

TITLE V: PUBLIC WORKS

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CHAPTER 50: GARBAGE AND REFUSE

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GENERAL PROVISIONS

§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

REFUSE. Normal household perishables which will fit into 30-gallon plastic garbage bags.

RESIDENTIAL. All housekeeping units within the city, including any family unit or household in which the members thereof share the same cooking facilities.
(Ord. 5-2-94-B, passed 6-6-94; Am. Ord. 10/4/04/A, passed 11-1-04)

§ 50.02 ESTABLISHMENT OF REGULATIONS AND RATES; APPROVAL BY MAYOR AND CITY COUNCIL.

The City Council is hereby authorized and directed to establish by ordinance regulations and rates relating to refuse collection service and the collection of charges for the service. The Mayor is hereby authorized to approve those rates which have minimums set herein, subject to review by the City Council at its discretion.

(Ord. 5-2-94-B, passed 6-6-94; Am. Ord. 10/4/04/A, passed 11-1-04)

§ 50.03 SPECIFICATIONS FOR WEEKLY GARBAGE PICKUP.

Weekly garbage pickups shall be made for all residential and business units within the city. All refuse not in dumpsters must be tied up in 30-gallon plastic bags and left for pickup at the property line adjoining a public street or road. Customers physically unable to leave garbage bags for pickup at the property line adjoining a public street will be exempt from this requirement upon notification and approval of the City Clerk.

(Ord. 5-2-94-B, passed 6-6-94; Am. Ord. 10/4/04/A, passed 11-1-04) Penalty, see § 50.99

§ 50.04 INCINERATION OF GARBAGE PROHIBITED.

Without exception, no persons or business establishments shall incinerate trash, garbage, or waste material outside of doors within the city.

(Ord. 2, passed 6-3-74; Am. Ord. passed 7-1-74) Penalty, see § 50.99

RATES AND CHARGES**§ 50.15 IMPOSITION OF CHARGE FOR REFUSE COLLECTION; PURPOSE.**

The imposition of a charge for refuse collection service prescribed by this chapter has for its purpose the cost of rendering such service and also the cost of providing sites and methods for the disposal of such waste material in accordance with the Kentucky Solid Waste Disposal Laws and Regulations.

(Ord. 5-2-94-B, passed 6-6-94; Am. Ord. 10/4/04/A, passed 11-1-04)

§ 50.16 BILLING PROCEDURES; PENALTY FOR DELINQUENT PAYMENT.

Each residential and business unit in the city limits shall be charged a monthly rate for refuse pickup. The charge will be included on the monthly water bill of each residential and business unit, making one bill, and will be due monthly in full, and no part of the combined bill will be accepted for monthly payment separately. Those units, either residential or business, which are not subscribing members to city water and sewer shall be billed individually by the City Clerk on a monthly basis. Any bill not paid by the fifteenth of the month shall be subject to a 10% penalty.

(Ord. 5-2-94-B, passed 6-6-94; Am. Ord. 10/4/04/A, passed 11-1-04) Penalty, see § 50.99

§ 50.17 SCHEDULE OF RATES AND CHARGES.

The following rates are hereby established for the refuse collection of all residences and businesses in the city, except for those businesses which have dumpster service or are otherwise excluded in this chapter.

(A) Five bags or less per week - \$10 per month.

(B) Five bags to 15 bags per week - \$20 per month.

(C) Over 15 bags per week - The city at its option may provide a dumpster and the dumpster rates set out in § 50.18 will apply.
(Ord. 5-2-94-B, passed 6-6-94; Am. Ord. 10/4/04/A, passed 11-1-04)

§ 50.18 DUMPSTER PICKUP RATES; REGULATIONS.

Pickup of refuse and other material deposited in dumpsters shall be based upon the following regulations and rates.

(A) Regulations.

(1) City officials shall set dumpster rates under these guidelines.

(2) All dumpster rates shall be reviewed periodically.

(3) Dumpster rates may vary because of volume.

(4) Dumpster rates may vary because of density of material.

(5) The dumpster pickup rate is only for what is in the dumpster, not on the ground or on top of the dumpster. An additional charge, based on the amount of material and time involved, will be assessed for picking up the overflow. This additional charge will not exceed \$20 per trip without business permission.

(6) The only exception to mandatory refuse collection for businesses are those businesses that, because of excessive volume, the city cannot pick up for a maximum fee of \$95 per month.

(B) General dumpster rates.

(1) The minimum dumpster rate is \$75 per month.

(2) Extra pickup on a call basis is \$20 per trip per dumpster minimum.

(3) An additional charge will be made for heavy, dense, or bulky material.

(4) Special contracts may be made for two pickups per week on a monthly basis with a minimum charge being \$100 per month.

(5) Special contracts may be made for three pickups per week on a monthly basis with a minimum charge being \$140 per month.

(6) Joint or partnership use of a dumpster may be allowed at the city's discretion, with the minimum charge per unit being \$37.50 per month.

(7) The city will require a special contract for pickups over the maximum mandatory charge of \$95 per month.

(Ord. 5-2-94-B, passed 6-6-94; Am. Ord. 10/4/04/A, passed 11-1-04)

SOLID WASTE COLLECTION

§ 50.30 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The City of Eddyville, Kentucky.

PERSON. Any individual, partnership, corporation, association, joint stock company, trust, estate, political subdivision, limited liability company, or organization of any kind, or their legal representative, agent, or assigns.

SOLID WASTE. Any garbage, refuse, sludge, and other discarded material but does not include solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges.

(Ord. 2010-08-02 C, passed 8-10-10)

§ 50.31 FRANCHISE REQUIRED.

No person may engage in the business of solid waste collection unless the person holds a franchise issued by the city authorizing the person to collect, transport, and dispose of solid waste. (Ord. 2010-08-02 C, passed 8-10-10) Penalty, see § 50.99

§ 50.99 PENALTY.

(A) Any person violating any of the provisions of this chapter, or any lawful rules or regulations promulgated pursuant thereto, shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not less than \$25 nor more than \$500. Each day's violation shall be deemed a separate offense.

(B) Any person violating any of the provisions of § 50.31, upon conviction, shall be punished by a fine of not less than \$25 nor more than \$500, and each day's violations shall be a separate offense. Violators of § 50.31 may be issued a citation by any duly appointed law enforcement officer.

(Am. Ord. 2010-08-02 C, passed 8-10-10)

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GENERAL PROVISIONS

§ 51.001 OPERATION OF WATER AND SEWER SYSTEM.

The water and sewer system of the city shall be operated at all times in accordance with the ordinance authorizing bonds for water and sewer revenue and in accordance with this chapter. (Ord. passed 7-19-65) Penalty, see § 51.999

§ 51.002 PROMULGATION OF RULES AND REGULATIONS BY CITY COUNCIL.

The City Council from time to time shall promulgate and establish further rules and regulations governing the operation of such water and sewer system when the need for same shall arise.
(Ord. passed 7-19-65) Penalty, see § 51.999

§ 51.003 UNAUTHORIZED TAMPERING; DAMAGING WATER OR SEWER SYSTEM.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, meter, main, valve, service line, appurtenance or equipment which is a part of the water or sewer system. Any person violating this provision shall be subject to immediate arrest on a charge of disorderly conduct.
(Ord. passed 7-19-65)

§ 51.004 POLICE TO PROTECT WATER AND SEWER SYSTEM; SAFEGUARD WATER SUPPLY.

The city may provide such police protection as may be necessary to prevent damage or destruction to the cisterns, hydrants, reservoir or other portions of the water or sewer system, whether within or without the city, and to safeguard the water supply of the city from possible depletion, contamination or other damage.
(Ord. passed 7-19-65)

§ 51.005 PERMIT REQUIRED FOR CONNECTION; CONNECTION OF MORE THAN ONE BUILDING.

No person shall make or cause to be made any connection with the water and sewage system of the city until first applying for and receiving a permit from the City Clerk/Treasurer, and then only after furnishing such information as may be requested by the Water Superintendent for the city. No more than one business or unit of residence will be permitted on one meter connection except those special temporary contracts specified in § 51.58 of this chapter.
(Ord. passed 7-19-65; Am. Ord. 9-4-84, passed - -84) Penalty, see § 51.999

§ 51.006 WATER AND SEWER DEPARTMENT TO CONSTRUCT SERVICE LINES; CONSTRUCTION OF OTHER FACILITIES; COST.

(A) The Water and Sewer Department of the city will construct all sewer service lines and all water service lines from the utility main into the property line, which costs will be reimbursed to the city by the customer.

(B) The customer will construct all other facilities in accordance with the city's requirements, at no cost to the city.
(Ord. passed 7-19-65; Am. Ord. 9-4-84, passed - -84) Penalty, see § 51.999

§ 51.007 CUSTOMER TO BEAR COST OF METER OR SERVICE LINE RELOCATION.

The customer will pay the cost of any meter or service line relocation done at his request.
(Ord. passed 7-19-65)

§ 51.008 RESPONSIBILITY FOR DAMAGE TO PRIVATE PROPERTY CAUSED BY WATER; SEWER FACILITIES.

Neither the Water and Sewer Department of the city nor the city will in any way be responsible for any damage to private property caused by the operation of its facilities.
(Ord. passed 7-19-65)

§ 51.009 OPERATION OF VALVE BY CUSTOMER PROHIBITED; INSTALLATION OF CUTOFF.

No customer may operate any valve belonging to the Water and Sewer Department. If a cutoff is desired, it must be installed by the customer at no expense to the city.
(Ord. passed 7-19-65) Penalty, see § 51.999

§ 51.010 LIABILITIES AND RESPONSIBILITIES OF CUSTOMERS.

The customer is liable for damage to the facilities of the water and sewer system and is responsible for the installation of separate waste lines, inspection facilities, anti-backflow devices, check valves, relief valves, special traps or any other apparatus of any nature whatsoever deemed necessary by the Water and Sewer Superintendent.
(Ord. passed 7-19-65)

§ 51.011 USE OF WATER PIPES FOR GROUNDING.

The use of water pipes for grounding is of no benefit to the Water and Sewer Department and can become a hazard. The Department assumes no responsibility or obligation, direct or indirect, for the maintenance of the integrity or continuity of ground.
(Ord. passed 7-19-65; Am. Ord. 9-4-84, passed - -84)

§ 51.012 USE OF CITY STREETS FOR CONSTRUCTION, MAINTENANCE OF WATER AND SEWER SYSTEM.

