

CHAPTER 52: SEWERS

Section

Sewer Use Regulations

- 52.01 Service to areas outside city limits
- 52.02 Connections; requirements and charges
- 52.03 Privies and septic tanks prohibited where sewer line exists
- 52.04 Sewer service charges based on water use
- 52.05 Charges where 20% or more water does not enter sewer
- 52.06 Discontinuing water service
- 52.07 [Reserved]
- 52.08 Agreement with Electrical Water Plant Board for billing, collecting and accounting of sewer charges
- 52.09 Connecting storm and sanitary sewers
- 52.10 Location of sewers on L&N Railroad property
- 52.11 Width of sewer easements
- 52.12 Sewer line extensions

Sanitary Sewer Mini-Projects

- 52.25 City participation
- 52.26 Contract with property owners
- 52.27 Approval of plans; inspection of construction
- 52.28 Notice; indemnification of city; easements
- 52.29 Assessment of costs
- 52.30 Contract for construction
- 52.31 Privilege fees; payment
- 52.32 Connection required; failure
- 52.33 Connection fees

Industrial Wastewater Pretreatment Program

- 52.45 Purpose and policy
- 52.46 Definitions
- 52.47 Abbreviations
- 52.48 Discharges; special requirements

- 52.49 Fees
- 52.50 Administration
- 52.51 Powers and authority of inspectors
- 52.52 Enforcement
- 52.53 Violations

Sewer Capital Recovery Program

- 52.60 Definitions
- 52.61 Cost Recovery Program
- 52.62 Application fee

- 52.99 Penalty

Cross-reference:

Sewer Department, see §§ 36.175 through 36.183

SEWER USE REGULATIONS

§ 52.01 SERVICE TO AREAS OUTSIDE CITY LIMITS.

The city will accept sanitary sewer flows from any area within the 201 planning area without regard to any condition other than user charges developed from time to time on an equitable basis, as long as pipeline, pumping and treatment capacity exists.

(‘70 Code, § 13.04.010) (Ord. 1-98, 1998, passed 1-12-98; Am. Ord. 30, 2005, passed 12-15-05)

§ 52.02 CONNECTIONS; REQUIREMENTS AND CHARGES.

(A) *Connection required - stormwater.* All owners and occupants of houses, apartments, hotels, motels, trailer camps, manufacturing or commercial establishments or any other building of any kind situated upon lots abutting upon any street, alley or easement, in which there is hereafter installed a sewer line which is a part of any future extensions or improvements to the sewer system of the city, shall within 90 days from the date the sewer line is installed and placed in operation connect therewith all sanitary sewerage drain pipes of the houses, apartments, hotels, motels, trailer camps, manufacturing or commercial establishments or other buildings, conveying the sanitary sewage therefrom into the sewer line, the connections to be made under the regulations as the Board of Commissioners may establish by ordinance, and failure to do so is hereby declared to be unlawful and to constitute a nuisance. No storm water drain shall be connected with any separate sanitary sewer hereafter constructed as or made a part

of the separate sanitary sewage system of the city, nor shall any storm water be otherwise introduced into any separate sanitary sewer. ('70 Code, § 13.04.020)

(B) *Plans for sewer connections.* All architects, contractors, builders or other persons who shall hereafter erect new buildings for dwelling, manufacturing or commercial purposes on a lot or parcel ground abutting on a street, alley or easement in which there is hereafter installed and maintained any additional sewer line or in which a sewer line exists which served a previously existing building, which is proposed to be used to serve the new or renovated building or buildings, shall before erecting any building exhibit to the city satisfactory evidence that a means has been or will be provided for connecting the sanitary sewerage drain from the building with the municipal sewer system. ('70 Code, § 13.04.030) (Ord. 21-85, 1985, passed 6-24-85)

(C) *Connection charges.*

(1) Within the corporate limits and outside the city there are hereby imposed capacity fees, which include the cleanout vault fee, as set forth in the following schedule:

<i>Water Meter Size</i>	<i>Capacity Factor</i>	<i>Capacity Fees</i>
Five-eighths-inch	1	\$2,192
Three-quarters-inch	1.50	3,013
One-inch	2.50	4,655
One and one-half-inch	5	8,760
Two-inch	8	13,686
Three-inch turbine	22.50	37,495
Four-inch turbine	50	82,650
Six-inch turbine	90	148,330
Eight-inch turbine	175	287,900
Three-inch compound	16	26,822
Four-inch compound	25	41,600
Six-inch compound	80	131,910
Three-inch combination	32.50	53,915
Four-inch combination	57.50	94,965

(a) A capacity fee shall be imposed for each connection with the municipal sewer system of the city under the provisions codified herein and shall be assessed based upon the total number of water meters installed for the lot.

(b) At the time that the capacity fee is paid, the property owner, or his or her representative, shall pay a separate cleanout vault installation fee, which is included in the capacity fee as shown above. The property owner, or his or her representative, shall have marked the final grade at the location of cleanout vault. The method of marking shall be a stake driven in the ground with a horizontal line indicating the “finish grade.” When notified of the marking of the “finish grade”, the Sewer Department will then install the cleanout vault.

(c) All capacity fees shall be payable in full prior to connection to the municipal sewer system, except in cases of extreme financial hardship, where the said cost may be prorated for a period not to exceed two years. Extreme financial hardship exceptions apply to single-family residential dwellings only. Owners making application for the said prorated capacity fee under the hardship provision must submit a request in writing to the city. The city may require any information it deems pertinent to the request. If the request is approved, the capacity fee shall be paid in equal monthly payments, over a period not to exceed two years. At the time an application is received from a homeowner, an application fee of \$150 shall be paid to the Sewer Department to cover the cost of the preparation of the promissory note, the mortgage document, and the mortgage release.

(d) This provision shall be applicable for individual home owners, not contractors, builders or developers. Responsibility for the payments shall run with the land and shall be the responsibility of any subsequent owner.

(2) All ordinances or parts of ordinances in conflict are hereby repealed to the extent of any conflict. These provisions went into effect as to sewer service rendered or billed on or after December 1, 2002, except that those users who previously contracted with the city with respect to connection charges pay those charges in accordance with the contracts.

(‘70 Code, § 13.04.040) (Ord. 14-89, 1989, passed 5-8-89; Am. Ord. 26, 2002, passed 10-24-02; Am. Ord. 30, 2005, passed 12-15-05; Am. Ord. 24, 2007, passed 8-27-07; Am. Ord. 12, 2009, passed 8-24-09) Penalty, see § 52.99

§ 52.03 PRIVIES AND SEPTIC TANKS PROHIBITED WHERE SEWER LINE EXISTS.

(A) It is unlawful for any person to construct or maintain a privy, vault, cesspool, septic tank or similar contrivance for the reception of sewerage when the premises abuts upon a public sewer line in any street, alley or other easement, and all privies or toilets shall be removed by the owners and the occupants of the property abutting on any street, alley or other easement or private property on which runs a sewer line and to which the drainage from such premises may be connected.

(B) All privies or surface toilets, or other means of casting or depositing sewerage into a container above or below the surface of the ground, or upon or into the soil or into any running or percolating stream of water or into any cistern or well whereby the soil is contaminated with such sewerage, are hereby declared to be unlawful and to constitute a nuisance.

('70 Code, § 13.04.050) (Ord. 30, 2005, passed 12-15-05) Penalty, see § 52.99

§ 52.04 SEWER SERVICE CHARGES BASED ON WATER USE.

(A) (1) There is hereby established a schedule of rates and charges for the use of and services rendered by the municipal sewer system of the city, which shall be paid by the owner or occupant of each and every lot, parcel of land, building or premises throughout the city discharging sewage, water or other liquid wastes connected with the municipal sewer system. The rates and charges shall be computed and billed monthly and shall be based insofar as possible upon the quantity of water used or supplied each lot, parcel of land, building or premises, as determined by readings of the water meters supplying water thereto, plus any collection fee charged by the collecting water district. Effective July 1, 2009 the per month charges shall be \$8.27 per 1,000 gallons of water usage, plus any collection fee charged by the collecting water district, with a minimum monthly charge for 2,000 gallons of water usage. Beginning July 1, 2007 charges shall increase annually at a rate equal to the Consumer Price Index (CPI) for the prior calendar year as published on December 31 of that year; increase shall be a minimum of 2.5% and a maximum of 9.99%; increases of 10% or greater shall require the approval of the Board of Commissioners. In addition, all industrial users shall pay an industrial cost recovery surcharge of \$.20 per 1,000 gallons of water usage for standard strength industrial process wastewater discharged to city sewers. Separate meters shall be maintained at the expense of the industrial user to separately meter sanitary sewage and industrial process wastewater. All sewage from any industrial source, excepting only that which is strictly sanitary sewage is declared to be industrial process wastewater.

