hearing.*

1. The WWTP Superintendent or his or her designee may issue to any user who causes or contributes to violations of this subchapter, wastewater permit or order issued hereunder, an order to appear and show cause why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the WWTP Superintendent 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 WWTP Superintendent, why 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 days before the hearing. Service may be made on any agent or officer of the industrial user. Whether or not a duly notified industrial user or its representative appears, immediate enforcement action may be pursued.

2. The city may itself conduct the hearing and take the evidence, or designate a representative to:

A. Issue, in the name of the city, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;

B. Take the evidence; and/or

C. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the city for action thereon.

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

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

(D) *Administrative penalties.* Notwithstanding any other section of this subchapter, any user who is found to have violated any provision of this subchapter, or permits or orders issued hereunder, may be fined in an amount not to exceed \$5,000 per violation for each day in violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the WWTP Superintendent shall have such other collection remedies as needed to collect other service charges. Unpaid charges, fines and penalties shall constitute a lien against the user's property. Users desiring to

dispute such penalties must file a written request for the WWTP Superintendent of the city to reconsider the penalty within ten business days of being notified of the penalty. Where the WWTP Superintendent believes an appeal has merit, he or she shall convene a hearing on the matter within 15 days of receiving the appeal from the user. The WWTP Superintendent's final decision shall be binding.

(E) *Additional enforcement remedies.*

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

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

(Ord. 22-06-05, passed 6-20-22)

WATER REGULATIONS

§ 52.25 EXTENSION OF WATER SYSTEM BEYOND CORPORATE LIMITS.

(A) *Application.* Applications to have the city extend its water system beyond its corporate limits shall be made in duplicate and in writing and filed with the City Clerk. Each application shall be signed by the person or persons who seek to have the municipal water system extended, and shall contain the names of all persons, firms or corporations who shall be subscribers to the water service when the extension of the system has been completed. Each applicant and/or subscriber shall by the application agree to abide by and accept all of the provisions of this chapter and all other ordinances or terms and conditions that then, or may hereafter, regulate the use of the city water supplied to the applicants upon extension of the water system pursuant hereto. The application shall, in addition to the foregoing, contain a map of the area wherein an extension of the water system is sought by the applicants and thereon shall be designated the route requested and the location of each subscriber listed in the application. The application and the map shall distinguish between those subscribers which will be residential service and those which will be commercial.

(B) *Feasibility and cost study.* Upon receipt of an application for an extension of the municipal water system that complies with the provisions of division (A) of this section, the City Clerk shall file one copy in his office and forward one copy of same to the City Foreman. Upon receipt of the application, the City Foreman shall forthwith determine the following:

(1) The present capacity of the municipal water system is capable of meeting the current requirements of the existing subscribers to the service and that the proposed extension shall not create a demand upon the municipal water system which the system is unable to meet without diminishing service to its current subscribers.

(2) Should the City Foreman determine that the municipal water system has the capacity to meet the requirements of the subscribers to the service listed in the application and that the extension and the demand created thereby shall not diminish capacity and service to current subscribers of the service, he shall thereupon:

(a) Determine the length of the system and the type and cost of all materials and supplies necessary or required for the proposed extension. Material cost shall be obtained by written quotes from two materialmen who supply the type of materials required for construction of the extension sought by the application.

(b) Forward copies of the quotes to the City Clerk who shall upon receipt of same forward copies to the person or persons who filed the application for extension.

(c) Determine the total cost of materials required for the proposed extension and the prorata portion to be paid by each subscriber to the service upon completion of the proposed extension. The prorata portion of the cost shall be determined by dividing the cost of materials by the number of subscribers. The prorata portion for each subscriber shall be reported to the City Clerk who shall then notify the person or persons who filed the application for extension.

(C) *Deposit.* Upon receipt of the notification of the cost per subscriber the applicants shall deposit with the City Clerk a deposit amount so determined for each subscriber listed in the application, but in no event to be less than \$300 per subscriber. Provided, however, that in the event the application seeks an extension of a previous extension of the municipal water system made pursuant to the provisions hereof, then in an amount not less than the deposit paid by subscribers if that extension when made exceeded the \$300 minimum deposit required in section. The City Clerk shall upon receipt of all the deposits from the subscribers to the proposed extension, deposit same to an account in a local bank to be designated by him as Water System Extension/Construction Account. This account shall be used to defray the cost of construction of the extension and all billings for materials required for the construction shall be paid for from this account.