The City Council does hereby authorize the use of all city streets, highways, alleys and public ways for the construction and maintenance of extensions, additions and improvements to the combined and consolidated municipal waterworks and sewer system of the city, without the necessity of further permits, licenses or other certifications from the city.
(Ord. passed 4-7-75)

§ 51.013 DENIAL OF SERVICE TO STRUCTURES IN A FLOODPLAIN.

The city will deny water service to any future customer who builds a structure in a designated floodplain.
(Res. - ; passed 5-7-96)

§ 51.014 PLACEMENT AND ACCESSIBILITY OF WATER METERS.

(A) No water meter shall be located under any structure, vehicle, planting or any other item of real or personal property in any fashion so as to make accessibility for reading, maintenance, repair or service impossible, impractical or inconvenient for city employees.

(B) If a vehicle is parked over a meter which needs to be accessed by the city for reading, maintenance, repair, service, or for any other city purpose, the city may forthwith have the vehicle removed from over the water meter at the vehicle owner's expense. Any other obstruction to accessibility shall be cured by the property owner no later than 30 days after notification by the city. Failure to cure inaccessibility will result in water service being discontinued to that property so long as said inaccessibility exists. Nothing contained herein shall affect or impede the city's right to proceed without notice in the event of or to avoid or prohibit an emergency. (Ord. 5-5-03-A, passed 6-2-03)

SEWER USE***Division I. General Provisions*****§ 51.025 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 of Eddyville 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 to 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 improve the opportunity to recycle and reclaim wastewaters and sludges from the system;

(4) To provide for equitable distribution of the cost of the city's wastewater system;

(5) To provide for the safety of the treatment plant employees; and

(6) To ensure that the city complies with its KPDES or non-discharge 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.

(C) This subchapter provides for the regulation of direct and indirect contribution to the city's 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 the City of Eddyville and to persons outside the city who are, by contract or agreement with the city, users of the city's Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of this subchapter.
(Ord. 2008-10-06A, passed 1-5-09)

§ 51.026 DEFINITIONS.

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 Secretary of the Kentucky Natural Resources and Environmental Protection Cabinet or an authorized representative thereof.

AUTHORIZED REPRESENTATIVE. An authorized representative of a user may be: (1) a principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (2) a general partner or proprietor if the user is a partnership or proprietorship, respectively; (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates. An **AUTHORIZED REPRESENTATIVE** of the city may be any person designated by the city to act on its behalf.

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)).

BIOCHEMICAL OXYGEN DEMAND (BOP). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20° 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 soil, water, and other drainage pipes inside the walls of 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 "Building Sewers and Connections" (Division IV).

CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND (CBOP). With chemical inhibition of nitrification, 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 concentration in milligrams per liter (mg/l).

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 Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

CITY. City of Eddyville

CLEAN WATER ACT (CWA). (Also known as the Federal Water Pollution Control Act) enacted by Public Law 92-500. October 18, 1972. 33 USC 1251 et seq. as amended by PL 95-217. December 28, 1977; PL 97-117, December 29, 1981; PL 97-440, January 8, 1983, and PL 100-04, February 4, 1987.

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, 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 term **CONTROL AUTHORITY** shall refer to the city when there exists an approved Pretreatment Program under the provisions of 40 CFR 403.11.

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

DAILY MAXIMUM. The maximum allowable value for any single 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.

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

FLOW WEIGHTED AVERAGING FORMULA (FWA). A procedure used to calculate alternative limits for a categorical pretreatment standard where regulated and nonregulated wastestreams combine after treatment, but prior to the monitoring point as defined in 40 CFR 403.

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 in the waste stream and without consideration of time.

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 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.

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:

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

(2) 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).

MAY. This is permissive (see "shall").

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

MONTHLY AVERAGE. 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 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.

(1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

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

(b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) 1. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.

2. 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 should be considered.

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 (1)(a) or (1)(c)1. and 2. above but otherwise alters, replaces, or adds to existing process or production equipment.

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

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 of any other legal entity, or their legal representatives, agent or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

pH. The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

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

POLLUTANT. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water, including medical wastes, chemical wastes, biological materials, radioactive materials, heat, and certain characteristics of wastewater (e.g. pH, temperature, TSS, turbidity, color, CBOD, COD, toxicity, or odor).

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 change(s), or other means, except as prohibited by 40 CFR 403.6(d).

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).

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

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.

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.

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.

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

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.

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

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

SHALL. Is mandatory (see "may").

SIGNIFICANT INDUSTRIAL USER (SIU). Defined by EPA guidance as: (1) all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter 1, Subchapter N; and (2) any noncategorical industrial user that (a) discharges 25,000 gallons per day or more of

process wastewater ("process wastewater" excludes sanitary noncontact cooling, and boiler blowdown wastewaters) or (b) contributes a process wastestream which makes up to five percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant or (c) has a reasonable potential, in the opinion of the Control or Approval Authority, to adversely affect the pollutants, sludge contamination or endangerment of POTW workers).

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.

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). A classification scheme based on the type of industry or process at a facility.

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

STATE. Commonwealth of Kentucky.

STORM DRAIN (SOMETIMES 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.

SUPERINTENDENT. The person designated by the city to supervise the publicly owned treatment works and who is charged with certain duties and responsibilities by this division or his or her duly authorized representative.

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 & 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.

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."

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

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 a National Categorical Pretreatment Standards.

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

WASTEWATER. The spent water of a community. Sanitary or domestic wastes shall mean the liquid and water-carried wastes from residences, commercial buildings and institutions as distinct from industrial waste.

WASTEWATER DISCHARGE PERMIT (WDP). A permit issued to industrial users which authorizes discharges to the public sewer as set forth in Division VI of this subchapter.

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.

(Ord. 2008-10-06A, passed 1-5-09)

§ 51.027 ABBREVIATIONS.

The following abbreviations shall have the designated meanings.

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 et. seq.)
 CWF - Combined Wastestream Formula
 EPA - Environmental Protection Agency
 FWA - Flow Weighted Average
 FR - Federal Register
 gpd - gallons per day
 IU - Industrial User
 l - Liter
 mg - Milligrams
 mg/l - Milligrams per liter
 NPDES - National Pollutant Discharge Elimination System
 KPDES - Kentucky Pollutant Discharge Elimination System
 POTW - Publicly Owned Treatment Works
 RCRA - Resource Conservation and Recovery Act
 SIC - Standard Industrial Classification
 SIU - Significant Industrial User
 SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
 TSS - Total Suspended Solids
 TTO - Total Toxic Organics
 USC - United States Code

(Ord. 2008-10-06A, passed 1-5-09)

Division II. Use of Public Sewers**§ 51.028 MANDATORY SEWER CONNECTIONS.**

(A) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper 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 (30.5 meters) of the property line.

(B) 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), except as provided for in "Private Wastewater Disposal" (Division III).

(C) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public system within sixty (60) days in compliance with this ordinance, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material or salvaged and removed.

(Ord. 2008-10-06A, passed 1-5-09) Penalty, see § 51.999

§ 51.029 UNLAWFUL DISCHARGE TO STORM SEWERS OR NATURAL OUTLETS.

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

(B) It shall be unlawful to discharge to any natural outlet or storm sewer within the City of Eddyville or in any area under the jurisdiction of said city, any sanitary wastewater or other polluted waters, except where suitable treatment or management has been provided in accordance with subsequent provisions of this 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.

(Ord. 2008-10-06A, passed 1-5-09) Penalty, see § 51.999

§ 51.030 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.

(Ord. 2008-10-06A, passed 1-5-09) Penalty, see § 51.999

§ 51.031 DISCHARGE OF UNPOLLUTED WATERS INTO SEWER.

(A) 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 Superintendent or his representative shall have the right, at any time, to inspect the inside or outside of buildings or smoke test for connections, leaks, or defects to building sewers and require disconnection or repair of any pipes carrying such water to the building sewer. No sanitary drain sump or sump pump discharge by manual switch-over of discharge connection shall have a dual use for removal of such water.

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

(Ord. 2008-10-06A, passed 1-5-09) Penalty, see § 51.999

§ 51.032 PROHIBITED DISCHARGES.

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

(A) 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.

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

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

(D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities (i.e., wood, glass, ashes, sand, cinders, unshredded garbage, paper products such as cups, dishes, napkins and milk containers, etc.).

(E) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW that will result in a treatment plant influent temperature which exceeds 40°C (104°F).

(F) 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.

(G) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

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

(I) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through at the POTW.

(J) Any trucked or hauled pollutants except at discharge points designated by the POTW. (Ord. 2008-10-06A, passed 1-5-09) Penalty, see § 51.999

Division III. Private Wastewater Disposal**§ 51.033 PUBLIC SEWER NOT AVAILABLE.**

(A) Where a public sanitary sewer is not available under the provisions of "Use of Public Sewer" (Division II), the building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of the Lyon County Health Department and all applicable local and state regulations.

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

(C) No statement contained in this Division III shall be construed to interfere with any additional requirements that maybe imposed by applicable local or state regulations.

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

(Ord. 2008-10-06A, passed 1-5-09)

§ 51.034 REQUIREMENTS FOR INSTALLATION.

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

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

(Ord. 2008-10-06A, passed 1-5-09)

§ 51.035 EXISTING PRIVATE WASTEWATER DISPOSAL SYSTEMS - SODEN HILLS SUBDIVISION.

(A) Residents of Soden Hills Subdivision may continue to operate an existing private wastewater disposal system. Such systems shall remain intact and shall not be modified, repaired, or replaced. In the event modification, repair or replacement of a private wastewater disposal system is necessary, residents shall connect to the public sanitary sewer.

(B) Residents of Soden Hills Subdivision currently employing a private wastewater disposal system shall be subject to monthly public sanitary sewer fees.

(C) Residents of Soden Hills Subdivision not currently operating a private wastewater disposal system shall not be permitted to install a private wastewater disposal system.

(Ord. 2008-10-06A, passed 1-5-09) Penalty, see § 51.999

Division IV. Building Sewers and Connections**§ 51.036 PERMITS.**

(A) There shall be two classes of building sewer permits required; (1) for residential and (2) 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 Superintendent. Details regarding commercial and industrial permits include, but are not limited to those required by this ordinance. Permit and inspection fees shall be paid to the city at the time the application is filed.