(2) In the event a lot, parcel of land, building or premises discharging sewage, water or other liquid wastes, as aforesaid, uses water supplied on other than a metered basis from either a private or a public water supply, then in each case the owner or occupant may be required to cause a water meter or other measuring device to be installed, acceptable to the city, and the quantity of water used, as measured by such meter, shall determine the sewer rate, rental or charge and, pending installation of the meter, rates, rentals or charges shall be based upon an estimated quantity of water used provided that pending such installation of water meters in private dwellings the sewer rate, rental or charge shall be based on the following usage rates:

- (a) One- or two-bedroom house: 2,000 gallons per month.
- (b) Three-, four-, five- or six-bedroom house: 4,000 gallons per month.
- (c) More than six bedrooms: 6,000 gallons per month.

(3) The rates and charges for sewer services as established by this section, which are based upon water meter readings, shall carry proportionately the same discounts for prompt payment and proportionately the same added charges for past due payments as are presently fixed for water service billings. All charges for sewer services not based on water meter readings shall be due when notice of the amount of the charges is mailed with a penalty of 10% of the amount thereof if not paid within ten days from the mailing, and any bill not paid within 20 days from such mailing shall be classified as delinquent.

(4) The city shall review not less often than annually the wastewater contribution of users, the total cost of operation, maintenance and replacement of the wastewater works, debt service obligation and user charge rates. Based on the review, the city shall revise, when necessary, the schedule of user charge rates to accomplish the following:

(a) Maintain an equitable distribution of operation and maintenance and replacement costs among users of the treatment system; and

(b) Generate sufficient revenues to offset costs associated with the proper operation and maintenance of the wastewater system and to meet debt service requirements.

(5) Excessive strength and toxicity surcharges shall be reviewed at the time of and in conjunction with the review of user charges. Surcharge rates shall be revised where necessary to reflect current treatment and monitoring costs.

(6) Each user shall be notified, at least annually, in conjunction with a regular bill of the rate and that portion of the total charge which is attributable to operation and maintenance and replacement of the wastewater system.

(7) Refunds may be made for sewer charges in hardship cases, in accordance with the city's sewer adjustment policy. A customer's bill may be credited based upon the Electric and Water Plant Board's determination of water usage.

(8) The city will allow the use of a separate "agricultural" water meter, if approved by the city's Electric and Water Plant Board of the City of Frankfort, and will not assess a sewer use charge for the water used by the "agricultural" service.
(‘70 Code, § 13.04.060) (Ord. 16-76, 1976, passed 5-24-76; Am. Ord. 14-89, 1989, passed 5-8-89; Am. Ord. 1-92, 1992, passed 4-27-92; Am. Ord. 1-98, 1998, passed 1-12-98; Am. Ord. 25, 2002, passed 10-24-02; Am. Ord. 25, 2007, passed 8-27-07; Am. Ord. 12, 2009, passed 8-24-09; Am. Ord. 26, 2009, passed 12-22-09)

(B) *Special charge or treatment for unusual waste substances.*

(1) In the event the sewage, water or other liquid waste being discharged into the municipal sewer system from any buildings or premises contains unduly high concentrates or any substances which add to the operating costs of the municipal sewer system, then special rates, rentals or charges will be charged and collected as to the building or premises, or the owner or other interested party may be required to specially treat the sewage, water or other liquid wastes before it is discharged into the municipal sewer system.

(2) If an industrial user discharges excessive or high strength waste to the public sewer during any month, the user shall be assessed a surcharge for excessive strength as follows:

<i>Parameters</i>	<i>Concentration Limit</i>	<i>Surcharge in Excess of Limit</i>
BOD	200 mg/l	\$.25/lb. BOD
TSS	200 mg/l	\$.20/lb. TSS

(3) The excessive strength surcharge will continue until the industrial user's next monthly average laboratory analysis shows a standard strength waste below the allowable concentration limits. ('70 Code, § 13.04.080) (Ord. 1-92, 1992, passed 4-27-92; Am. Ord. 12, 2009, passed 8-24-09)

(C) Special charges or classification for peculiar or unusual uses.

(1) Whenever it is determined by the Board of Commissioners to be necessary to classify any commercial institutions or industries or septic haulers, by reason of the unusual purpose for which water is used, or the character of the sewage, water or other liquid wastes discharged therefrom, or whenever the established schedule of rates and charges for any reason is not applicable, then special rates, rentals or other charges will be established by the Board of Commissioners.

(2) The Board of Commissioners hereby established the following special charges: A special charge of \$15 per 500 gallons shall be assessed to septic haulers for domestic sewage pumped from septic tanks and \$25 per 500 gallons for grease from commercial/industrial establishments. Billing of septic haulers shall be based on actual capacity of the tanker, with a minimum charge for 500 gallons. ('70 Code, § 13.04.090) (Ord. 1-92, 1992, passed 4-27-92; Am. Ord. 24, 2002, passed 10-24-02; Am. Ord. 12, 2009, passed 8-24-09)

(D) *Collection charges by Electric and Water Plant Board.*

(1) It is contemplated that the rates, rentals and charges for the use of and services rendered by the municipal sewer system, based on water meter readings, will be billed and collected by the Electric and Water Plant Board of the city and the full amount of the proceeds will be paid over to the City Finance Department at least once in each month with a full accounting of all sums collected. All sums thus received by the city shall constitute income and revenues of the municipal sewer system to be set aside in a separate and special fund designated as the "Sewer Revenue Fund" pursuant to the provisions of the ordinance authorizing the issuance of sewer revenue bonds provided that if, and to whatever extent, the Electric and Water Plant Board at any time fails or refuses to bill, collect and account for the income and revenues the city shall by other means and in any other manner as may be lawful, establish, impose, collect and account for income and revenues from the municipal sewer system in conformity with the ordinance pursuant to which sewer revenue bonds or any other obligations for account of the system are at the time outstanding. The records of the Electric and Water Plant Board with respect to charging, billing, collecting and accounting for sewer service charges shall be audited at least each 12 months by an independent public accountant and a report thereof filed with the City Clerk. The cost of the audits shall be classified and paid at as an expense of operation and maintenance of the municipal sewer system. ('70 Code, § 13.04.100) (Am. Ord. 12, 2009, passed 8-24-09)

(E) *Unauthorized connections with sewer.*

(1) No person shall install any "saddle" or "Y branch" onto, nor by any method break into, any outfall line, trunk line or collector line of, or that ultimately discharges into, the municipal sewer system of the city.

(2) This section does not apply to bona fide agents or employees of the municipal sewer system of the city acting in the course of their assigned duties.

(3) No sanitary sewer inlet which is not at least 12 inches above the top of the lowest of the two adjacent public sanitary sewer manholes shall be connected by a gravity drainage to the building sanitary sewer. Any such connection made after the effective date of this section shall be unlawful and the city shall not be liable for sewage backups through such unlawful connections.

(F) There is hereby established a fee of \$4.00 per month which shall be paid by the owner or occupant of each and every lot, parcel of land, building or premises, for the use and services rendered by the sewer system of the city, to become effective February 1, 2004.

(G) There are hereby established fees for sewer extension design review, written easement review, video inspection, re-inspection and re-testing of new sewer construction. All fees shall be paid in advance.

Frankfort - Public Works

<i>Reviews</i>	<i>Fee</i>
Sewer extension design review	\$250
Written easement review	\$100
Final inspections	First final inspection is free with followup
	Each additional final inspection is \$100 after follow up
Video inspection	First video inspection is free
	Second video inspection is \$2.00 per foot
	Third and subsequent video inspection are \$2.50 per foot
Witnessing testing Pipe tests are based upon manhole to manhole segments of pipe tested	First manhole test is free
	First manhole retest - \$35 each
	Subsequent manhole retest - \$50 each
	First pipe mandrel test is free
	First pipe mandrel retest - \$.50 per foot of main
	Subsequent pipe mandrel main retest - \$1.00 per foot of main
	First pipe pressure test is free
	First pipe pressure retest - \$.50 per foot of main
	Subsequent pipe pressure main retest - \$1.00 per foot of main
	First pump station test is free
	First pump station retest - \$150 each
Subsequent pump station retest \$250 each	
Tap inspection	First tap inspection is free
	Re-inspection \$35 each

('70 Code, § 13.04.180) (Ord. 5-96, 1996, passed 3-18-96; Am. Ord. 1, 2004, passed 1-15-04; Am. Ord. 12, 2005, passed 6-27-05; Am. Ord. 13, 2005, passed 6-27-05; Am. Ord. 30, 2005, passed 12-15-05; Am. Ord. 12, 2009, passed 8-24-09) Penalty, see § 52.99

§ 52.05 CHARGES WHERE 20% OR MORE WATER DOES NOT ENTER SEWER.