(D) *Purchasing materials.* The City Clerk shall purchase all the materials required for construction of the proposed extension and same shall be advertised for bids in the event the estimated cost of the materials shall exceed the sum of \$10,000.

(E) *Construction of extension.* The City Foreman shall schedule the construction of the proposed extension at the earliest possible date. The construction of the proposed extension shall not take priority over work required to be performed within the corporate limits of the city. Upon scheduling the required construction the City Foreman and employees of the city assigned to the work shall proceed with the construction at the scheduled time.

(F) *Meters.* All premises served by the extended system shall be equipped with an adequate water meter furnished by the city and paid for by the subscriber to the service. The deposit referred to in division (C) of this section shall include the cost of the required meter. No meter may be used for measuring water service to more than one location. The City Foreman shall determine the location for the installation of all meters and same are to be installed in a location that will be easily accessible for service and reading.

(G) *Reading meters.* All meters on an extended portion of the Municipal Water System shall be read at such times as are necessary that bills for the water use at each location may be sent to the subscribers at the proper time.

(H) *Rates.* Subscribers for water service on any extended portion of the Municipal Water System shall pay the same rate for water metered to their premises as is paid by like or similar subscribers for the service. The rate shall be set by the City Council by appropriate ordinance.

(I) *Nonpayment.* The water supply to those premises served by the extension of the Municipal Water System may be terminated for any premises for which the water bill remains unpaid for a period of ten days after the bill has been rendered and mailed. When service has been terminated, water service shall not be restored except upon payment of a fee of \$25.
(Ord. passed 5-19-81) Penalty, see § 52.99

§ 52.26 WATER METER SIZE SELECTION CRITERIA.

The following table sets forth the criteria for the city's selection of meters to measure water consumed by the customers of the city's water distribution system:

<i>Meter size</i>	<i>Instantaneous Peak Demand</i>	<i>Monthly Consumption</i>
5/8 inch	10 gpm	—
1 inch	10 to 25 gpm	5,000 to 20,000
2 inch	25 to 80 gpm	20,000 to 350,000
3 inch	80 to 160 gpm	350,000 to 1,000,000
4 inch	160 to 300 gpm	1,000,000 to 10,000,000

(Ord. passed 2-4-94)

RATES AND CHARGES

§ 52.35 MONTHLY WATER AND SEWER RATES.

(A) (1) *Water and sewer rates.*

(a) There are hereby established from and after July 1, 2021, the following water and sewer rates and charges for the water distribution and sewer treatment system, to be paid by the owner or occupant of each residential or commercial establishment that is connected with or served by the systems, whether inside or outside of the city's corporate limits, same to be computed and billed monthly as follows:

WATER RATES	
<i>Inside City Limits</i>	<i>Outside City Limits</i>
<u>5/8" Meter</u> \$12.08 minimum \$4.35/1,000 gallons	<u>5/8" Meter</u> \$17.12 minimum \$5.43/1,000 gallons
<u>1" Meter</u> \$20.68 minimum \$4.35/1,000 gallons	<u>1" Meter</u> \$25.10 minimum \$5.43/1,000 gallons
<u>1½" Meter</u> \$99.50 minimum \$4.35/1,000 gallons	<u>1½" Meter</u> \$104.50 \$5.43/1,000 gallons
<u>2" Meter</u> \$133.68 minimum \$4.35/1,000 gallons	<u>2" Meter</u> \$138.11 minimum \$5.43/1,000 gallons
<u>3" Meter</u> \$655.73 minimum \$4.35/1,000 gallons	<u>3" Meter</u> \$660.15 minimum \$5.43/1,000 gallons
<u>2 services on one meter</u> (Grandfathered only) \$24.16 minimum \$4.35/1,000 gallons	<u>2 services on one meter</u> (Grandfathered only) \$34.24 minimum \$5.43/1,000 gallons
<u>3 services on one meter</u> (Grandfathered only) \$36.24 minimum \$4.35/1,000 gallons	N/A
<u>4 services on one meter</u> (Grandfathered only) \$48.32 minimum \$4.35/1,000 gallons	N/A
<u>5 services on one meter</u> (Grandfathered only) \$60.40 minimum \$4.35/1,000 gallons	

<i>SEWER RATES</i>	
<i>Inside City Limits</i>	<i>Outside City Limits</i>
\$10/2,000 gallons - minimum \$6.50/1,000 gallons after	\$18/2,000 gallons - minimum \$9.50/1,000 gallons after

(b) Effective July 1, 2022, the water and sewer rates above the minimum rates set forth above shall be adjusted by the Cost-of-Living Adjustment (COLA) rate as set by the Kentucky Department for Local Government (DLG).