(B) Users shall promptly notify the city in advance of any introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW. The Superintendent may deny or condition the new introduction or change in discharge based on the information submitted in the notification or additional information as may be requested.

(C) 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 Superintendent.

(Ord. 2008-10-06A, passed 1-5-09)

§ 51.037 PROHIBITED CONNECTIONS.

(A) 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.

(B) 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.

(Ord. 2008-10-06A, passed 1-5-09) Penalty, see § 51.999

§ 51.038 DESIGN AND INSTALLATIONS.

(A) 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.

(B) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this 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's system.

(C) 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.

(D) The building sewer shall be cast iron soil pipe, ASTM A-74, latest revision, PVC (polyvinyl-chloride) sewer pipe, ASTM D-3034, latest revision, or ductile iron pipe, AWWA specification C-151 cement lined, and shall meet requirements of State plumbing code. Joints shall be as set out hereinafter. Any part of the building sewer that is located within five feet of a water service pipe shall be constructed with cast iron soil pipe or ductile iron pipe, unless the building sewer is at least one foot deeper in the ground than the water service line. Cast iron soil pipe or ductile iron pipe may be required by the city where the building sewer is exposed to damage or stoppage by tree roots. Cast iron soil pipe or ductile iron pipe shall be used in filled or unstable ground, in areas where 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.

(E) 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.

(F) All costs and expenses incidental to the installation and connection to the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the city for any loss of damage that may directly or indirectly be occasioned by the installation of the building sewer. Fees for connection shall be as established by the city.

(G) 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.

(H) 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.

(I) The building sewer shall be connected into the public sewer at the easement or property line. Where no property located service branch is available, an authorized agent of the city shall cut a neat hole into the main line of the public sewer and a suitable wye or tee saddle installed to receive the building sewer. The invert of the building sewer at such point of connection with a saddle shall be in the upper quadrant to the main line of the public sewer. A neat workmanlike connection, not extending past the inner surface of the public sewer, shall be made and the saddle made secure and watertight by encasement in epoxy cement specially prepared for this purpose. A wye and H bend fitting shall be installed at the property line between the public sewer and the building sewer. This fitting shall serve the purpose of a clean out and for applying the smoke test during inspection of the

line. After testing, a cast iron or ductile iron riser will be inserted in this fitting and brought flush with the ground surface. A stopper or plug, outfitted with a type joint applicable to the pipe used, shall seal this riser against the intrusion of ground or surface water.

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

(Ord. 2008-10-06A, passed 1-5-09) Penalty, see § 51.999

§ 51.039 INSPECTION.

(A) The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his or her representative. The connections shall be made gastight and watertight and verified by proper testing.

(B) All building sewers shall be smoke tested through the wye branch at the public sewer connection, with public sewer tightly plugged off, after connections at both ends are made and after all pipe is properly bedded and backfilled at least to top of pipe and if backfill is completed, within two weeks after completion of backfill. At time of test, any openings into the building drain inside the building shall be water trapped or plugged. Any leakage of smoke from building sewer or building drain and plumbing shall be located at test and repaired to stand repetition of smoke test without leakage. When smoke testing is completed, the temporary flow line plug shall be removed and a permanent watertight plug shall be placed in branch of test wye-branch and carefully backfilled by hand and tamped to at least six inches above the top of the branch.

(Ord. 2008-10-06A, passed 1-5-09) Penalty, see § 51.999

Division V. Pollutant Discharge Limits

§ 51.040 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 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 opinion as to the acceptability of a discharge, the 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.

(Ord. 2008-10-06A, passed 1-5-09)

§ 51.041 RESTRICTED DISCHARGES.

(A) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.

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(B) 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° (0-65°C).

(C) 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.

(D) 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.

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

(F) 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.

(G) Any wastewater with objectionable color which cannot be removed to an acceptable level within the operation of the wastewater treatment process but in no case, wastewater with a color that exceeds 300 ADMI units.

(H) 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.

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

(J) Wastewater identified as causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

(K) Recognizable portions of human or animal anatomy.

(L) Any wastes containing detergents, surface active agents, or other substances which will cause excessive foaming in the city's wastewater system.

(M) (1) Any water or wastes which have characteristics based on a 24 hour composite sample, grab or a shorter period composite sample, if more representative, that exceed the following normal maximum domestic wastewater parameter concentrations:

<i>Parameter</i>	<i>Maximum Allowable Concentration Without Surcharges</i>
BOD	300mg/1
COD	600 mg/1
TSS	300mg/1
NH3-N	25 mg/1
Oil & Grease (total)	100 mg/1

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

(N) The following limitations are established for characteristics of any wastewaters to be discharged into the municipal sewer system. All significant industrial users must comply with these limitations where they are more stringent than applicable state and/or federal regulations.

<i>Parameter</i>	<i>Maximum Daily Concentration (mg/l)</i>
Arsenic	0.05
Cadmium	0.033
Chromium	0.50
Copper	0.87
Cyanide, Total	0.09
Lead	0.09
Mercury	0.0005
Nickel	0.38
Silver	0.05
Zinc	1.25

(O) The city has received authority through the U.S. EPA and state statutes to enforce the requirements of 40 CFR Subchapter N, 40 CFR 403, and 40 CFR Part 35. All users shall comply with the requirements of those regulations.

(Ord. 2008-10-06A, passed 1-5-09) Penalty, see § 51.999

§ 51.042 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.

(Ord. 2008-10-06A, passed 1-5-09) Penalty, see § 51.999

§ 51.043 GREASE, OIL, AND SAND INTERCEPTORS.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the 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 a type and capacity approved by the 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 that hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms. Interceptors shall also comply with applicable regulations of the County Health Department.

(Ord. 2008-10-06A, passed 1-5-09)

§ 51.044 SPECIAL INDUSTRIAL PRETREATMENT REQUIREMENTS.

(A) 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.

(B) 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 at their own expense. The city may agree to assume these responsibilities if proper and appropriate arrangement for reimbursement of costs are made.

(C) (1) Any person who transports septic tank, seepage pit or cesspool contents, liquid industrial waste or other batch liquid waste and wishes to discharge such waste to the public sewer system shall first have a valid Discharge Permit. All applicants for a Discharge Permit shall complete the application form, pay the appropriate fee, and receive a copy of the city's regulations governing discharge to sewers of liquid wastes from trucks. All persons receiving such permits shall agree, in writing, to abide by all applicable provisions of this 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.

(2) In addition any person holding a valid permit and wishing to discharge to the wastewater treatment plant must submit to the Chief Operator or Superintendent a sample of each load prior to discharge. A fee and payment schedule shall be established in the permit to cover cost of the required analysis.

(3) 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.

(4) 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 Division X including fines and imprisonment.

(5) 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 Superintendent and approved by the city.

(6) Nothing in this ordinance shall relieve waste haulers of the responsibility for compliance with County Health Department, state, or federal regulations.
(Ord. 2008-10-06A, passed 1-5-09) Penalty, see § 51.999

§ 51.045 PROTECTION FROM ACCIDENTAL AND SLUG DISCHARGES.

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

- (a) Description of discharge practices.
- (b) Description of stored chemicals.
- (c) Procedures for notifying the POTW.
- (d) Prevention procedures for spills.

(2) 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.

(B) Written notice. Within five days following an accidental discharge, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, 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 Division, the Enforcement Response Plan or other applicable law.

(C) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.
(Ord. 2008-10-06A, passed 1-5-09)

§ 51.046 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.
(Ord. 2008-10-06A, passed 1-5-09)

§ 51.047 CITY'S RIGHT OF REVISION.

The city reserves the right to establish more stringent limitations, or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in this subchapter. (Ord. 2008-10-06A, passed 1-5-09)

§ 51.048 FEDERAL CATEGORICAL PRETREATMENT STANDARDS.

Upon the promulgation of Federal Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this subchapter for sources in that subcategory, shall immediately supersede the limitations imposed under this subchapter. (Ord. 2008-10-06A, passed 1-5-09)

*Division VI. Pretreatment Program Administration***§ 51.049 WASTEWATER DISCHARGES.**

(A) 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.

(B) Any agency, nondomestic user, and/or industry outside the jurisdiction of the city that desires to contribute wastewater to the POTW must execute (through an authorized representative) an interjurisdictional agreement, whereby the agency and/or industry agrees to be regulated by all provisions of this subchapter and state and federal regulations. An Industrial User Permit may then be issued by the Superintendent in accordance with § 51.050. (Ord. 2008-10-06A, passed 1-5-09) Penalty, see § 51.999

§ 51.050 INDUSTRIAL USER DISCHARGE PERMITS.

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

(B) 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 holder 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:

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

(2) SIC numbers) according to the Standard Industrial Classification Manual, United States Bureau of the Budget, 1972, as amended;

(3) 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;

(4) Time and duration of contribution;

(5) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;

(6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;

(7) Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged;

(8) Where known, the nature and concentration of any pollutants in the discharge which are limited by 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;

(9) (a) If additional pretreatment will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standards;

(b) The following conditions shall apply to this schedule:

1. The schedule must be acceptable to the city.

2. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards.

3. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress and the reason for delay, and the steps being taken by the user to return the construction to the schedule established.

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

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

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

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

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

(C) Issuance. The city shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city's engineer or his or her designee may issue an Industrial Wastewater Discharge Permit subject to terms and conditions provided herein.

(Ord. 2008-10-06A, passed 1-5-09)

§ 51.051 PERMIT MODIFICATIONS.

Within nine months of the promulgation of a National Categorical Pretreatment Standards, the Industrial Wastewater Discharge Permit of users subject to such standards shall be revised to require 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 Wastewater Discharge Permit as required, the user shall apply for an Industrial Wastewater Discharge Permit within 90 days after the promulgation of the applicable National Categorical Pretreatment Standards. In addition, the user with an existing Industrial Wastewater Discharge Permit shall submit, to the City's Engineer within 90 days after the promulgation of an applicable Federal Categorical Pretreatment Standard, the information required by this ordinance. (Ord. 2008-10-06A, passed 1-5-09)

§ 51.052 PERMIT CONDITIONS.

Industrial Wastewater Discharge 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:

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

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

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

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

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

(F) Compliance schedules;

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

(H) 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 the city access thereto as required by 40 CFR 403.12(o)(2);

(I) 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;

(J) Requirements for notification of slug discharges;

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

(L) Other conditions as deemed appropriate by the city to ensure compliance with this chapter. (Ord. 2008-10-06A, passed 1-5-09)

§ 51.053 ALTERNATIVE DISCHARGE LIMITS.