Where more than 20% of the water used by the owner or occupant of any building or premises during the year does not flow into the sanitary or combined sewer, the percentage in excess of 20% shall

be excluded from the calculation of the sewer service rates and charges provided herein. The city may determine in such manner as may be found practicable the amount of water entering the sewers and the sewer rate, rental or charge shall be based thereon, or may require or permit the installation of additional meters or measuring devices in a manner as to determine the quantity of water or sewage actually entering the municipal sewer system, in which case the sewer rate, rental or charge shall be based thereon.

('70 Code, § 13.04.070) (Ord. 30, 2005, passed 12-15-05; Am. Ord. 12, 2009, passed 8-24-09)

§ 52.06 DISCONTINUING WATER SERVICE.

It is the declared intention that bills for water and sewer services and connection charges shall be billed, collected and enforced together, so that when any bill has remained unpaid and becomes delinquent or any premises have failed for 90 days to connect to the sewer system, the water service to the delinquent premises can be and will be discontinued and will not be reinstated until the entire bill for water and sewer service and sewer connection charges is paid in full, or the premises have been connected to the sewer system as the case may be.

('70 Code, § 13.04.110) (Ord. 30, 2005, passed 12-15-05)

§ 52.07 [RESERVED].**§ 52.08 AGREEMENT WITH ELECTRICAL WATER PLANT BOARD FOR BILLING, COLLECTING AND ACCOUNTING OF SEWER CHARGES.**

(A) The agreement between the city and the Electric and Water Plant Board of the city, providing for the billing, collecting and accounting by the Electric and Water Plant Board of all charges made by the city for services rendered by and the facilities of the municipal sewer system is in all respects authorized, approved and confirmed. Agreements with additional water districts may be authorized as required to bill, collect and account for sewer service provided outside the Electric and Water Plant Board boundaries. The Electric and Water Plant Board shall be entitled to collect a deposit fee from sewer customers to ensure payment of charges for sewer service.

(B) The Mayor and City Clerk are hereby authorized, empowered and directed to execute the agreement for and on behalf of the city and to cause the corporate seal of the city to be affixed thereto.

(‘70 Code, § 13.04.140) (Ord. 30, 2005, passed 12-15-05; Am. Ord. 12, 2009, passed 8-24-09)

§ 52.09 CONNECTING STORM AND SANITARY SEWERS.

(A) Where the attachment of storm or surface water sewers to a sanitary sewer is prohibited by contract or law, the person, firm or corporation connecting the surface water sewer with a sanitary sewer of the city shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined.

(B) Any plumber or other person who shall connect a storm or surface water sewer to a sanitary sewer of the city shall also be deemed guilty of a misdemeanor and, upon conviction, shall be fined.

(‘70 Code, § 13.04.150) (Ord. 30, 2005, passed 12-15-05) Penalty, see § 52.99

§ 52.10 LOCATION OF SEWERS ON L&N RAILROAD PROPERTY.

The city, acting by and through its agency, municipal sewer board of the city, does resolve to enter into the license agreements between the Louisville and Nashville Railroad Company and the city, dated April 17, 1956, June 20, 1956, and April 25, 1957, copies of which are entered in the contract book, with respect to the location of the sewers designated therein upon the terms and conditions therein stated upon the property of the railroad company.

(‘70 Code, § 13.04.160) (Ord. 30, 2005, passed 12-15-05)

§ 52.11 WIDTH OF SEWER EASEMENTS.

The width of the sewer easements to be granted to the city shall be set at least seven and one-half (7½) feet on either side of the centerline of the easement.
(‘70 Code, § 13.04.170) (Ord. 30, 2005, passed 12-15-05)

§ 52.12 SEWER LINE EXTENSIONS.

Upon application for extension to any sewer line previously accepted for maintenance by the city, the Sewer Department may require the applicant to oversize proposed sewer line, pump station and force main capacity above the standard otherwise required by law or regulations. When the oversizing is required, the city shall bear the differential cost of the oversized pipe, pump and wet well materials if oversizing were not so required. Any obligation of the city for the cost contribution shall be determined in accordance with bidding procedures required by law.
(Ord. 7, 2000, passed 2-28-00; Am. Ord. 30, 2005, passed 12-15-05)

SANITARY SEWER MINI-PROJECTS**§ 52.25 CITY PARTICIPATION.**

(A) The city, by and through its Board of Commissioners, may encourage, assist and participate financially in “sanitary sewer mini-projects,” whenever it finds that a built-up area sewerred by individual septic tanks has become a health hazard.

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

BUILT-UP AREA. Properties previously developed for residential, business or commercial purposes and using septic tanks for sewage treatment. ***BUILDABLE VACANT LOTS*** shall be included in this definition.

(‘70 Code, § 13.12.010) (Ord. 16-86, 1986, passed 10-13-86; Am. Ord. 30, 2005, passed 12-15-05)

§ 52.26 CONTRACT WITH PROPERTY OWNERS.

(A) The city may contract with any duly incorporated nonprofit corporation organized by property owners proposing a mini-project to be financed by the owners of properties to be benefitted and the projects are hereby recognized as and declared to be “public projects.” (‘70 Code, § 13.12.020)

(B) No mini-project will be considered until and unless at least 80% of the owners of individual properties to be benefitted have agreed, in writing, to participate in the private financing of the project. For purposes of computing this percentage, one property shall be represented by one owner, regardless of the actual number of owners thereof. ('70 Code, § 13.12.030) (Ord. 16-86, 1986, passed 10-13-86; Am. Ord. 30, 2005, passed 12-15-05)

§ 52.27 APPROVAL OF PLANS; INSPECTION OF CONSTRUCTION.

All plans must be approved by the city or its designee prior to the commencement of construction. Construction shall be inspected as it progresses and approved before acceptance as a part of the city's sewage system. ('70 Code, § 13.12.040) (Ord. 16-86, 1986, passed 10-13-86; Am. Ord. 30, 2005, passed 12-15-05)

§ 52.28 NOTICE; INDEMNIFICATION OF CITY; EASEMENTS.

The Board of Commissioners, prior to entering into any construction contract, will cause the city to:

(A) Provide written notice, by certified mail, to all owners of property to be ultimately benefitted and who have not agreed in writing to participate in the project at least 14 days in advance of a work session at which privilege fees are to be discussed or adopted. The written notice shall provide a brief description of the proposed project, the share of costs to be borne by each property, and the time and place of the work session at which privilege fees are to be discussed.

(B) The association may be required to indemnify and hold the city harmless from any liability arising out of the construction of the project, including costs of construction not directly contracted for by the city, and any claims for damages by reason of personal injury or property damage. The city may require the entity to provide liability insurance in coverages approved by the city.

(C) The association will provide executed easements from property owners dedicating necessary easements or rights-of-way to the city in perpetuity. ('70 Code, § 13.12.050) (Ord. 16-86, 1986, passed 10-13-86; Am. Ord. 30, 2005, passed 12-15-05)

§ 52.29 ASSESSMENT OF COSTS.

The shared costs for this construction of sewer facilities shall be based upon all costs of construction, including engineering costs. The costs shall be assessed against each benefitted property on a fair and equitable basis to be approved by the city. ('70 Code, § 13.12.060) (Ord. 16-86, 1986, passed 10-13-86; Am. Ord. 30, 2005, passed 12-15-05)

§ 52.30 CONTRACT FOR CONSTRUCTION.

In order to promote the general health and welfare, the city may contract, in the manner provided by law, individually, or in conjunction with the entity sponsoring the public project, for construction of portions of the project not funded by voluntary participants in the project. ('70 Code, § 13.12.070) (Ord. 16-86, 1986, passed 10-13-86; Am. Ord. 30, 2005, passed 12-15-05)

§ 52.31 PRIVILEGE FEE; PAYMENT.

