

SANITATION DISTRICT NO. 1 WASTEWATER RULES AND REGULATIONS



July 19, 2022

**1045 EATON DRIVE
FORT WRIGHT, KY 41017**

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INTRODUCTION

The public mandate for national clean waters resulted in the passage by Congress of the Federal Water Pollution Control Act Amendments of 1972 (PL 92-500). The Act set into motion a federal mandate to improve the sewer systems and wastewater treatment plants of the nation's municipalities. The 1972 Act was further amended by the Clean Water Act of 1977 which gave the Environmental Protection Agency the authority to set effluent standards on an industry basis and established the requirement for a permit (KPDES) to discharge any pollutant into navigable waters. The Clean Water Act resulted in publication of the General Pretreatment Regulations in 1981 (40 CFR, Part 403).

Among the goals of these Rules and Regulations are:

1. Prevention of the introduction of pollutants into the municipal wastewater system, which will interfere with the operation of the system including interference with its use or disposal of municipal sludge.
2. Prevention of 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. Improved opportunity to recycle and reclaim wastewaters and sludge from the system.
4. Equitable distribution of the cost of the municipal wastewater system.
5. Provide for the safety of the treatment plant employees.
6. Ensure that Sanitation District No. 1 (SD1) complies with its KPDES or non-discharge permit conditions, sludge permit conditions, including use and disposal requirements and any other federal or state environmental laws to which the municipal wastewater system is subject.

In order to implement the above requirements, these Rules and Regulations provide SD1 with the legal authority to control the sewer system and monitor the wastewaters discharged to the public wastewater treatment system under its management.

This control, along with other controls affected by these Rules and Regulations herewith presented, is necessary not only to conform to federal and state Environmental Protection Agency laws and regulations, but also to provide for the consistent, reliable, and efficient functioning of SD1's wastewater collection and treatment systems.

Any inquiries concerning the enclosed Rules and Regulations should be addressed to the Executive Director, SD1.

These Rules and Regulations shall be in full force and effect from and after their passage and approval as provided by Resolution.

ORIGINAL:

APPROVED by the Board of Directors this 23rd day of November 1983.

REVISION No. 1:

APPROVED by the Board of Directors this 8th day of June 1987.

REVISION No. 2:

APPROVED by the Board of Directors this 12th day of December 1988.

REVISION No. 3:

APPROVED by the Board of Directors this 9th day of April 1990.

REVISION No. 4:

APPROVED by the Board of Directors this 20th day of April 1992.

REVISION No. 5:

APPROVED by the Board of Directors this 19th day of June 1995.

REVISION No. 6:

APPROVED by the Board of Directors this 18th day of November 1999.

REVISION No. 7:

APPROVED by the Board of Directors this 18th day of May 2000.

REVISION No. 8:

APPROVED by the Board of Directors this 22nd day of March 2001.

REVISION No. 9:

APPROVED by the Board of Directors this 21st day of February 2002.

REVISION No. 10:

APPROVED by the Board of Directors this 15th day of April 2004.

REVISION No. 11:

APPROVED by the Board of Directors this 18th day of October 2005.

REVISION No. 12:

APPROVED by the Board of Directors this 16th day of December 2008.

REVISION No. 13:

APPROVED by the Board of Directors this 20th day of January 2009.

REVISION No. 14:

APPROVED by the Board of Directors this 19th day of January 2010.

REVISION No. 15:

APPROVED by the Board of Directors this 23rd day of March 2010.

REVISION No. 16:

APPROVED by the Board of Directors this 15th day of June 2010 and 27th day of July 2010.

REVISION No. 17:

APPROVED by the Board of Directors this 21st day of September 2010.

REVISION No. 18:

APPROVED by the Board of Directors this 12th day of October 2010.

REVISION No. 19:

APPROVED by the Board of Directors this 15th day of November 2011.

REVISION NO. 20:

APPROVED by the Board of Directors this 16th day of August 2011.