(A) 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 maybe derived for the discharge permit by the Superintendent. These alternative limits shall be applied to the mixed effluent and shall be calculated using the Combined Wastestream Formula and/or Flow-Weighted Average Formula as defined in § 51.025.

(B) Where the effluent limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutants per unit of production (production-based standard), the 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.

(C) 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 Superintendent 30 days in advance of any major change in production levels that will affect the limits for the discharge permit. (Ord. 2008-10-06A, passed 1-5-09)

§ 51.054 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 Division V are modified or other just cause exists. The user shall be informed of any proposed changes in their permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. (Ord. 2008-10-06A, passed 1-5-09)

§ 51.055 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 Superintendent and provision

of a copy of the existing permit to the new owner. The Superintendent may deny the transfer of the permit if it is deemed necessary.

(Ord. 2008-10-06A, passed 1-5-09)

§ 51.056 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 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 Standards and Requirements. The report shall state whether the applicable Categorical Pretreatment Standards and Requirements are being met on a consistent basis and, if not, what additional pretreatment 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.

(Ord. 2008-10-06A, passed 1-5-09)

§ 51.057 PERIODIC COMPLIANCE REPORTS.

(A) All significant industrial users shall submit, to the Superintendent, every six months (on dates specified in the Industrial User Permit) unless required more frequently by the Permit, a report indicating, at a minimum, the nature and concentration, of pollutants in the effluent which are limited by such Pretreatment Standards or discharge permit. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted.

(B) All analyses shall be performed by a laboratory acceptable to the 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.

(C) 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.

(D) A Baseline Monitoring Report (BMR) must be submitted to the Superintendent by all categorical industrial users at least 90 days prior to initiation of discharge to the sanitary sewer. The BMR must contain, at a minimum, the following:

(1) 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.

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

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

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

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

(E) New sources shall give estimates of the information requested in divisions (D)(3) and (D)(4) 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.

(Ord. 2008-10-06A, passed 1-5-09)

§ 51.058 PERMIT VIOLATIONS.

(A) All significant industrial users must notify the 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.

(B) The user shall immediately repeat the sampling and analysis of the parameters) in question and submit the results to the 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 parameters) in question.

(Ord. 2008-10-06A, passed 1-5-09)

§ 51.059 MONITORING.

(A) (1) The city shall require significant users to provide and operate, at the user's own expense, monitoring facilities and equipment necessary to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage system. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in a public right-of-way. The 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.

(2) 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.

(3) 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.

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

(C) The industrial user must receive the approval of the Superintendent before changing the sampling point and/or monitoring facilities to be used in all required sampling.
(Ord. 2008-10-06A, passed 1-5-09) Penalty, see § 51.999

§ 51.060 INSPECTION AND SAMPLING.

(A) The city shall inspect the facilities of any user to ascertain whether the purpose of this subchapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or their 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.

(B) The city, approval authority, and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry onto their premises, the user shall make the necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
(Ord. 2008-10-06A, passed 1-5-09)

§ 51.061 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 city for review, and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent that complies with the provisions of this 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.
(Ord. 2008-10-06A, passed 1-5-09)

§ 51.062 ANNUAL PUBLICATION.

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

(B) All records relating to the city's Pretreatment Program shall be made available to officials of the EPA 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. 2008-10-06A, passed 1-5-09)

§ 51.063 SIGNIFICANT NON-COMPLIANCE.

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

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

(B) Involves failure to report noncompliance accurately,

(C) 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 monthly average limit for the same pollutant parameter,

(D) 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 = 1.4 for BOD, TSS, fats, and oil & grease and 1.2 for all other pollutants except pH);

(E) Any violation of a pretreatment effluent limit that the Control Authority 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;

(F) Any discharge causing imminent endangerment to human health/welfare or to the environment or resulting in the POTWs use of its emergency authority to halt or prevent such a discharge;

(G) 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;

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

(I) Any violation or group of violations which the city determines will adversely affect the operation or implementation of the local pretreatment program.
(Ord. 2008-10-06A, passed 1-5-09)

§ 51.064 CONFIDENTIAL INFORMATION.

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests in writing and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available 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.

(Ord. 2008-10-06A, passed 1-5-09)

§ 51.065 SIGNATORY REQUIREMENTS.

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

(A) All permit applications shall be signed:

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

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

(B) 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:

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

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

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

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

(Ord. 2008-10-06A, passed 1-5-09) Penalty, see § 51.999

Division VII. Fees

§ 51.066 PURPOSE.

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

(Ord. 2008-10-06A, passed 1-5-09)

§ 51.067 CHARGES AND FEES.

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

(1) Fees for reimbursement of costs of setting up and operating the city's Pretreatment Program;

(2) Fees for monitoring, inspections, and surveillance procedures;

(3) Fees for reviewing accidental discharge procedures and construction;

(4) Fees for permit applications;

(5) Fees for filing appeals;

(6) Fees for consistent removal by the POTW of excessive strength conventional pollutants;

(7) Other fees as the city may deem necessary to carry out the requirements contained herein.

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

(Ord. 2008-10-06A, passed 1-5-09)

Division VIII. Powers and Authority of Inspectors

§ 51.068 RIGHT TO ENTER PREMISES.

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

(Ord. 2008-10-06A, passed 1-5-09)

§ 51.069 RIGHT TO OBTAIN INFORMATION REGARDING DISCHARGE.

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

(Ord. 2008-10-06A, passed 1-5-09)

§ 51.070 ACCESS TO EASEMENTS.

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

(Ord. 2008-10-06A, passed 1-5-09)

§ 51.071 SAFETY.

While performing the necessary work on private properties referred to in § 51.070 above, all duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company. The user shall be held blameless for injury or death to city employees. The city shall secure the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this subchapter.

(Ord. 2008-10-06A, passed 1-5-09)

Division IX. Enforcement; Penalties**§ 51.072 GENERAL.**

(A) The city, through the Superintendent or his 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 noncompliance with the 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 Superintendent or their designee.

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

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

(Ord. 2008-10-06A, passed 1-5-09)

§ 51.073 NOTICE OF VIOLATION.

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 violations). Within ten days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the 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 Violation.

(B) If the violations persist or the explanation and/or plan are not adequate, the city's response shall be more formal and commitments (or schedules as appropriate) for compliance will be established in an enforceable document. The enforcement response selected will be related to the seriousness of the violation. Enforcement responses will be escalated if compliance is not achieved expeditiously after the initial action. A significant noncompliance as defined in § 51.063, will require a formal enforcement action.

(C) The full scale of enforcement actions will be as detailed in the Enforcement Response Plan.
(Ord. 2008-10-06A, passed 1-5-09)

§ 51.074 ADMINISTRATIVE ORDERS.

(A) 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, users economic benefit from the violation, history of violations, good faith of the user, and shall be a non-arbitrary but appropriate amount.

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

(1) Consent Orders. The Superintendent or their designee is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders will include specific action to be taken by the 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 (B)(3), below.

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

(3) **Cease and Desist Orders.** When the Superintendent finds that an user has violated or continues to violate this subchapter or any permit or order issued hereunder, the 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 preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(Ord. 2008-10-06A, passed 1-5-09)

§ 51.075 SHOW CAUSE HEARING.

(A) The Superintendent or their 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 the hearing to be held by the 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 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.

(B) The city may, itself, conduct the hearing and take the evidence, or designate a representative to:

(1) 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;

(2) Take the evidence;

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

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

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

(Ord. 2008-10-06A, passed 1-5-09)

§ 51.076 ADDITIONAL ENFORCEMENT REMEDIES.

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

(B) **Liability insurance.** The Superintendent may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this ordinance or any order or previous permit issued hereunder, unless the industrial user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.
(Ord. 2008-10-06A, passed 1-5-09)

§ 51.077 WRITTEN NOTICE.

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

(B) As contained in Division IX, the notice may be of several forms. Also as contained in Division IX and § 51.999, 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 fines of at least \$1,000 per day per violation.
(Ord. 2008-10-06A, passed 1-5-09)

§ 51.078 REVOCATION OF PERMIT.

(A) 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.

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

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

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

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

(4) Violation of conditions of the permit.
(Ord. 2008-10-06A, passed 1-5-09)

§ 51.079 LIABILITY.

Any user violating any of the provisions of this subchapter, discharge permit or other order issued hereunder shall become liable to the City of Eddyville 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.

(Ord. 2008-10-06A, passed 1-5-09)

§ 51.080 MISREPRESENTATION AND/OR FALSIFYING OF DOCUMENTS.

Any user who knowingly and/or negligently makes any false statements, representations or certification of any application, record, report, plan or other document filed or required pursuant to this subchapter or Industrial User Discharge Permit or who falsifies, tampers with or knowingly and/or negligently renders inaccurate any monitoring device or method required under this subchapter, shall be punished by a fine of at least \$1,000 or by imprisonment for not more than 12 months or by both.

(Ord. 2008-10-06A, passed 1-5-09) Penalty, see § 51.999

§ 51.081 DESTRUCTION OF POTW AND LEGAL ACTION.

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

(Ord. 2008-10-06A, passed 1-5-09) Penalty, see § 51.999

§ 51.082 LEGAL ACTION.

If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this ordinance, federal or state pretreatment requirements or any order of the city, the city may commence an action for appropriate legal and/or equitable relief in the appropriate court of this jurisdiction.

(Ord. 2008-10-06A, passed 1-5-09)

§ 51.083 INJUNCTIVE RELIEF.

Whenever a user has violated or continues to violate the provisions of this subchapter or permit or order issued hereunder, the 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 industrial user.

(Ord. 2008-10-06A, passed 1-5-09)

RATES AND CHARGES

§ 51.084 NO FREE SERVICE.

No free water or sewerage service shall be furnished to anyone, including the city, and all water furnished by the city shall be metered.
(Ord. passed 7-19-65)

§ 51.085 WATER AND SEWER CONNECTIONS; TAPPING FEES.

(A) Upon application for a permit in proper form to connect with the water and sewage system of the city, which contains the proper information, the same shall be granted a 3/4-inch metered water connection upon the payment of a tapping fee of either \$600 or the actual cost of labor and materials used in making such connection, whichever is higher, plus the additional costs of any larger size connection. The application for a six-inch sewer connection shall be granted upon the payment of a tapping fee of either \$500 or the actual costs of labor and materials used in making such connection, whichever is higher, plus the additional costs of any larger size connection. The tapping fee for sewer connections which require more than two hours of labor shall be for \$500 plus the actual costs of labor and materials.