(B) All of the other provisions of this section are confirmed and readopted in all respects as if set out verbatim herein, and no other provisions of this section shall be changed or modified except to the extent provided for in division (A) above.

(C) (1) The monthly utility bills furnished to customers supplied with water and sewer services shall be the combined total sum of the monthly water charge and the monthly sewer service charge used during the period for which the billing is made. No free utility services shall be allowed or permitted.

(2) If the City Council elects to adjust a customer's bill pursuant to the provisions of this division, the amount the customer shall be required to pay shall be determined by the average bill for the location served over the three-month period immediately prior to the date of that bill to be adjusted and the average shall be the amount billed to the customer plus a service charge equal to an amount equal to \$0.50 less than the city's water rate per each 1,000 gallons of water metered to that location and which exceeds the customer's average over the three-month period immediately prior to the date of the adjustment. A water bill shall not be adjusted for a period in excess of three consecutive months.

(D) (1) There are hereby established from and after August 1, 2010, the following fees and charges for the following services related to the city providing the following water related services to customers of the city's water distribution system.

<i>Service</i>	<i>Charges</i>
Meter reinstallation	\$100.00
Turn a water meter on or off at times other than city's regular business hours or on holiday:	\$100.00
Relocate an existing water meter at a customer's request and a new tap is required	Labor, materials and current tap on fee
Relocate an existing water meter at a customer's request and no new tap is required	Labor and materials
Raise the elevation of an installed water	\$75.00 plus materials

(2) Repairs made to the city's water distribution system shall be billed to the city's customer for whom work was being done or that caused the damage, at the city's actual cost of the materials and labor including, all overtime and other cost including the cost of water lost as a result of that damage.

(E) (1) All persons, firms or corporations connecting to the city's water distribution system shall, from and after August 1, 2010, be required to install a water shut off valve at the meter and a water shut off valve on any service line which extends from the customer's meter at the services line's point of entry into the building being serviced.

(2) All persons, firms, or corporations developing and subdividing real property and otherwise subject to the city's Subdivision Regulations under Chapter 156, shall be and they are required to follow the city's water main extension rules, regulations and guidelines and or policies in effect on the date the final subdivision plat is given final approval by the city's Planning and Zoning Commission.

(F) (1) All sewer connections made to the city's wastewater collection and treatment system from and after August 1, 2010, shall include a four-inch clean-out at the customer's property line. The clean-out shall sweep toward the city main only; there shall be no double sweep clean-outs. The customer shall be responsible for having the clean-out installed.

(2) Prior to the newly installed or replacement clean-out being back filled and prior to connecting the residential or commercial clean-out to Benton's sewer system, the clean-out shall be inspected and approved by Benton's Maintenance Supervisor or his or her designee.

(3) If the city responds to a customer's call for sewer service during regular business hours, there shall be no charge to that customer. A minimum fee of \$100 will be charged to the customer for any sewer service call made at a time other than regular business hours if it is determined that the blockage was not in the city's sewer main.

(4) The city will not open any sewer customer's service line at any point, except to go through a clean-out located at the property line toward the city's sewer main. If no clean-out is installed at the property line, it is the customer's responsibility to have one installed. The city will not service a customer's line between the clean-out and the customer's residence, will not open any sewer customer's service line unless it is necessary to clean out the city's sewer main, and shall not clean out a customer's service line.

(5) In the event the city determines the customer's sewer cap is in need of replacement or that the sewer clean-out is in need of repair, the city will give the property owner five days' notice to replace the sewer cap or complete the needed repair; notice of the needed replacement or needed repair will be personal notice to property owner or by leaving a notice on a door hanger at residence or business. This is for any sewer clean-outs on the property as missing caps or broken clean-outs cause infiltration in the sewer system. In the event the property owner elects not to replace the sewer cap or complete the necessary repair, the city will replace the sewer cap at a fee of \$25 and/or provide the repair the sewer clean-out at an additional fee of \$25 to be charged to the customer on the customer's water/sewer bill. Non-payment of these charges can result in disconnection of water service.