(A) At any time following the letting of a construction contract, the city may, by and through its Board of Commissioners, by ordinance, provide for a privilege fee to be charged the owners of benefitted properties, their heirs, successors and assigns, who have not theretofore voluntarily participated in the project. The privilege fee shall be based upon a fair and equitable apportionment of all costs of construction, including engineering costs, incurred by the city in sewerage the properties. This subchapter may provide for the payment of a reasonable rate of interest by nonparticipants on their portion of the beginning with the letting of the construction contract. A notice containing a statement of the amount of each privilege fee, the method of payment thereof, the name(s) of current owners of the properties and a brief description of the benefitted properties shall be published in at least one edition of a newspaper of general circulation in Franklin County, Kentucky, at least 14 days prior to any deadline for the payment thereof. The notice shall likewise be recorded in the Office of the Franklin County Court Clerk. ('70 Code, § 13.12.080)

(B) Privilege fees shall be payable by the owners of benefitted properties to the city, in full, together with interest, on the date of connection to the system, which shall not be later than 90 days after the system is placed into service as a part of the municipal sewer system, in accordance with existing law. ('70 Code, § 13.12.090) (Ord. 16-86, 1986, passed 10-13-86; Am. Ord. 30, 2005, passed 12-15-05)

§ 52.32 CONNECTION REQUIRED; FAILURE.

Failure to connect to the sewer line, when available, as required by this subchapter and §§ 52.01 through 52.11 is hereby declared to be unlawful and to constitute a public nuisance, and any owner of property found guilty of violating this subchapter shall be fined. The same shall be deemed to be a continuing violation and each day a violation is allowed to exist shall constitute a separate offense. ('70 Code, § 13.12.100) (Ord. 16-86, 1986, passed 10-13-86; Am. Ord. 30, 2005, passed 12-15-05)

§ 52.33 CONNECTION FEES.

(A) The Sewer Department is hereby authorized to enter into an agreement with any person, firm, association or corporation constructing the approved sewer lines with private funds, providing that the

city may collect reasonable and fair sewer connection fees, agreed upon in advance, from those residents, property owners or occupants who did not originally contribute to the cost of construction a sum sufficient to cover pro-rata cost of the construction contribution to the benefitted properties in addition to the regular sewer connection charge.

(B) The agreed upon pro-rata cost may, by agreement with the Sewer Department, be reimbursed to the person, firm, association or corporation which accomplished the construction. ('70 Code, § 13.12.010) (Ord. 23-87, 1987, passed 8-10-87; Am. Ord. 30, 2005, passed 12-15-05; Am. Ord. 30, 2005, passed 12-15-05)

INDUSTRIAL WASTEWATER PRETREATMENT PROGRAM

§ 52.45 PURPOSE AND POLICY.

(A) This subchapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the city and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the general pretreatment regulations, Title 40 C.F.R. Part 403.

(B) The objectives of this subchapter are:

- (1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (3) To improve the opportunity to recycle and reclaim wastewater and sludge from the system;
- (4) To provide for equitable distribution of the cost of the municipal wastewater system;
- (5) Prohibit construction of new combined sewers and introduction of inflow sources to the sanitary system;
- (6) To require that new construction tributary to the combined sewer system be designed to minimize or delay inflow contribution to the combined sewer system; and
- (7) Provide that any new building domestic waste connection shall be distinct from the building inflow connection to facilitate disconnection from a combined sewer if a storm sewer becomes available.

(C) This subchapter provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users; authorizes monitoring and enforcement activities; assumes that existing customer's capacity will not be pre-empted; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(D) (1) This subchapter shall apply to the city and to persons and corporations outside the city who are, by contract or agreement with the city, users of the city sewer system and treatment plant operated by the Sewer Department which shall administer, implement and enforce the provisions of this subchapter.

(2) The Sewer Director has full authority to implement and enforce all provisions of this subchapter, as this official is responsible for initiating the various types of enforcement responses to be used.
(‘70 Code, § 13.20.010) (Ord. 17-94, 1994, passed 11-11-94; Am. Ord. 30, 2005, passed 12-15-05)

§ 52.46 DEFINITIONS.

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

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

APPROVAL AUTHORITY. The Director in an NPDES state with an approved state pretreatment program and the administrator of EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER. An authorized representative of an industrial 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 industrial user is a partnership or proprietorship, respectively; or
- (3) A duly authorized representative of the individual designated above if the representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

AUTHORIZED REPRESENTATIVE OF CITY. The Mayor or his or her designee.

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

BUILDING SEWER. A sewer conveying wastewater from the premises of a user to the POTW.

CATEGORICAL STANDARDS. National categorical pretreatment standards or pretreatment standard.

CITY. The City of Frankfort, Kentucky, the Board of Commissioners or the Sewer Department.

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

COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH, ammonia, fats, oils and grease (FOG), e coli bacteria, and fecal coliform bacteria, plus any additional pollutants identified in the publicly owned treatment work's NPDES permit, where the publicly owned treatment work is designed to treat the pollutants and, in fact, does not treat the pollutants to the degree required by the POTW's NPDES permit.

CONTROL AUTHORITY. The “approval authority,” defined hereinabove or the city if the city has an approved pretreatment program under the provisions of Title 40 C.F.R. Part 403.11.

DILUTION STREAM. Any wastewater not generated by a process regulated for the specific pollutant by a categorical standard under Title 40 C.F.R. Sub. N.

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

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 the Agency.

FOOD SERVICE ESTABLISHMENT. Any commercial, industrial or government facility discharging kitchen or food preparation wastewater including restaurants; motels; hotels; cafeterias; hospitals; schools; bars; taverns; private, public or nonprofit organizations or institutions routinely serving food; catering kitchens; nursing homes; or similar places in which food is prepared for sale or service on the premises or elsewhere for charge; including but not limited to any establishment required to obtain a food service permit or a retail food service permit issued by the Franklin County Health Department. This definition does not include private homes where food is prepared or served for individual family consumption and does not include locations served exclusively by vending machines.

GRAB SAMPLE. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

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 USC 1317, into the POTW, including holding tank waste discharge into the system.

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

INTERFERENCE.

(1) The inhibition or disruption of the POTW treatment processes or operations or which contributes to a violation of any requirement of the city’s NPDES permit.

(2) The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, 33 USC 1345, or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act or more stringent state criteria, including those contained in any state sludge management plan prepared pursuant to the Title IV of SWDA, applicable to the method of disposal or use employed by the POTW.

MAY. The act referred to is permissive.

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 Act, 33 USC 1347, which applies to a specific category of industrial users.

NATIONAL PROHIBITIVE DISCHARGE STANDARD or **PROHIBITIVE DISCHARGE STANDARD.** Any regulation developed under the authority of Section 307(b) of the Act and Title 40 C.F.R. Part 403.5.

NEW SOURCE. Any source, the construction of which is commenced after the publication of proposed regulations prescribing Section 307(c), 33 USC 1317, categorical pretreatment standard which will be applicable to the source, if the standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a **NEW SOURCE** means any source, the construction of which is commenced after the date of promulgation of the standard.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM or **NPDES PERMIT.** A permit issued pursuant to Section 402 of the Act, 33 USC 1342.

PERSON. Any individual, partnership, copartnership, firm, company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

pH. The logarithm, base ten, of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

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

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

PRETREATMENT or TREATMENT. The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes or other means, except as prohibited by Title 40 C.F.R. Part 403.6(d).

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on a significant industrial user.

PUBLICLY-OWNED TREATMENT WORKS or POTW. A treatment works, as defined by Section 212 of the Act, 33 USC 1292, which is owned in this instance by the city and managed by the Sewer Department. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this subchapter, **POTW** shall also include any sewers that convey wastewater to the **POTW** from persons outside the city who are, by contract or agreement with the city, users of the city's **POTW**.

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

SEWER DIRECTOR. The person designated by the city to supervise the management and operation of the POTW and the collection system serving the POTW, or his or her duly authorized representative(s).

SHALL. The act referred to is mandatory.

SLUG DISCHARGE. Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge and/or any discharge of water or wastewater in which the concentration of any given constituent or the quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flow rate during normal operation and/or adversely affects the POTW.

SIGNIFICANT NONCOMPLIANCE. A user is in significant noncompliance if one or more of the following criteria are met and subject to the appropriate enforcement response(s).

(1) Chronic violations of wastewater discharge limits, defined as those in which 66% or more of all of the measurements taken during a six-month period exceed, by any magnitude, the daily, maximum limit or the average limit for the same pollutant parameter;

(2) Technical review criteria (TRC) violations, defined as those in which 33% or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the

product of the daily average maximum limit or the average limit times the applicable TRC (TRC equals 1.4 for BOD, TSS, fats, oil and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment effluent limit, daily maximum or longer term average, that the control authority determines has caused, alone or in combination with other discharges, interference or pass through, including endangering to health of POTW personnel or the general public;

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent a discharge;

(5) Failure to meet within 90 days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or other order issued hereunder for starting construction, completing construction or attaining final compliance;

(6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance;

(8) Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

SIGNIFICANT USER.