(B) For multi living units, the payment of a tapping fee for each unit shall be in accordance with the amounts set forth in subsection (A) of this section. Each unit shall be metered and billed separately.

(C) The tapping fee for sewer connections for a multi living unit shall be \$500 per unit, or the actual costs of labor and materials used in making such connection, whichever is higher.

(D) The cost for labor provided by city, which includes personnel and equipment, shall be billed at a rate of \$50 per hour.
(Ord. passed 7-19-65; Am. Ord. 9-4-84, passed - -84; Am. Ord. 1-4-99-A, passed 2-1-99; Am. Ord. 2014-04-07, passed 4-7-14)

§ 51.086 [RESERVED].

§ 51.087 RATES AND CHARGES FOR ORDINARY WATER SERVICE.

The rates and charges for ordinary water services shall be based upon a metered rate as follows:

Eddyville - Public Works

<i>Type of Water Service</i>	<i>Rates</i>
W-1 Single Residence in city limits Minimum charge for 2,000 gallons Per 1,000 gallons above 2,000 gallons	\$ 25.39 5.50
W-2 Double Residence in city limits Minimum charge for 4,000 gallons Per 1,000 gallons above 4,000 gallons	\$ 50.77 5.50
W-3 Amber Village, four unit Minimum charge for 8,000 gallons Per 1,000 gallons above 8,000 gallons	\$ 101.56 5.50
W-4 Amber Village, eight unit Minimum charge for 16,000 gallons Per 1,000 gallons above 16,000 gallons	\$ 203.11 5.50
W-5 Fredonia, Kentucky Minimum charge for 1,000 gallons Per 1,000 gallons above 1,000 gallons	\$ 4.22 4.22
W-6 Housing Project, 101 Units Minimum charge for 202,000 gallons Per 1,000 gallons for next 101,000 gallons Per 1,000 gallons above 303,000 gallons	\$ 2,564.01 5.50 4.22
W-7 Single Residence outside city limits Minimum charge for 2,000 gallons Per 1,000 gallons above 2,000 gallons	\$ 30.16 5.50
W-8 Double Residence outside city limits Minimum charge for 4,000 gallons Per 1,000 gallons above 4,000 gallons	\$ 60.31 5.50
W-9 Business inside city limits Minimum charge for 2,000 gallons Per 1,000 gallons for next 16,000 gallons Per 1,000 gallons for next 80,000 gallons Per 1,000 gallons for next 100,000 gallons Per 1,000 gallons above 200,000 gallons	\$ 31.74 5.50 5.02 4.66 4.22
W-A Double Business in the city limits Minimum charge for 4,000 gallons Per 1,000 gallons for next 16,000 gallons Per 1,000 gallons for next 80,000 gallons Per 1,000 gallons for next 100,000 gallons Per 1,000 gallons above 200,000 gallons	\$ 63.46 5.50 5.02 4.66 4.22

<i>Type of Water Service</i>	<i>Rates</i>
W-B Business outside city limits Minimum charge for 2,000 gallons Per 1,000 gallons for next 16,000 gallons Per 1,000 gallons for next 80,000 gallons Per 1,000 gallons for next 100,000 gallons Per 1,000 gallons above 200,000 gallons	\$ 35.70 5.50 5.02 4.66 4.22
W-C Double Business outside city limits Minimum charge for 4,000 gallons Per 1,000 gallons for next 16,000 gallons Per 1,000 gallons for next 80,000 gallons Per 1,000 gallons for next 100,000 gallons Per 1,000 gallons above 200,000 gallons	\$ 71.40 5.50 5.02 4.66 4.22
W-D Eddyville Swimming Pool/West Kentucky Farm Center/Lyon County Water District Minimum charge for 1,000 gallons Per 1,000 gallons over 1,000 gallons	\$ 4.22 4.22
W-E Churches Minimum charge for 2,000 gallons Per 1,000 gallons above 2,000 gallons	\$ 25.39 5.50
W-F Governmental agencies Minimum charge for 2,000 gallons Per 1,000 gallons for next 8,000 gallons Per 1,000 gallons for next 40,000 gallons Per 1,000 gallons for next 50,000 gallons Per 1,000 gallons above 100,000 gallons	\$ 31.74 5.50 5.02 4.66 4.22

Water rate increases shall occur at the rate of 3% in year 2020, year 2022, year 2024 and year 2026. The increase shall take effect on July 1 of each year a rate increase occurs.

(Ord. passed 7-19-65; Am. Ord. 9-4-84, passed - -84; Am. Ord. 7-11-88, passed 8-1-88; Am. Ord. 5-2-94-A, passed 6-6-94; Am. Ord. 6-3-02-A, passed 6-13-02; Am. Ord. 5-5-03-B, passed 5-5-03; Am. Ord. 6-7-04-A, passed 6-16-04; Am. Ord. 2016-02-01B, passed 2-8-16; Am. Ord. 2018-05-07, passed 6-4-18; Am. Ord. 2020-06-01, passed 6-22-20; Am. Ord. 2022-05-02B, passed 8-1-22)

§ 51.088 RATES AND CHARGES FOR SEWER SERVICE.

The rates and charges for sewer services shall be based upon water usage as follows:

<i>Type of Sewer Service</i>	<i>Rates</i>
S-1 Single Residence in city limits Minimum charge for 2,000 gallons Per 1,000 gallons above 2,000 gallons	\$ 28.21 6.12

Eddyville - Public Works

Type of Sewer Service	Rates
S-2 Double Residence in city limits Minimum charge for 4,000 gallons Per 1,000 gallons above 4,000 gallons	\$ 56.41 6.12
S-3 Amber Village, four unit Minimum charge for 8,000 gallons Per 1,000 gallons above 8,000 gallons	\$ 112.80 6.12
S-4 Amber Village, eight unit Minimum charge for 16,000 gallons Per 1,000 gallons above 16,000 gallons	\$ 225.59 6.12
S-5 Flat Rate Charge - No water Minimum charge	\$ 47.00
S-6 Housing Project, 101 units Minimum charge for 202,000 gallons Per 1,000 gallons for next 101,000 gallons Per 1,000 gallons above 303,000 gallons	\$ 2,848.10 6.12 3.77
S-7 Single Residence outside city limits Minimum charge for 2,000 gallons Per 1,000 gallons above 2,000 gallons	\$ 33.50 6.12
S-8 Double Residence outside city limits Minimum charge for 4,000 gallons Per 1,000 gallons above 4,000 gallons	\$ 67.00 6.12
S-9 Business inside city limits Minimum charge for 2,000 gallons Per 1,000 gallons for next 8,000 gallons Per 1,000 gallons for next 40,000 gallons Per 1,000 gallons for next 50,000 gallons Per 1,000 gallons above 100,000 gallons	\$ 35.26 6.12 5.57 5.14 3.77
S-A Double business inside city limits Minimum charge for 4,000 gallons Per 1,000 gallons for next 16,000 gallons Per 1,000 gallons for next 80,000 gallons Per 1,000 gallons for next 100,000 gallons Per 1,000 gallons above 200,000 gallons	\$ 70.52 6.12 5.57 5.14 3.77
S-B Churches Minimum charge for 2,000 gallons Per 1,000 gallons above 2,000 gallons	\$ 28.21 6.12
S-C Governmental agencies Minimum charge for 2,000 gallons Per 1,000 gallons for next 8,000 gallons Per 1,000 gallons for next 40,000 gallons Per 1,000 gallons for next 50,000 gallons Per 1,000 gallons above 100,000 gallons	\$ 35.26 6.12 5.57 5.14 3.77

<i>Type of Sewer Service</i>	<i>Rates</i>
S-E City of Fredonia, Kentucky Minimum charge for 1,000 gallons Per 1,000 gallons over 1,000 gallons	\$ 3.77 \$ 3.77
S-D West Kentucky Farm Center Minimum Charge for 1,000 gallons Per 1,000 gallons over 1,000 gallons	\$ 3.77 \$ 3.77
S-F Business outside city limits Minimum charge for 1,000 gallons Per 1,000 gallons for next 8,000 gallons Per 1,000 gallons for next 40,000 gallons Per 1,000 gallons for next 50,000 gallons Per 1,000 gallons above 100,000 gallons	\$ 39.68 6.12 5.57 5.14 3.77

Sewer rate increases shall occur at the rate of 3% in year 2020, year 2022, year 2024 and year 2026. The increase shall take effect on July 1 of each year a rate increase occurs.

(Ord. passed 7-19-65; Am. Ord. 9-4-84, passed - -84; Am. Ord. 7-11-88, passed 8-1-88; Am. Ord. 5-2-94-A, passed 6-6-94 Am. Ord. 6-3-02-A, passed 6-13-02; Am. Ord. 5-5-03-B, passed 5-5-03; Am. Ord. 6-7-04-A, passed 6-16-04; Am. Ord. 2016-02-01B, passed 2-8-16; Am. Ord. 2018-05-07, passed 6-4-18; Am. Ord. 2020-06-01, passed 6-22-20; Am. Ord. 2022-05-02B, passed 8-1-22)

§ 51.089 RATE FOR FIRE PROTECTION SERVICE.

The rate for fire protection service shall be \$1 per sprinkler head per year, and \$100 for private hydrant per year, payable in advance.

(Ord. passed 7-19-65; Am. Ord. 9-4-84, passed - -84; Am. Ord. 7-11-88, passed 8-1-88; Am. Ord. 5-2-94-A, passed 6-6-94; Am. Ord. 1-4-99-A, passed 2-1-99)

§ 51.090 RATE FOR WATER FURNISHED TO CITY OFFICES OR FACILITIES.

Water furnished to city offices or other city facilities shall be billed and paid for by the city at the same rate charged for private users.

(Ord. passed 7-19-65; Am. Ord. 9-4-84, passed - -84; Am. Ord. 7-11-88, passed 8-1-88; Am. Ord. 1-4-99-A, passed 2-1-99)

§ 51.091 [RESERVED].

§ 51.092 SPECIAL CONTRACTS; TEMPORARY RATES.