(Ord. passed 9-5-72; Am. Ord. passed 7-7-80; Am. Ord. passed 1-15-90; Am. Ord. passed 9-26-90; Am. Ord. passed 6-27-91; Am. Ord. passed 2-4-94; Am. Ord. 00-06-06, passed 6-23-00; Am. Ord. 03-10-04, passed 10-20-03; Am. Ord. 04-05-01, passed 5-17-04; Am. Ord. 04-05-03, passed 5-17-04; Am. Ord. 07-03-01, passed 3-19-07; Am. Ord. 07-05-01, passed 5-21-07; Am. Ord. 07-06-07, passed 6-18-07; Am. Ord. 08-06-05, passed 6-16-08; Am. Ord. 09-03-01, passed 3-16-09; Am. Ord. 09-06-04, passed 6-15-09; Am. Ord. 10-07-01, passed 7-19-10; Am. Ord. 13-6-3, passed 6-17-13; Am. Ord. 15-06-04, passed 6-15-15; Am. Ord. 16-06-05, passed 6-20-16; Am. Ord. 17-07-01, passed 7-17-17; Am. Ord. 17-07-03, passed 7-17-17; Am. Ord. 17-10-02, passed 10-16-17; Am. Ord. 18-03-02, passed 3-19-18; Am. Ord. 18-09-03, passed 9-24-18; Am. Ord. 19-06-06, passed 6-18-19; Am. Ord. 21-03-03, passed 3-15-21; Am. Ord. 21-06-04, passed 6-21-21; Am. Ord. 21-09-01, passed 9-20-21; Am. Ord. 22-06-06, passed 6-20-22; Am. Ord. 23-05-01, passed 5-15-23)

§ 52.36 WATER AND SEWER CONNECTION CHARGES.

From and after the effective date of this section, the fees for connecting to the water and sewer system of the city shall be as follows:

<i>Utility Service</i>	<i>Connection Fee</i>
Sewer outside city limits	\$1,000 (plus materials)
Water outside city limits	\$650 \$825
Water inside city limits	\$500 \$675
Sewer inside city limits	\$500

7/1/2013
Ord 13-06-03

(Ord. passed 7-19-77; Am. Ord. passed 12-2-85; Am. Ord. passed 3-21-88; Am. Ord. passed 6-27-91; Am. Ord. 00-06-06, passed 6-23-00) Penalty, see § 52.99

§ 52.37 METER DEPOSIT.

All new users of the city water and sewer systems on and after the date hereof shall pay the following amounts to the city as a water meter deposit. The payments to be based upon the classification appropriate to the applicant:

<i>Classification</i>	<i>Deposit</i>
Resident user/owner	\$50
Resident user/tenant	\$150
Commercial/owner	\$50
Commercial/tenant	\$150

Owners of more than one rental unit can either provide a Letter of Credit from a local financial institution in an amount sufficient to cover the amount of deposits for the number of rental units receiving water service the city or they may elect to make a single deposit for each unit served.

(Ord. passed 6-4-73; Am. Ord. passed 3-7-77; Am. Ord. passed 2-17-81; Am. Ord. 00-02-02, passed 2-22-00; Am. Ord. 10-10-1, passed 10-18-10) Penalty, see § 52.99

§ 52.38 BILLING; PENALTIES FOR DELINQUENCY.

(A) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(1) That all bills are due and payable on or before the date set forth on the bill; and

(2) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(3) That any customer disputing the correctness of his bill shall have a right to a hearing at which time he may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(C) (1) The City of Benton delegates to the Benton Water and Sewer System the power to issue orders to discontinue service to any customer who is delinquent in paying water and sewer charges.

(2) The Benton Water and Sewer System shall establish, pursuant to division (C)(3) of this section, the specific circumstances under which water and sewer service may be discontinued and under which services may be reinstated upon payment being made or some satisfactory arrangement is reached.

(3) Said orders shall be issued by the Mayor as the chief executive of the Benton Water and Sewer System, or to such other representative of the Benton Water and Sewer System as the Mayor may empower by order.