(1) Any discharger subject to categorical pretreatment standards, under Title 40 C.F.R. Part 403.6 and Title 40 C.F.R. Chapter I, Sub. N;

(2) Any industrial user that discharges an average of 25,000 gallons or more per day or average work day;

(3) Has a flow greater than 5% of the flow in the city's wastewater treatment system; or

(4) Has in its wastewater toxic pollutants as defined pursuant to Section 307 if the Act or state statues and rules or is found by the city, state approval authority or the U.S. EPA have significant impact, either singly or in combination with other contributing users, on the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system.

STATE. The State of Kentucky.

STANDARD INDUSTRIAL CLASSIFICATION or **SIC**. A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

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

SUSPENDED SOLIDS. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids and which is removable by laboratory filtering.

TOXIC POLLUTANTS. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA Section 307(a) or other acts.

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

WASTEWATER. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

WATERS OF THE STATE. All streams, lakes, ponds, marshes, water courses, 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.

WASTEWATER DISCHARGE PERMIT. As set forth in § 52.50(B). ('70 Code, § 13.20.010) (Ord. 17-94, 1994, passed 11-11-94; Am. Ord. 30, 2005, passed 12-15-05; Am. Ord. 12, 2009, passed 8-24-09)

§ 52.47 ABBREVIATIONS.

The following abbreviations shall have the designated meanings:

BOD. Biochemical oxygen demand.

C.F.R. Code of Federal Regulations.

COD. Chemical oxygen demand.

EPA. Environmental Protection Agency.

l. Liter.

mg. Milligrams.

mg/l. Milligrams per liter.

NPDES. National pollutant discharge elimination system.

POTW. Publicly-owned treatment works.

SIC. Standard industrial classification.

SWDA. Solid Waste Disposal Act, 42 USC 6901 *et seq.*

USC. United States Code.

TSS. Total suspended solids.

(‘70 Code, § 13.20.010) (Ord. 17-94, 1994, passed 11-11-94; Am. Ord. 30, 2005, passed 12-15-05)

§ 52.48 DISCHARGES; SPECIAL REQUIREMENTS.

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

(1) No person(s) shall discharge or cause to be discharged through any leak, defect or connection any unpolluted waters such as storm water, ground water, roof runoff, subsurface drainage or cooling water to any sanitary sewer, building sewer, building drain or building plumbing. The Sewer Director or his or her representative shall have the right, at any time, to inspect the inside or outside of buildings or smoke test for connections, leaks or defects to building sewers and require disconnection or repair of any pipes carrying the water to the building sewer.

2010 S-6

(2) The waters shall not be removed through the dual use of sanitary drain sump or a sump pump to building sanitary sewer.

(3) Discharge of the waters by a manual switch-over from sanitary sewer to storm drainage will not be an acceptable method of separation. In case both storm and sanitary sewage is present, separate drainage or pumping system shall be included.

(4) Stormwater, groundwater and all other unpolluted drainage may be discharged to the sewers as are used as storm sewers (combined sewers), if no separate storm sewer is available, and if approved by the Sewer Director, however no new combined sewers will be permitted. Any new construction which contributes storm inflow to an existing combined sewer must design the new construction to minimize or delay the inflow by means of retention ponds, holding tanks, metered detention ponds or other approved measures. Any new building connected to a combined sewer shall be constructed with separate domestic waste and inflow lines so that the inflow line can be disconnected if a separate storm sewer becomes available.

(5) The owner(s) of any building sewers having the connections, leaks or defects shall bear all costs incidental to removal of the sources.

(B) *Substances which interfere.* No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all 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 may not contribute the following substances to any POTW.

(1) (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 POTW or to the operation of POTW. At no time, shall a waste stream exhibit a closed cup flashpoint of less than 140°F (60°C) using the test methods specified in Title 40 C.F.R. Part 261.21.

(b) Prohibited materials or discharges include but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which have a closed cup flashpoint of 140°F (60°C) or less, and any substance which the city, the state or EPA has notified the user is a fire hazard or a hazard to the sanitary sewer system.

(2) Solid or viscous substances in quantities or of a size which may be capable of causing obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to grease, garbage with particles greater than one-half inch in any

2010 S-6

dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residue from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

(3) Any wastewater having a pH less than 6.0, or higher than 9.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the city.

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

(5) Any pollutant(s), which, either alone or by interaction with other substances, produce toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(6) Any substances which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums, 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.

(7) Any substance which will cause the POTW to violate its NPDES/KPDES permit, sludge disposal permit or the receiving water quality standards.

(8) 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).

(9) Any slug load or pollutants, including oxygen demanding pollutants, released at a flow or concentration that will cause interference with the POTW's operation.

(10) The discharge of petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through at the POTW.

(11) Any trucked or hauled pollutants, except at discharge points designated by the Sewer Director.

2010 S-6

(C) *Pollutant discharge limits.*

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

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

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

(4) Special industrial pretreatment requirement.

(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. EPA under Title 40 C.F.R. Sub. N and Title 40 C.F.R. Part 403 for new and existing industrial discharges 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, they shall be maintained continuously in satisfactory and effective operation by the

owner(s) at his or her expense.

2010 S-6

(c) Any person who transports septic tank contents, seepage pit or cesspool contents, liquid industrial waste or other batch liquid waste and wishes to discharge the waste to the public sewer system shall first obtain permission for the discharge from the Sewer Director. All persons receiving the permission shall abide by all applicable provisions of this subchapter and any other special provisions that may be established by the Sewer Director as necessary for the proper operation and maintenance of the sewerage system. Waste haulers who have been granted permission to discharge to the public sewer system shall pay fees for the discharge in accordance with a fee schedule established by the Sewer Director and approved by the city. It shall be illegal to discharge any batch liquid waste into any manhole or other part of the public sewer system, or any building sewer or other facility that discharges to the public sewer system, except at points of discharge designated by the Sewer Director for such purposes.

(d) Any liquid waste hauler illegally discharging to the public sewer system shall be subject to immediate revocation of discharge privileges, if granted, and further subject to the penalties and enforcement actions prescribed in § 52.53. Nothing in this subchapter shall relieve waste haulers of the responsibility for compliance with County Health Department, state or federal regulations.

(5) Protection from accidental and/or slug discharges.

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

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

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

(c) Within five days following an accidental and/or slug discharge, the user shall submit to the Sewer Director a detailed written report describing the cause of the discharge and the

measures to be taken by the user to prevent similar future occurrences. The notification shall not relieve the user

2010 S-6

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 the notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article, the enforcement response plan or other applicable law or regulation.

(d) 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 the dangerous discharges to occur are advised of the emergency notification procedures.

(6) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standard for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this subchapter for sources in the subcategory, shall immediately supersede the limitations imposed under this subchapter. The city shall notify all affected users of the applicable reporting requirements under Title 40 C.F.R. Part 403.12.

(7) Restricted discharges. The following discharges in or to the city sewer system are prohibited.

(a) Wastewater containing more than 100 milligrams per liter of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin;

(b) Wastewater from industrial plants, commercial business or other nondomestic connections containing floatable oils, fat or grease, whether emulsified or not, in amounts that would not interfere or inhibit the biological treatment processes;

(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 interactions with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitations set forth in a federal pretreatment standard (a toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act);

(e) Any radioactive wastes or isotopes of a half-life or concentration as may exceed limits established by the Sewer Director in compliance with applicable state and/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 not removable in the POTW, but in no case, wastewater with a color at the introduction into the POTW 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, or are amenable to treatment only to the degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving stream of the POTW;

(i) Any water or waste which has characteristics based on a 24-hour composite sample, grab or a shorter period composite sample if more representative, which exceed the following normal maximum domestic wastewater parameter concentrations (discharges greater than these concentrations may be subject to penalties contained in the enforcement response plan for the city, in addition to surcharge);

<i>Parameter</i>	<i>Daily Maximum Allowable Concentration Without Surcharge (mg/l)</i>
BOD	200
TSS	200

(j) The city has received authority through U.S. EPA and state statutes to enforce the requirements of Title 40 C.F.R. Sub. N and Title 40 C.F.R. Part 403. All users shall comply with the requirements of those regulations as well as with all articles of this subchapter.

(k) Any waste or wastewater classified as a hazardous waste by the Resource Conservation and Recovery Act (RCRA) without, at least, a 60-day prior notification of the discharge to the Sewer Director of the POTW. This notification must include the names of the waste, EPA hazardous waste number, type of discharge, volume/mass of discharge and time of occurrence. The Sewer Director may deny or condition this discharge at any time.

(l) The following limitations are established for characteristics of any wastewater to be discharged into the municipal sewer system.