(A) There shall be no flat rate except by a special contract made with the Water and Sewer Superintendent and approved by the City Council which shall provide payment in advance and

which must be on a basis of not less than the estimated cost of furnishing the water or sewer service. All labor and material costs shall be paid by the customer.

(B) Any temporary rate shall be double the ordinary rate for water and sewer services.

(C) Special contracts may be required under the following conditions:

(1) When construction or the extensions to facilities will be necessary.

(2) When temporary service is to be supplied.

(3) When standby service is required.

(4) When consumption exceeds 15,000 gallons per month.

(5) When a flat rate is to be charged.

(6) When a special contract is made with reference to the disposal of waste of unusual strength or character as provided in § 51.35 of this chapter.

(Ord. passed 7-19-65; Am. Ord. 9-4-84, passed - -84)

§ 51.093 DEPOSITS REQUIRED FOR SERVICE; RECONNECTION.

(A) Each new applicant for ordinary service will make a standard service deposit of \$150. Each new applicant for flat rate service will make a deposit equal to two times the standard meter deposit. Service deposits shall apply to the location of service rather than to individuals.

(B) When service is discontinued, the service deposit shall be applied to any unpaid balance and the balance returned to the depositor. Money held by the city for deposits may be invested by the city and the income thereon will begin accruing to the operation of the water and sewer system.

(C) When service is discontinued for non-payment the customer may be required to make a deposit equal to two times the standard service deposit before reconnection. If such customer's account remains in good standing for twelve consecutive months thereafter, then the customer shall be reimbursed the amount in excess of the standard service deposit.

(Ord. passed 7-19-65; Am. Ord. 9-4-84, passed - -84; Am. Ord. 1-4-99-A, passed 2-1-99; Am. Ord. 2010-09-13A, passed 10-4-10)

§ 51.094 BILLING PROCEDURES; DISCONTINUANCE OF SERVICE.

(A) Meters shall be read at regular intervals, not less than once a month and at times of turn-ons and turn-offs.

(B) No bill for any fraction of a month shall be less than the minimum.

(C) Bills must be paid on or before the fifteenth day of each month. If a bill is not paid on or before the fifteenth day a 10% penalty shall be added to the bill. If a bill is not paid by the twentieth day of each month such customer shall be notified, by written notice, that the water service is subject to disconnection if payment is not made on or before the last day of the month. If a customer does not pay his water and sewer bill on or before the last of day each month, the water service to such customer shall be disconnected. In the event a water system employee is dispatched to a service location to disconnect water service for non-payment of bills and the customer wishes to pay the delinquent amount due to avoid disconnection, then there shall be added to the amount due a \$10 delinquent account collection fee. In the event that a bill is paid with a check and the check is returned for insufficient funds then there shall be added a returned check fee of \$10 and the account shall be considered delinquent.

(D) Before sewer service may be disconnected the City Clerk/Treasurer must send a written notice to the customer advising the customer that the sewer service is going to be disconnected.

(E) Before the reconnection of discontinued water or sewer service, a reconnection charge of \$25 shall be paid for water service and a reconnection charge of \$25 shall be paid for sewer service, plus any actual expense of reconnection. No reconnection of discontinued service shall be made to any customer until the customer has paid all water and sewer charges owing to the city and has restored his deposit for water service and his deposit for sewer service to the proper level as provided in § 51.59.

(F) In addition to the city having the right to discontinue service because of the failure to pay the water or sewer bill on or before the last day of each month, the city shall have the right to discontinue water and/or sewer service for any one of the following reasons:

- (1) Use of unsafe apparatus;
- (2) Discharge of illegal waste or drainage or storm water runoff;
- (3) Fraud or abuse;
- (4) Non-compliance with any of the provisions herein; or
- (5) Conditions of service detrimental to other customers.

(G) If a water or sewer service customer does not pay his bill on or before the last day of each month, the water service to the customer shall be discontinued and the sewer service may be discontinued, and the city shall not be required to apply any of the deposit or deposits of the customer to the unpaid water or sewer bill.

(H) In the event of a water leak occurring on the customers side of a meter, the city may allow one bill adjustment per customer for such location of service. No customer shall receive more than one adjustment for each location of service. To be adjusted, the leak must not be readily evident to a reasonable person (such as leaks that are underground, within the walls or under floors) or the leak must occur while occupants are away from the premises. It is the customer's responsibility to keep his plumbing system in good working order. Adjustments on the water bills will not be made on the following:

- (1) Routine dripping faucets, leaking commodes, or any types of faulty customer plumbing;
- (2) Premises left or abandoned without reasonable care for the plumbing system;

- (3) More than one occurrence per customer per location;
- (4) Filling of swimming pools;
- (5) Water of lawns or gardens; and
- (6) Any other inappropriate use or device which causes excessive water usage.

If an adjustment of the customer's bill is warranted, the amount of the bill will be determined based on an average for the billing period for the previous 12 months billing plus one-half of the overage. Bill adjustments for sewer service may be allowed, for any monthly bill, if the city determines that water leaked did not enter the sewage collection system. The city shall not be obligated to make adjustments of any bill not contested within 90 days from the billing date. A written report of customer billing adjustments shall be maintained.

(Ord. passed 7-19-65; Am. Ord. 9-4-84, passed - -84; Am. Ord. 1-4-99-A, passed 2-1-99)

§ 51.095 TESTING OF METERS; BILLINGS BASED ON ESTIMATES.

(A) A customer may request the testing of his meter but must pay all costs if the meter reads less than 2% fast. A deposit of \$10 will be required by the city prior to any testing.

(B) If a meter does not register, the Water and Sewer Department of the city will bill the customer upon an estimate of consumption based on the customer's prior use during the same season.

(C) If a meter is found to be more than 25% slow, the customer will be billed for the undercharge for a period not exceeding six months.

(Ord. passed 7-19-65; Am. Ord. 9-4-84, passed - -84)

§ 51.096 BACKFLOW AND CROSS CONNECTIONS.

(A) Definitions. As used in this section, the terms are defined as follows, unless the context clearly requires a different meaning:

AIR GAP. The measured vertical distance from the lowest end of a potable water outlet to the flood rim or line of the fixture or receptacle into which it discharges. The minimum required air gap shall be twice the effective opening of the potable water outlet.

APPROVED BACKFLOW ASSEMBLY. Any device that may be approved by the Cabinet in lieu of proper air gap separation.

AUXILIARY WATER SUPPLY. Any water supply on or available to the premises other than the city's public water supply. These auxiliary waters may include water from any natural source, such as a well, spring, river, stream, or body of water or any water or other substance of unknown or questionable quality that may present a health or system hazard to the potable public water supply.

BACKFLOW. The reversal of the normal flow of water caused by either back pressure or back siphonage.

BACKPRESSURE. The flow of water or other liquids, mixtures, or substances under pressure into the distribution pipes of a potable water supply system from any source other than the original water source.

BACK SIPHONAGE. The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply system from any source other than the original water source, caused by the reduction of pressure in the potable water supply system.

BACKFLOW PREVENTION ASSEMBLY. An assembly or means designed to prevent backflow. A listing of acceptable backflow prevention assemblies and degree of hazard is available in the Kentucky State Plumbing Law, Regulations, and Code.

CONTAMINATION. An impairment of the quality of the potable water supply by any waste product, fluid, substance, compound or other material to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.

CROSS CONNECTION. Any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems one of which contains potable water and the other non-potable water or substance of questionable quality, through which, or because of which, backflow may occur into the potable water system.

CROSS CONNECTION - CONTROLLED. A connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

(B) Requirements. The city shall provide protection to the public water system against backflow by implementing the following requirements:

(1) Residential. Buildings used for habitation or occupancy shall be considered as residential buildings. No water service connection to any premises shall be installed or allowed to be installed by the city unless such service connection is protected by a backflow prevention assembly. Residential service connections shall be considered as low hazard applications and all such connections shall have at a minimum a dual check valve backflow preventer installed between the water meter and the residence. The city may require additional or alternate backflow prevention assemblies if the degree of hazard constitutes a higher level of protection for the public water system.

(2) Non-residential. No water service connection to any non-residential facility shall be installed or allowed to be installed by the city unless such water service connection is protected by a backflow prevention assembly. The type of protective device required shall be determined at the time of installation of the service connection and shall be commensurate with the degree of hazard at the point of such service connection. At a minimum, the service connection shall be installed with a dual check valve backflow preventer. In the event activities to occur within a nonresidential facility change and create a higher degree of hazard, then the backflow prevention assembly shall be replaced with an assembly which provides acceptable protection.

(3) Inspections. The customer's water system shall be open for inspection at all reasonable times to authorized representatives of the city to determine whether cross connections or other structural or sanitary hazards, including violation of this section, exist. When such a condition becomes known, the city shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the condition in conformance with the state

and city statutes relating to plumbing, water supplies, and the regulations adopted pursuant thereto. Water service to any premises shall be discontinued if it is found that a backflow prevention assembly required by this section has been removed, by-passed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

(4) Existing service connections. All existing water service connections which do not have backflow prevention assemblies or existing water service connections which have less than the minimum required backflow prevention assemblies, shall, except for the inspection requirements, be excluded from the requirements of this section so long as the city is assured that the public water system is satisfactorily protected. Whenever the existing service connection is moved or requires more than minimum maintenance or when the city determines that a hazard to health exists, then a backflow prevention assembly meeting the requirements of this section shall be installed on such existing service connection. Periodically, the city shall install or require to be installed backflow prevention assemblies on existing unprotected water service connections until such time that all water service connections within the public water system are equipped with backflow prevention assemblies.

(Ord. 1-3-95A, passed 3-6-95)

ADMINISTRATION

§ 51.110 WATER AND SEWER DEPARTMENT.

There is created a department to be known as the Water and Sewer Department of the City of Eddyville.

(Ord. 4, passed 10-3-60)

§ 51.111 WATER AND SEWER SUPERINTENDENT.

The operation of the water and sewer system shall be the charge of a Superintendent, who shall be authorized and empowered to enter into contracts for the furnishing of water, subject to the final approval of the City Council.

(Ord. passed 7-19-65)

§ 51.112 INSPECTION BY SUPERINTENDENT; AUTHORIZATION.

(A) No connection of any character shall be made with the water and sewer system of the city by any person until notice has been given to the Superintendent, so that he may inspect and approve or have inspected and approved the character and type of connection which shall be made. The ditch shall be left uncovered until the Superintendent has inspected it.