(Am. Ord. 00-02-02, passed 2-22-00; Am. Ord. 16-11-02, passed 11-21-16)

§ 52.99 PENALTY.**(A) *Written notice.***

(1) Any user found to be violating any provision of this subchapter or a wastewater permit or order issued hereunder, shall be served by the WWTP Superintendent or his or her designee with written notice stating the nature of the violation. The offender shall permanently remedy all violations upon receipt of this notice.

(2) As contained in § 52.19, the notice may be of several forms. Also, as contained in § 52.19, penalties of various forms may be levied against users for violations of this subchapter. The penalties, if levied, shall range from publication of violators in the local newspaper to administrative penalties of up to \$5,000 per day per violation or criminal prosecution as outlined herein.

(B) *Revocation of permit.*

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

(2) Any user who violates the following conditions of this subchapter, or applicable state and federal regulations, is subject to having his or her permit revoked in accordance with the procedures of this subchapter:

(a) Failure of a user to factually report the wastewater constituents and characteristics of his or her discharge;

(b) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;

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

(d) Violation of conditions of the permit.

(C) *Destruction of POTW.* No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the POTW. Any person(s) violating this provision shall be subject to criminal prosecution for "disorderly conduct." It shall be noted that the Clean Water Act does not require proof of specific intent to obtain conviction.

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(D) *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 subchapter, federal or state pretreatment requirements or any order of the city, the city may commence an action for appropriate legal and/or equitable relief in the appropriate court of this jurisdiction in addition to pursuing any criminal remedies that may be available.

(E) *Injunctive relief.* Whenever a user has violated or continues to violate the provisions of this subchapter or permit or order issued hereunder, the WWTP Superintendent, through counsel may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the user.

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

(G) *Civil penalties.*

(1) With the exception of violations of §§ 52.10 through 52.18 addressed in § 52.19 above, any other violation of this chapter may be enforced by the City Police Department or Marshall County Sheriff's Department as a Class A misdemeanor through District Court unless a stronger penalty is allowed by the KRS.

(2) As an alternative to enforcement through District Court, with the exception of violations of §§ 52.10 through 52.18 addressed in § 52.19 above, any other violation of this chapter shall constitute a civil offense pursuant to KRS 65.8808(1) unless otherwise prohibited by KRS 65.8808(3), and enforced by Benton's Code Enforcement Board under Chapter 41 of the Benton Code of Ordinances with the amount of the penalties being as follows:

<i>VIOLATION</i>	<i>AMOUNT</i>
Tampering with water meter (52.02(E))	\$300
Failure to use coupling (52.02(F))	\$25 a day up to \$1,000
Improper clean-out (52.35(F))	\$25 a day up to \$1,000
Failure to have clean-out inspected (52.35(F))	\$300
Any offense of the chapter not otherwise specifically addressed	\$100

(3) In the event a violation is enforced as a civil penalty then the same violation shall not be enforced as a criminal penalty.

(4) Any installer who violates Chapter 52 is subject to having their Benton business license revoked by the city until the violation is brought into compliance.

(5) Any civil fine resulting from a violation of Chapter 52 may be added to the owner's water and sewer bill for the property and collected as part of the utility payment.

(H) *Criminal prosecution; violations - general.*

(1) Any user who willfully or negligently violates any provision of this subchapter or any orders or permits issued hereunder shall, upon conviction, be guilty of a Class A misdemeanor, punishable by a fine not to exceed \$10,000 per violation per day or imprisonment for not more than 12 months. Each day in which such violation shall continue shall be deemed a separate offense.

(2) Any user who knowingly and/or negligently makes any false statements, representation or certification of any application, record, report, plan or other document filed or required to be maintained pursuant to this subchapter, or industrial user permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this subchapter shall be guilty of a Class A misdemeanor and shall, upon conviction, be punished by a fine not to exceed \$10,000 or by imprisonment for not more than 12 months, or by both. Each day in which such violation shall continue shall be deemed as a separate offense.

(3) In the event of a second conviction, the user shall be guilty of a Class D felony and shall be punished by a fine in an amount not less than \$20,000 or double his or her gain from city of the offense, whichever is greater or imprisonment not less than one year nor more than five years or both. Each day in which such violation shall continue shall be deemed a separate offense.

(4) The Mayor or his or her designee shall have the authority to pursue criminal charges on behalf of the city in any court of competent jurisdiction in the Commonwealth of Kentucky.
(Ord. 22-06-05, passed 6-20-22; Am. Ord. 23-05-01, passed 5-15-23)