<i>Max. Daily Concentration (mg/l)</i>	<i>Parameter</i>
0.70	Arsenic

<i>Max. Daily Concentration (mg/l)</i>	<i>Parameter</i>
0.11	Cadmium

2010 S-6

Frankfort - Public Works

<i>Max. Daily Concentration (mg/l)</i>	<i>Parameter</i>
2.50	Total Chromium
0.22	Copper
1.00	Lead
0.005	Mercury
0.68	Nickel
0.77	Silver
1.00	Zinc
0.89	Cyanide
0.003	PCB's
100.00	Oil and grease
less than 6.0 or greater than 9.0	pH

(8) 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.

(9) City's right of revision. The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in this chapter.

(10) Written notice. Within five days following an accidental discharge, the user shall submit to the city a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. The 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 notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.

(11) 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 a dangerous discharge to occur are advised of the emergency notification procedure.

('70 Code, § 13.20.020) (Ord. 17-94, 1994, passed 11-11-94; Am. Ord. 30, 2005, passed 12-15-05; Am. Ord. 12, 2009, passed 8-24-09)

2010 S-6

§ 52.49 FEES.

(A) *Purpose.* It is the purpose of this subchapter to provide for the recovery of costs from user of the city's wastewater disposal system 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.

(B) *Charges and fees.* The city may adopt charges and fees which may include:

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

(2) Fees for monitoring inspections and surveillance procedures;

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

(4) Fees for permit application;

(5) Fees for filing appeals;

(6) Fees for consistent removal (by the POTW) of the excessive strength conventional pollutants not otherwise subject to federal pretreatment standards; and

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

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

('70 Code, § 13.20.030) (Ord. 17-94, 1994, passed 11-11-94; Am. Ord. 30, 2005, passed 12-15-05)

§ 52.50 ADMINISTRATION.

(A) *Wastewater discharge.* It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city and/or to the POTW any wastewater, except as authorized by the Sewer Director in accordance with the provisions of this subchapter. Any agency and/or industries outside the jurisdiction of the city that wish to contribute wastewater to the POTW must first sign, through an authorized representative, an inter-jurisdictional agreement whereby the agency and/or industrial user agrees to be regulated by all provisions of this subchapter, state and federal regulations. A wastewater discharge permit may then be issued by the Sewer Director in accordance with section (B) below.

(B) *Wastewater discharge permits.*

2010 S-6

(1) (a) All significant industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing significant industrial users connected to or contributing to the POTW shall apply for a wastewater discharge permit within 30 days after the effective date of this subchapter.

(b) All food service establishments shall obtain a pretreatment wastewater discharge permit.

(2) *Permit applications.* Users required to obtain a wastewater discharge permit shall complete and file with the city an application in the form prescribed by the city, and accompanied by a fee prescribed by the city. Existing users shall apply for a wastewater discharge permit within 30 days after the effective date of the subchapter, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation the following information:

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

(b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

(c) Wastewater constituents and characteristics including but not limited to those mentioned in § 52.48 as determined by a reliable analytical laboratory; 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 Title 40 C.F.R. Part 136, as amended;

(d) Time and duration of contribution;

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

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

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

(h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any 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 O&M and/or additional pretreatment is required for the user to meet applicable pretreatment standards;

2010 S-6

(i) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

1. The schedule must be acceptable to the 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 (for example, hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction and the like).

40B

Frankfort - Public Works

3. No increment referred to in division (B)(2)(i)2. above shall exceed nine months.

4. 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 city including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event, shall more than nine months elapse between the progress reports to the city.

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

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

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

(m) A copy of the industry's written environmental control program, comparable document or policy; and

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

(o) The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit subject to terms and conditions provided herein.

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

(4) (a) 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:

1. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

2006

2. Limits on the average and maximum wastewater constituents and characteristics;
3. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
4. Requirements for installation and maintenance of inspection and sampling facilities;
5. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
6. Compliance schedules;
7. Requirements for submission of technical reports or discharge reports;
8. Requirements for maintaining and retaining plant records relating to wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system; as specified by the city for a minimum of three years, and afford city access thereto;
9. Requirements for notification of slug discharges;
10. Mass limitations on discharges;
11. Requirements for submission and approval of spill control plans in accordance with this subchapter;
12. Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
13. Requirements for the user to reimburse the city for all expenses related to monitoring, sampling and testing performed at the direction of the Sewer Director and deemed necessary by the city to verify that the user is in compliance with the permit; and
14. Other conditions as deemed appropriate by the city to ensure compliance with this subchapter.

(b) Where an effluent from an industrial process is mixed prior to treatment with wastewater other than those generated by the regulated process, fixed alternative discharge limits may be derived for the discharge permit by the Sewer Director. These alternative limits shall be

applied to the mixed effluent. These alternative limits shall be calculated using the “combined waste stream formula” and/or “flow-weighted average formula” given, Title 40 C.F.R. Part 403.6(e). Where the

2010 S-6

effluent limits in a categorical pretreatment standard are expressed only in terms of mass of pollutants per unit of production (production-based standard), the Sewer Director may convert the limits to equivalent limitations expressed either as mass of pollutant that may be discharged per day or of effluent concentration for purposes of calculating effluent permit limitations applicable to the permittee. The permittee shall be subject to all permit limits calculated in this manner under Title 40 C.F.R. Part 403.6(c) and must fully comply with these alternative limits. All categorical industrial users subject to production-based standards must report production rates annually so that alternative permit limits can be calculated if necessary. The categorical industrial user must report production rates annually so that alternative permit limits can be calculated if necessary. The categorical industrial user must notify the Sewer Director 30 days in advance of any change in production levels that might effect the flow or other data used to calculate the effluent limits in the discharge permit.

(5) *Permit duration.* Wastewater discharge permits shall be issued for a specified time period, not to exceed three 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 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements, as identified herein, are modified or other just cause exists. The user shall be informed 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.

(6) *Permit transfer.* Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. The city may deny the transfer of the permit if it is deemed necessary to comply with all provisions of this subchapter.

(C) (1) *Reporting requirements for permittee.*

(a) Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new user, following commencement of the introduction of wastewater into the POTW, any user subject to federal categorical pretreatment standards and requirements shall submit to the Sewer Director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process or processes which are limited by categorical pretreatment standards and requirements and the average and maximum daily flow for these process units in the user's facility which are limited by the categorical standards and requirements.

(b) The report shall state whether the applicable categorical pretreatment standards and requirements are being met on a consistent basis and, if not, what additional pretreatment equipment and time schedule are necessary to bring the user into compliance with the applicable categorical standard or requirement. This statement shall be signed by an authorized representative of the user.

2010 S-6

(2) *Periodic compliance reports.*

(a) All significant industrial users shall submit to the Sewer Director in accordance with the industrial user permit indicating the nature and concentration of pollutants in the effluent which are limited by the pretreatment standards or the industrial user permit. This report also shall include a record of all daily flows which during the reporting period exceed the average daily flow. At the discretion of the Sewer Director and in consideration of such factors as local high or low flow rates, holidays and budget cycles, the Sewer Director may agree to alter the months during which the above reports are to be submitted. In addition the industrial users are to report any changes in flow, type and/or amount of pollutants discharged to the Sewer Director prior to the change, and the Sewer Director shall have the authority to deny or condition any new introductions of, or changes in, wastewater constituents or volume, if deemed necessary.

(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, pursuant to Section 304(g) of the Act and contained in Title 40 C.F.R. Part 136 and amendments thereto, or with any other test procedures approved by the U.S. EPA. Sampling shall be performed in accordance with the techniques approved by the U.S. EPA.

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

(d) All industrial users shall retain all pretreatment records for a minimum of three years, as required by Title 40 C.F.R. Part 403.12(0)(2).

(3) *Baseline monitoring report.*

(a) A baseline monitoring report (BMR) must be submitted to the Sewer Director 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 including a process description, SIC code number, raw materials used, chemicals used and final product(s) produced;
2. Name of facility contact person;
3. Wastewater characteristics such as total plant flow, types of discharges, average and maximum flows from each process;

4. Nature and concentration of pollutants discharged to the public sewer system that are regulated by this subchapter, state and/or federal pretreatment standards and sample type and location; and

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

(b) All new sources of industrial discharge must be in compliance with all provisions of this subchapter prior to commencement of discharge.

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

(E) *Monitoring requirements.*

(1) The city shall require significant industrial users to provide and operate at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the city may, when a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. The city shall review and approve the location, plans, and specifications for the 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 the sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(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 written notification by the city.

(4) All sampling analyses done in accordance with approved U.S. EPA procedures by the significant industrial user during a reporting period shall be submitted to the Sewer Director, regardless of whether or not that analyses was required by the user's discharge permit.

(5) The significant industrial user must receive the approval of the Sewer Director before changing the sampling point and/or monitoring facilities to be used in all required sampling.