(B) The Superintendent or a person designated by him, bearing proper credentials and identification shall have the authority to visit all premises connected to the water and sewer system of the city for the purpose of inspection, observation, measurement, sampling, testing, or any other duties pertaining to the operation of the system, which may be required by the local, state or federal laws.

(Ord. passed 7-19-65; Am. Ord. 9-4-84, passed - -84)

§ 51.113 NOTICE OF VIOLATION; LIABILITY; TERMINATION OF SERVICE.

(A) Any person found to be violating any provision of this chapter, except those contained in § 51.03, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(B) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned by the city by reason of the violation.

(C) Any consumer who fails to comply with the provisions of this chapter shall have his water supply discontinued.
(Ord. passed 7-19-65)

§ 51.114 AUDITS AND REPORTS.

The City of Eddyville will contract with a qualified accounting firm to obtain an audit on an annual basis in accordance with Government Auditing Standards and other requirements. The City of Eddyville will submit other reports now or which shall be required in the future by various federal or state agencies, to include annual budgets, audits, and quarterly reports.
(Ord. 9-22-97-A, passed 10-6-97)

§ 51.115 MISCELLANEOUS.

The City of Eddyville will maintain all required insurance coverages, including liability and real property, workmen's compensation, fidelity bond coverage, and any other special coverages.
(Ord. 9-22-97-A, passed 10-6-97)

FATS, OILS AND GREASE

§ 51.120 PURPOSE, APPLICABILITY AND PROHIBITIONS.

(A) Purpose. The purpose of this subchapter is to control discharges into the Eddyville sanitary sewer system.

(B) This subchapter shall apply to all non-domestic users of the Publicly Owned Treatment Works (POTW), as defined in § 51.121.

(C) Grease traps or grease interceptors shall not be required for residential users.

(D) Facilities generating fats, oils, or greases as a result of food manufacturing, processing, preparation, or food service shall install, use, and maintain appropriate grease traps or interceptors as required in § 51.121. These facilities include but are not limited to restaurants, food manufacturers, food processors, hospitals, hotels and motels, prisons, schools, nursing homes, and any other facility preparing, serving, or otherwise making any foodstuff available for consumption.

(E) No user may intentionally or unintentionally allow the direct or indirect discharge of any petroleum oil, nonbiodegradable cutting oil, mineral oil, or any fats, oils, or greases of animal or vegetable origin into the POTW system in such amounts as to cause interference with the collection and treatment system, or as to cause pollutants to pass through the treatment works into the environment.

(Ord. 2008-10-06-B, passed 11-3-08)

§ 51.121 DEFINITIONS.

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

BOD. The value of the 5-day test for Biochemical Oxygen Demand, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."

COD. The value of the test for Chemical Oxygen Demand, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."

EPA. The United States Environmental Protection Agency.

FATS, OILS, AND GREASES (FOG). Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases."

GENERATOR. Any person who owns or operates a grease trap/grease interceptor, or whose act or process produces a grease trap waste.

GREASE TRAP OR INTERCEPTOR. A device designed to use differences in specific gravities to separate and retain light density liquids, waterborne fats, oils, and greases prior to the wastewater entering the sanitary sewer collection system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection system. **GREASE TRAPS AND INTERCEPTORS** are also referred to herein as "grease traps/interceptors."

GREASE TRAP WASTE. Material collected in and from an grease trap/interceptor in the sanitary sewer service line of a commercial, institutional, or industrial food service or processing establishment, including the solids resulting from de-watering processes.

INDIRECT DISCHARGE OR DISCHARGE. The introduction of pollutants into a POTW from any non-domestic source.

INTERFERENCE. A discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal, or is a cause of a violation of the city's KPDES permit.

pH. The measure of the relative acidity or alkalinity of water and is defined as the negative logarithm (base 10) of the hydrogen ion concentration.

POTW OR PUBLICLY OWNED TREATMENT WORKS. A treatment works which is owned by a state or municipality as defined by section 502(4) of the Clean Water Act. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes all sewers, pipes and other conveyances that convey wastewater to a POTW Treatment Plant. For purposes of this subchapter, the terms "Eddyville sanitary sewer system" and "POTW" may be used interchangeably.

TRANSPORTER. A person who is registered with and authorized by the TCEQ to transport sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste.

TSS. The value of the test for Total Suspended Solids, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."

USER. Any person, including those located outside the jurisdictional limits of the city, who contributes, causes or permits the contribution or discharge of wastewater into the POTW, including persons who contribute such wastewater from mobile sources.
(Ord. 2008-10-06-B, passed 11-3-08)

§ 51.122 INSTALLATION AND MAINTENANCE REQUIREMENTS.

Grease traps shall be designed to meet the design requirements of the Kentucky State Plumbing Code and shall be a minimum of 1,000 gallons and no larger than 3,000 gallons.

(A) Installations.

(1) **New facilities.** Food processing or food service facilities which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a food service facility, where such facility did not previously exist, shall be required to design, install, operate and maintain a grease trap/interceptor in accordance with locally adopted plumbing codes or other applicable ordinances. Grease traps/interceptors shall be installed and inspected prior to issuance of a certificate of occupancy.

(2) **Existing facilities.** Existing grease traps/interceptors must be operated and maintained in accordance with the manufacturer's recommendations and in accordance with these Standards, unless specified in writing and approved by the POTW.

(3) **All grease trap/interceptor waste shall be properly disposed of at a facility in accordance with federal, state, or local regulation.**

(4) **Grease traps shall be installed outside the building upstream from the sanitary service lateral connection. Sanitary sewer flows from toilets, urinals, lavatories, etc. shall not be discharged into the grease trap. A grease trap may not be installed inside any part of a building without written approval by the POTW.**

(B) Cleaning and maintenance.

(1) **Grease traps and grease interceptors shall be maintained in an efficient operating condition at all times.**

(2) Each grease trap pumped shall be fully evacuated unless the trap volume is greater than the tank capacity on the vacuum truck in which case the transporter shall arrange for additional transportation capacity so that the trap is fully evacuated within a 24-hour period.

(C) Discharge limits. Wastewater discharges from grease traps containing floatable oils, fat, or grease, whether emulsified or not, shall not exceed 100 milligrams per liter (100mg/l) as identified by EPA Method 413.

(D) Cleaning schedules.

(1) Grease traps and grease interceptors shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease trap/interceptor; to ensure the discharge is in compliance with local discharge limits; and to ensure no visible grease is observed in discharge.

(2) Grease traps and grease interceptors subject to these standards shall be completely evacuated a minimum of every 90 days, or more frequently when:

(a) Twenty-five percent or more of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases; or

(b) The discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the POTW; or

(c) If there is a history of non-compliance or where evidence exists in nearby sanitary sewer manholes that grease is accumulating in the system.

(3) Any person who owns or operates a grease trap/interceptor may submit to the POTW a request in writing for an exception to the 90-day pumping frequency of their grease trap/interceptor. The POTW may grant an extension for required cleaning frequency on a case-by-case basis when:

(a) The grease trap/interceptor owner/operator has demonstrated the specific trap/interceptor will produce an effluent, based on defensible analytical results, in consistent compliance with established local discharge limits such as BOD, TSS, FOG, or other parameters as determined by the POTW; or

(b) Less than 25% of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases.

(4) In any event, a grease trap and grease interceptor shall be fully evacuated, cleaned, and inspected at least once every 180 days.

(E) Manifest requirements.

(1) Each pump-out of a grease trap or interceptor must be accompanied by a manifest to be used for record keeping purposes.

(2) Persons who generate, collect and transport grease waste shall maintain a record of each individual collection and deposit. Such records shall be in the form of a manifest. The manifest shall include:

- (a) Name, address, telephone, and registration number of transporter;
- (b) Name, signature, address, and phone number of the person who generated the waste and the date collected;
- (c) Type and amount(s) of waste collected or transported;
- (d) Name and signature(s) of responsible person(s) collecting, transporting, and depositing the waste;
- (e) Date and place where the waste was deposited;
- (f) Identification (permit or site registration number, location, and operator) of the facility where the waste was deposited;
- (g) Name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste received;
- (h) The volume of the grease waste received; and
- (i) A consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of grease transported.

(3) Manifests shall be divided into five parts and records shall be maintained as follows.

- (a) One part of the manifest shall have the generator and transporter information completed and be given to the generator at the time of waste pickup.
- (b) The remaining four parts of the manifest shall have all required information completely filled out and signed by the appropriate party before distribution of the manifest.
- (c) One part of the manifest shall go to the receiving facility.
- (d) One part shall go to the transporter, who shall retain a copy of all manifests showing the collection and disposition of waste.
- (e) One copy of the manifest shall be returned by the transporter to the person who generated the wastes within 15 days after the waste is received at the disposal or processing facility.
- (f) One part of the manifest shall go to the City of Eddyville.

(4) Copies of manifests returned to the waste generator shall be retained for five years and be readily available for review by the POTW.

(F) Alternative treatment.

(1) A person commits an offense if the person introduces, or causes, permits, or suffers the introduction of any surfactant, solvent or emulsifier into a grease trap. Surfactants, solvents, and emulsifiers are materials which allow the grease to pass from the trap into the collection system, and include but are not limited to enzymes, soap, diesel, kerosene, terpene, and other solvents.

(2) It is an affirmative defense to an enforcement of division (F)(1) that the use of surfactants or soaps is incidental to normal kitchen hygiene operations.

(3) Bioremediation media may be used with the POTW's approval if the person has proved to the satisfaction of the POTW that laboratory testing which is appropriate for the type of grease trap to be used has verified that:

(a) The media is a pure live bacterial product which is not inactivated by the use of domestic or commercial disinfectants and detergents, strong alkalis, acids, and/or water temperatures of 160/F (71/C).

(b) The use of the media does not reduce the buoyancy of the grease layer in the grease trap and does not increase the potential for oil and grease to be discharged to the sanitary sewer.

(c) The use of the bioremediation media does not cause foaming in the sanitary sewer.

(d) The BOD, COD, and TSS discharged to the sanitary sewer after use of the media does not exceed the BOD, COD, and TSS which would be discharged if the product were not being used and the grease trap was being properly maintained. pH levels must be between five and 11.

(4) All testing designed to satisfy the criteria set forth in division (F)(3) shall be scientifically sound and statistically valid. All tests to determine oil and grease, TSS, BOD, COD, pH, and other pollutant levels shall use appropriate tests which have been approved by the Environmental Protection Agency which are defined in Title 40, Code of Federal Regulations, Part 136. Testing shall be open to inspection by the POTW, and shall meet the POTW's approval.

(Ord. 2008-10-06-B, passed 11-3-08) Penalty, see § 51.999

§ 51.123 COMPLIANCE MONITORING.

(A) Right of entry. The POTW shall have the right to enter the premises of any user or potential user to determine whether the user is complying with all requirements of this subchapter and any wastewater discharge permit or order issued hereunder. Users shall allow the POTW ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the POTW will be permitted to enter without delay for the purposes of performing specific responsibilities.

(2) The POTW shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(3) The POTW may require the user to install monitoring equipment as necessary such as FOG sensing and alarm devices. The facility's monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense.

(4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the POTW and shall not be replaced. The costs of clearing such access shall be borne by the user.

(5) Unreasonable delays in allowing the POTW access to the user's premises shall be a violation of this subchapter.

(B) Search warrants. If the POTW has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this subchapter, then the POTW may seek issuance of a search warrant. (Ord. 2008-10-06-B, passed 11-3-08)

§ 51.999 PENALTY.

(A) Any person violating any of the provisions of this chapter, or any lawful rules or regulations promulgated pursuant thereto, shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not less than \$25 nor more than \$500. Each day's violation shall be deemed a separate offense.

(B) Civil penalties.

(1) Any user who has significantly violated or continues to violate §§ 51.025 through 51.083 or any order or permit issued hereunder, may be liable to the Superintendent for a civil penalty of not more than \$500 per day plus actual damages incurred by the POTW per violation per day for as long as the violation continues. Each day in which such violation shall continue shall be deemed a separate offense. In addition to the above described penalty and damages, the Superintendent may recover reasonable attorney's fees, court costs, court reporter's fees, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

(2) The Superintendent may petition the court to impose, assess and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(C) Criminal prosecution - violations - general.

(1) Any user who willfully or negligently violates any provision of §§ 51.025 through 51.083 or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$ 500 per violation per day or imprisonment for not more than one year or both.

(2) In the event of a second conviction, the user shall be punishable by a fine not to exceed \$ 10,000 per violation per day or imprisonment for not more than three years or both.

(D) (1) For §§ 51.120 through 51.123, if the POTW determines that a generator is responsible for a blockage of a collection system line the generator shall owe a civil penalty of \$1,000 for the first violation, \$1,500 for a second violation, and \$2,000 for the third violation within a two-year period. Continuous violations shall result in an increase in penalty by \$500 and may also result in termination of services.

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(2) Any person violating any of the provisions of §§ 51.120 through 51.123 shall be subject to a written warning for the first violation, a \$1,000 civil penalty for the second violation, a \$1,500 civil penalty for the third violation, and a \$2,000 civil penalty for the fourth violation within a two-year period. Consistent violations will result in a \$500 increase in civil penalty and may result in termination of service.

(3) All legal costs and attorney's fees incurred by the city in the enforcement shall be borne by the offender.

(Am. Ord. 2008-10-06-B, passed 11-3-08; Am. Ord. 2008-10-06A, passed 1-5-09)

CHAPTER 52: WELLHEAD PROTECTION

Section

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- 52.02 Purpose
- 52.03 Definitions
- 52.04 Substances regulated
- 52.05 Restrictions within the primary protection zone
- 52.06 Establishment of management zones
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§ 52.01 SHORT TITLE.

This chapter shall be known and cited as the well field protection ordinance.
(Ord. 2-3-92-A, passed 2-18-92)

§ 52.02 PURPOSE.

The purpose of this chapter is the protection of health, life, resources, and property through the regulation of hazardous substance transport and storage and related aspects of land use and development in the vicinity of any well that supplies potable water to the Eddyville water system.
(Ord. 2-3-92-A, passed 2-18-92)

§ 52.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AQUIFER. A geologic formation, group of formations, or part of a formation that contains sufficient quantities of water to wells and springs.

COMMUNITY WATER SYSTEM. A public water system that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

FACILITY. A building or buildings, appurtenant structures, and surrounding land used by a single business, private entity, or governmental unit or sub-unit at a single location or site.

GROUNDWATER. Water in a saturated zone or stratum beneath the surface of land or water, whether or not it is flowing through known and definite channels.

HAZARDOUS SUBSTANCES. Those materials specified in § 52.04.

MANAGEMENT ZONES. A zone or zones established to provide protection to the area surrounding a well or well field from potential contaminate sources. Management options may include limits on certain activities, more stringent design and operating standards, strict monitoring of potential pollution sources, promoting best management practices, and/or implementing education programs. Multiple protection zones may be established for different management strategies based on proximity to the well field.

PETROLEUM PRODUCT. Fuels (gasoline, diesel fuel, kerosene, and mixtures of these products), lubricating oils, motor oils, hydraulic fluids, and other similar products.

POTABLE WATER. Water that is satisfactory for drinking, culinary, and domestic purposes meeting current state and federal drinking water standards.

PRIMARY CONTAINMENT. The first level of product tight containment, i.e., the inside portion of that container which comes into immediate contact on its inner surface with the hazardous material being contained.

PRIMARY PROTECTION ZONE. An area extending not less than 200 feet radially from any well supplying potable water to any community water system.

PUBLIC UTILITY. Any utility (gas, water, sewer, electrical, telephone, cable television, etc.) whether publicly owned or privately owned.

SECONDARY CONTAINMENT. The level of product-tight containment external to and separate from the primary containment. Secondary containment shall consist of leak-proof trays under containers, floor curbing or other containment systems and shall be of adequate state-approved size and design to handle all spills, leaks, overflows. Specific design and selection of materials shall be sufficient to preclude any substance loss. Containment systems shall be sheltered so that the intrusion of precipitation is effectively prevented.

STORAGE SYSTEM. Any one or combination of tanks, sumps, wet floors, waste treatment facilities, pipes, vaults, or other portable or fixed containers used, or designed to be used for, the storage of hazardous substances at a facility.

WELL. Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is to conduct groundwater from an aquifer or aquifer system to the surface by pumping or natural flow, or to monitor the characteristics of groundwater within an aquifer system.
(Ord. 2-3-92-A, passed 2-18-92)

§ 52.04 SUBSTANCES REGULATED.

The materials regulated by this chapter shall consist of the following:

(A) Petroleum products as defined in § 52.03.

(B) Substances listed in 401 KAR, Chapter 30, and the Federal Hazardous Waste List.

(C) Substances other than those listed on the Federal Hazardous Waste List that are determined by state or federal agencies to pose a significant threat to any community water supply well or well field.

(Ord. 2-3-92-A, passed 2-18-92)

§ 52.05 RESTRICTIONS WITHIN THE PRIMARY PROTECTION ZONE.

(A) No person shall discharge or cause or permit the discharge of an hazardous substance (including herbicide and pesticide) to the soils, groundwater, or surface water within the Primary Protection Zone. Any person knowing or having evidence of a discharge shall report such information to the appropriate water system personnel.

(B) New sanitary landfills are prohibited within the Primary Protection Zone.

(C) The use, handling, production, and storage of hazardous substances is prohibited in the Primary Protection Zone except as provided under § 52.08.

(D) Feedlots or other concentrated animal facilities are prohibited within the Primary Protection Zone.

(E) Wastewater treatment plants are prohibited within the Primary Protection Zone.

(F) Septic tanks are prohibited within the Primary Protection Zone.

(Ord. 2-3-92-A, passed 2-18-92)

§ 52.06 ESTABLISHMENT OF MANAGEMENT ZONES.

(A) Additional protection beyond the Primary Protection Zone shall be accomplished by the establishment of management zones. The first management zone shall begin at a point or points not less than 200 feet radially from any community water supply well and extend outward to a point or points as determined by the Wellhead Protection Area Planning Committee of the city.

(B) Subsequent and additional management zones may be established whenever it is determined that the wellhead protection area needs to be expanded to provide adequate protection for the groundwater within and/or adjacent to the wellhead protection area. The Wellhead Protection Area Planning Committee, using acceptable methods, shall determine the size, shape, and location of each management zone. The boundaries of each management zone shall be proposed and submitted for approval to City Council.

(Ord. 2-3-92-A, passed 2-18-92)

§ 52.07 RESTRICTIONS WITHIN MANAGEMENT ZONES.

Restrictions within each management zone shall be determined by a Wellhead Protection Area Planning Committee. The Planning Committee or their appointee shall conduct a survey of the wellhead

area and identify the potential sources of contamination therein. After assessing the local groundwater protection needs, the method or combination of management methods shall be submitted for approval to the City Council. The restrictions, if any, within each management zone may be modified periodically to provide additional protection or to prevent future groundwater contamination.

(Ord. 2-3-92-A, passed 2-18-92)

§ 52.08 EXEMPTIONS.

The following activities or uses are exempt from the provisions of this chapter:

(A) The transportation of any hazardous substance through the well field protection area, provided the transporting vehicle is in transit.

(B) The use of herbicides and pesticides is prohibited within the Primary Protection Zone but is allowed within the management zones, provided best management practices are used or it is determined that the use of such herbicides and pesticides does not pose a serious threat to the groundwater.

(C) The use of any hazardous substance solely as fuel in a vehicle fuel tank or as lubricant in a vehicle.

(D) Fire, police, emergency medical services, emergency management center facilities, or public utility transmission facilities.

(E) Retail sales establishments that store and handle hazardous substances for resale in their original unopened containers.

(F) Consumer products limited to use at a facility solely for janitorial or minor maintenance purposes.

(G) Consumer products located in the home which are used for personal, family, or household purposes.

(H) The storage and use of hazardous substances as fuel or lubricant to provide auxiliary power for emergency use to the well field, provided an enclosed secondary containment system is provided for the hazardous substance.

(I) The use of water treatment chemicals connected with the operation of a well.
(Ord. 2-3-92-A, passed 2-18-92)

§ 52.09 CONFLICTING ORDINANCES.

In case of a conflict between this chapter, or any part thereof, and the whole or part of any existing or future ordinances, the provisions of the most restrictive shall apply.

(Ord. 2-3-92-A, passed 2-18-92)

§ 52.99 PENALTY.

Whoever violates any provision of this chapter for which no penalty is otherwise specifically provided, shall be guilty of a violation, and shall be fined not more than \$250 for each offense.