2010 S-6

(F) *Inspection and sampling.* 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, copying, sampling and examination of records or in the performance of any of their duties. "Reasonable times" shall include any time during which the user is discharging to the public sewer system and/or operating any manufacturing process. The city, approval authority and (where the NPDES state is the approval authority), EPA shall have the right to set up on the user's property devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(G) *Pretreatment.*

(1) All significant industrial users shall provide necessary wastewater treatment as required to comply with this subchapter and shall achieve compliance with all 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 significant industrial user that is not meeting discharge limits established in the user's wastewater discharge permit. Any facilities required to pretreat wastewater to a level acceptable to the city for review, and 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 Sewer Director for review, and shall be acceptable to the city before construction of the facility. The review of the plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under 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.

(2) The city shall annually publish in *The State Journal Newspaper* a list of the users which were in significant noncompliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months. Significant noncompliance is any of the following conditions:

- (a) Results in the exercise of emergency authority by the Sewer Director;
- (b) Remains uncorrected 45 days after notice of noncompliance is given;

(c) Involves failure to report noncompliance accurately;

(d) Wastewater violations:

2010 S-6

1. *Chronic violations.* Sixty-six percent or more of all measurements taken during a six-month period exceed, by any magnitude, the daily maximum limit or the monthly average limit for the same pollutant parameter;

2. *Technical review criteria (TRC) violations.* Thirty-three percent or more of all measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the monthly average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease and 1.2 for all other pollutants except pH).

3. *Effluent limit.* Any violation of a pretreatment effluent limit that the Sewer Director believes has caused alone or in combination with other discharges, interference or pass-through or has endangered the health of the POTW personnel or the public.

4. *Imminent endangerment.* Any discharge causing imminent endangerment to human health or to the environment or resulting in the Sewer Director's use of his or her emergency authority to halt or prevent a discharge.

5. *Compliance milestones.* 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.

6. *Reporting violations.* Failure to provide required reports within 30 days of the due date.

7. *Operation.* Any violation or group of violations which the Sewer Director determines will adversely effect the operation or implementation of the local pretreatment program. The public notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months. All records relating to the pretreatment program of the city shall be made available to officials of the U.S. EPA or approval authority upon request. All records shall be maintained for a minimum of three years in accordance with Title 40 C.F.R. Part 403.12(0)(2).

(e) All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

(H) *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 and is able to demonstrate to the satisfaction of the city that the release of the information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this

subchapter, the National Pollutant Discharge Elimination System (NPDES) permit, state disposal system permit and/or the pretreatment

2010 S-6

programs. Provided however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information and shall be made available to the public without restriction.

(‘70 Code, § 13.20.040) (Ord. 17-94, 1994, passed 11-11-94; Am. Ord. 30, 2005, passed 12-15-05; Am. Ord. 12, 2009, passed 8-24-09)

§ 52.51 POWERS AND AUTHORITY OF INSPECTORS.

(A) *Right to enter premises.* The Sewer Director and city employees and representatives designated by the Sewer Director and authorized representatives of applicable federal and state regulatory agencies bearing proper credentials and identification shall be permitted to enter all properties at any reasonable time for purposes of, but not limited to inspection, observation, measurement, sampling and testing of discharges to the public sewer system and inspection and copying of all records in accordance with the provisions of this subchapter.

(B) *Right to obtain information regarding discharge.* Duly authorized employees and representatives of the city are authorized to obtain information concerning character, strength and quantity of industrial wastes which have a direct bearing on the kind and source of discharge to the wastewater collection system.

(C) *Access.*

(1) 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 inspection, observation, measurement and sampling, repair and maintenance of any portion of the wastewater facilities lying within the easement.

(2) All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(D) *Safety.*

(1) While performing the necessary work on private properties referred to in division (A) above, all duly authorized employees of the city shall observe all safety rules applicable to the premises established by the facility and the company shall be held blameless for any injury or death to the city employee.

(2) 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

2010 S-6

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. ('70 Code, § 13.20.050) (Ord. 17-94, 1994, passed 11-11-94; Am. Ord. 30, 2005, passed 12-15-05; Am. Ord. 12, 2009, passed 8-24-09)

§ 52.52 ENFORCEMENT.

(A) *Harmful contributions.*

(1) *Generally.*

(a) The city through the Sewer Director or his or her designee, to insure compliance with this subchapter, and as permitted through Title 40 C.F.R. Sub. N, Part 401 thru 471 and 401 KAR 5:055, Section 9 may take the following enforcement steps against users not in compliance with this subchapter. The remedies available to the Sewer Director 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 Sewer Director of the POTW or his or her designee.

(b) All violations of requirements of this subchapter must be reviewed and responded to by the Sewer Director or his or her representative. In general, the Sewer Director shall notify the industrial user when a violation occurs. For all violations, the Sewer Director shall receive an explanation and, as appropriate, a plan from the industrial user to correct the violation within a specific time period. If the violation(s) persist or the explanation and/or plan are not adequate, the Sewer Director's response shall be more formal and commitments or schedules, as appropriate, for compliance will be established in an enforceable document. The enforcement response selected will be related to the seriousness of the violation. Enforcement responses will be escalated if compliance is not achieved expeditiously after the initial action. A significant violation will require a formal enforcement action. The full scale of enforcement actions will be detailed in the city's pretreatment program enforcement response plan.

(2) *Enforcement actions.*

(a) *Informal notice.* These actions include statements made to the industrial user during sampling and/or inspection visits, telephone calls to the appropriate company official, informal meetings, warning or remainder letters. These informal notices shall be used for minor violations.

(b) *Formal notice.* These actions include the following:

1. *Notice of violation.* Any person found to be violating any provision of this subchapter, wastewater discharge permit or any order issued hereunder shall be served by the POTW Sewer Director with a written notice stating the nature of the violation. The offender must permanently cease all violations.

2. *Administrative orders/fines.* Any person who, after receiving a notice of violation, shall continue to discharge in violation of this subchapter or other pretreatment standard or requirement or is determined to be a chronic or persistent violator, shall be ordered to appear before the Sewer Director. At the appearance, a compliance schedule will be given to the violating user and an administrative fine assessed. The fine shall be determined on a case-by-case basis which shall consider the type, severity, duration and number of violations, severity of impact on the POTW, impact on human health, user's economic benefit from the violation, past history of the user and good-faith efforts made by the user. The fine shall be a nonarbitrary but appropriate amount.

(B) *Disputes.* Users desiring to dispute the fines shall file with the Sewer Director a request for the city to reconsider the fine within ten days of being notified of the fine. The city shall convene a hearing on the matter within 15 days of receiving a request from the user.

(C) *Orders.* The administrative order may take any of the following four forms:

(1) *Consent order.* The Sewer Director is hereby empowered to enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. The orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified in the order. Consent orders shall have the same force and effect as all other administrative orders.

(2) *Compliance order.* When the Sewer Director finds that an industrial user has violated or continues to violate this subchapter or permit or order issued hereunder, he or she may issue an order to the industrial user responsible for the violation 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 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 order.* When the Sewer Director finds that an industrial user has violated or continues to violate this subchapter or any permit or order issued hereunder, the Sewer Director may issue an order to cease and desist all violations to the user and direct those persons in noncompliance to:

(a) Comply forthwith; or

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

2010 S-6

(4) *Show cause hearing.*

(a) The Sewer Director may issue to any user who causes or contributes to violations of this subchapter, discharge permit or order issued hereunder, an order to appear and show cause why more severe enforcement action should not be taken. A notice shall be served on the user specifying the time and place of the hearing to be held by the Sewer Director 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 Sewer Director why more severe enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten days before the hearing. Service may be made on any agent or officer of the facility. Whether or not a duly notified industrial user or its representative appears, immediate enforcement action may be pursued.

(b) The city itself may conduct the hearing and take evidence or may 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 the hearings;
2. Take the evidence; and
3. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the city for action thereon. At any hearing held pursuant to this article, 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. After the city has reviewed the evidence, it may issue an order to the user responsible for the violation directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Further orders and directives as are necessary and appropriate may be issued.

(D) *Suspension of service.* The city may suspend the wastewater treatment service and/or a wastewater discharge permit when the 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 permit. Any person notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take the 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 wastewater discharge permit and/or

the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user

2010 S-6

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.

(‘70 Code, § 13.20.060) (Ord. 17-94, 1994, passed 11-11-94; Am. Ord. 30, 2005, passed 12-15-05; Am. Ord. 12, 2009, passed 8-24-09)

§ 52.53 VIOLATIONS.

(A) *Written notice.* Any user found to be violating any provision of this subchapter or discharge permit or order issued hereunder shall be served by the city or its designee with written notice stating the nature of the violation. The violator shall permanently cease all violations upon receipt of this notice. As contained in § 52.52, the notice may be of several forms. Also, as contained in §§ 52.52 and 52.99, penalties of various forms may be levied against users for violations of this subchapter. The penalties shall range from publication of violators in the local newspaper to fines as provided in § 52.99.

(B) *Revocation of permit.*

(1) Any user who violates any of the provisions of this subchapter or applicable state and federal regulations shall be subject to termination of its authority to discharge sewage into the public sewer system, as well as the payment of fines.

(2) The termination shall be immediate if necessary for the protection of the POTW. The user may also have water service terminated. Any user who violates any condition(s) of this subchapter, discharge permit, order or applicable state or federal regulations is subject to having its wastewater discharge permit revoked in accordance with the procedures of § 52.52:

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

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

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

(d) Violation of conditions of the wastewater discharge permit, ordinance or other order issued thereunder.

(C) *Liability.*

(1) Any user violating any of the provisions of this subchapter, discharge permit or other

order issued hereunder shall become liable to the city for any expense, loss or damage occasioned by the city by reason of the violation.

2010 S-6

(2) This civil liability is as provided by state and federal regulations.

(D) *Falsifying information and/or misrepresentation.* Any person who knowingly and/or negligently makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this subchapter, or wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this subchapter, shall, be punished by a fine of not more than \$1,000 or by imprisonment for not more than 12 months.
(‘70 Code, § 13.20.070) (Ord. 17-94, 1994, passed 11-11-94; Am. Ord. 30, 2005, passed 12-15-05; Am. Ord. 12, 2009, passed 8-24-09)

SEWER CAPITAL RECOVERY PROGRAM

§ 52.60 DEFINITIONS.

For the purposes of this chapter, the following terms, phrases, words, and their derivatives shall have the meaning stated below.

CONSTRUCTING PARTY. Individuals or entities constructing sanitary sewer extensions to areas or developments not currently provided sewer service by the City Sewer Department.

PROJECT. The sanitary sewer extension and upgrades, if any, built by the constructing party or by the city.

SUBSEQUENT DEVELOPERS. Individuals or entities benefitting from sanitary sewer extensions built by a constructing party(s), excluding the city and individuals or entities within the constructing party's development.
(Ord. 7, 2007, passed 4-23-07)

§ 52.61 COST RECOVERY PROGRAM.

(A) Upon application and payment of the required application fee by any constructing party to the city to extend sanitary sewers to undeveloped or unsewered areas, the Sewer Department shall as soon as practicable undertake a review of the area to be served by the proposed extension which will be transferred to the city. The information developed will be used in reviewing the application for

cost recovery. The cost of such review shall be paid for in advance by the applicant. Only the portion of the sewer extension or upgrades to the system which will provide service to areas outside the property owned by the Constructing Party will be eligible for cost recovery.

(1) After determining the total amount of sanitary sewage flow available in the extension, and upgrades, if any, that are the subject of the application, the city shall determine the projected percentage of sanitary sewage flow to be allocated to the constructing party.

(2) The design and construction of the project shall have been approved by the Sewer Department, and as-built drawings of said project shall be provided to the Sewer Department. After inspection and approval of the project by the city, the project shall be transferred to the city pursuant to the written agreement between the city and the constructing party.

(B) A constructing party shall be permitted to receive from the subsequent developers in obtaining sewer service through said project each of their pro rata share of the cost of said project based upon the subsequent developer's relative percentages of projected sanitary sewage flow into said project.

(C) At the completion of the construction of any project contemplated by divisions (A) and (B) above, the constructing party shall certify, in a writing signed by a licensed accountant, to the Director of the city's Sewer Department, the costs eligible for cost recovery, which shall be limited to the direct cost of constructing the project, including engineering and design fees of the project. The constructing party shall keep all costs associated with the portion of the project eligible for cost recovery separate from any other sewer related costs. Copies of all receipts to verify actual costs shall be included with said certification. Items not documented shall not be included in the final approved cost. Said certification shall be made to the city no later than 60 days following transfer of said project to the city.

(D) At such time as any subsequent developer, who has been identified as being in the drainage area of any project makes application for a permit to connect to said project, the Director of the Sewer Department shall advise said applicant of his or her pro rata share of the cost of the project to which he seeks to connect plus any city administrative charges.

(1) The pro-rata share of the cost of the project shall be paid by the subsequent developer directly to the City Sewer Department no later than 30 days after the subsequent developer executes a contract with the city for the sewer line extension.

(2) The city shall promptly reimburse the constructing party or his or her successor, the cost recovery amount less its share of any city administrative charges.

(3) The City Sewer Department Cost Recovery administrative fee shall be divided equally between the constructing party and the subsequent developer.

2008 S-4

(4) The constructing party shall notify the city of the additional persons or entities required to make cost recovery payments. The applicable tap fee shall be paid by the subsequent developer directly to the City Sewer Department.

(5) The Cost Recovery administrative fee to be paid for each cost recovery application is as follows:

(a) \$100.00 for subsequent developments of ten residences or less, or containing structures with sanitary sewer flow less than or equal to the flow from ten residences.

(b) \$250.00 for subsequent developments of 50 residences or less, or containing structures with sanitary sewer flow less than or equal to the flow from 50 residences.

(c) \$500.00 for subsequent developments exceeding 50 residences, or containing structures with sanitary sewer flow greater than the flow from 50 residences.

(E) (1) Should the Sewer Department require a constructing party choosing not to participate in the cost recovery program to oversize the proposed sewer line extension, pump station and force main capacity above the standard otherwise required by law or regulation, the city shall bear the differential cost of the oversized pipe, pump and wet well materials, exclusive of any other associated costs, over the cost of such materials if oversizing were not so required. The city shall receive from developers or property owners subsequently obtaining sewer service through the project its pro rata share of the cost of said project.

(2) Should the city construct a sewer line extension or upgrade to its sewer system (hereinafter "city project"), the city may recover from developers or property owners subsequently obtaining sewer service through said city project the developer's or property owner's pro rata share of the cost of said city project.

(F) The term of cost recovery shall be for the shortest practicable time, but in no event shall recovery be allowed after ten years from the date of the transfer of the project to the city.

(1) Any amount to be paid under this subchapter shall be in addition to the connection fee or other applicable fee to be paid to the city. In no event shall the refund received by the constructing party exceed the cost of the project.

(2) In no event will a developer/or property owner be entitled to participate in or claim an interest in the cost recovery program for sewer facilities transferred to the city prior to the effective date of this subchapter.

(Ord. 7, 2007, passed 4-23-07)

2008 S-4

§ 52.62 APPLICATION FEE.

(A) The purpose of this section is to set the amount of the fee to be paid to the Frankfort Sewer Department when submitting an application to participate in the Sewer Capital Recovery Program. The fee will pay for the cost of the processing and review of the application.

(B) Parties extending sanitary sewers to undeveloped or unsewered areas to be served by the city and desiring to participate in the Sewer Capital Recovery Program shall pay a fee in the amount of \$150.00 when submitting an application to participate in the program.
(Ord. 20, 2007, passed 6-25-07)

§ 52.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person, firm or corporation violating any of the provisions of §§ 52.01 through 52.33 or failing or refusing to comply with an administrative order issued due to the failure to comply with same, whether or not he, she or it shall be the owner or the occupant of the property involved, shall be fined not less than \$100 nor more than \$10,000 for each offense. Each day on which a violation shall occur or continue shall occur or constitute a separate offense.

(C) Any person, firm or corporation violating federal or state law or any of the provisions of §§ 52.45 through 52.53 or failing or refusing to comply with an administrative order issued due to the failure to comply with same, whether or not he, she or it shall be the owner or the occupant of the property involved, shall be fined not less than \$1,000 nor more than \$50,000 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

(D) In addition to the penalty set forth in this subchapter, any person, firm or corporation violating any of the provisions of § 52.01 through 52.62 can be required by the Sewer Director to take action to correct the condition causing the violation and to cease discharging into the city's sewer system if the condition causing the violation is not corrected or remedied.

(E) The city or its designee may take legal action to enforce the provisions of this subchapter, including an action for injunctive relief. In addition to the penalties provided in this subchapter, the city may recover reasonable attorney's fees, court costs, court reporter's fees, and other expenses of litigation incurred as a result of legal action taken against the person found to have violated this subchapter or the orders, rules regulations and permits issued hereunder.

(‘70 Code, § 13.04.120) (Ord. 22-85, 1985, passed 6-24-85; Am. Ord. 30, 2005, passed 12-15-05; Am. Ord. 12, 2009, passed 8-24-09)