REVISION No. 21:

APPROVED by the Board of Directors this 17th day of January 2012.

REVISION NO. 22:

APPROVED by the Board of Directors this 16th day of July 2013.

REVISION No. 23:

APPROVED by the Board of Directors this 19th day of April 2016.

REVISION NO. 24:

APPROVED by the Board of Directors 18th day of June 2019.

REVISION No. 25:

APPROVED by the Board of Directors 11th day of November 2019.

REVISION No. 26:

APPROVED by the Board of Directors 19th day of July 2022.

SECTION 100

DEFINITIONS/ABBREVIATIONS

SECTION 101 DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms in these Rules and Regulations shall be as follows:

1. ACT OF GOD shall mean an unusual or unforeseeable manifestation of the forces of nature that could not be prevented.
2. APPROVAL AUTHORITY shall mean the director in a National Pollutant Discharge Elimination System (NPDES) state with an approved state pretreatment program and the administrator of the Environmental Protection Agency (EPA) in a non-NPDES state or NPDES state without an approved state pretreatment program.
3. AUXILIARY METER shall mean:
 - A. A debit meter or meters used on a primary water supply other than a municipal water supply, i.e., wells, private water company, etc., and/or
 - B. A debit meter or meters used to supplement the meter or meters measuring a municipal water supply and considered necessary in the determination of the sewage service charge and/or surcharge.
4. AUTHORIZED REPRESENTATIVE shall mean a person who is:
 - A. A principal executive officer of at least the level of vice-president, if the industrial user is a corporation.
 - B. A general partner or proprietor if the person is a partnership or proprietorship, respectively.
 - C. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
 - D. Any person designated by SD1 to act on its behalf.
5. BASELINE MONITORING REPORT shall mean a report submitted by categorical industrial users which indicates the compliance status of the industrial user with the applicable categorical standard [40 CFR 403.12(b)].
6. BIOCHEMICAL OXYGEN DEMAND (BOD) shall mean oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees Celsius, expressed in milligrams per liter. The values shall be as determined by the methods of analytical testing, except that when the BOD value is to be used in determining wastewater treatment system charges, and the BOD test does not produce an accurate measure of the oxygen demand actually exerted by the waste when undergoing treatment, then for use in determining said charges the BOD shall be calculated by whichever of the following formulas give the more accurate measure of oxygen demand actually exerted.

7. BOARD shall mean the Board of Directors of SD1.
8. BUILDING LATERAL shall mean the extension from the building drain to the sewer or other places of disposal.
9. CATEGORICAL INDUSTRIAL USER (CIU) shall mean an industrial user subject to categorical pretreatment standards, which have been promulgated by the EPA.
10. CHEMICAL OXYGEN DEMAND (COD) shall mean the oxygen equivalent of that portion of the organic matter that is susceptible to oxidation by a strong chemical oxidant. The values shall be as determined by the methods of analytical testing.
11. CLEAN WATER ACT shall mean the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
12. COMBINED SEWER SYSTEM shall mean all facilities designed for collection, pumping and transporting both storm and sanitary flows.
13. CONTAMINATION shall mean an impairment of the quality of the waters of the state by waste to a degree, which creates a hazard to the public health, e.g., through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of wastewater, whether or not waters of the Commonwealth are affected.
14. DAILY MAXIMUM LIMIT shall mean the maximum allowable value for any single observation in a given day.
15. DIVERSION STRUCTURE shall mean a flow control structure in a combined sewer system that diverts flow during dry weather from the collection system to an intercepting sewer and allows the flow to discharge to nearby waters as a combined sewer overflow during wet weather events.
16. EFFLUENT shall mean the liquid overflow of any facility designed to treat, convey or retain wastewater.
17. FEE SCHEDULE shall mean the latest resolution fixing rates charged by SD1 for services rendered as approved or amended by the Board.
18. FORCE MAIN shall mean a pipe that conveys sewage under pressure from the discharge side of a pump station.
19. GREASE CONTROL EQUIPMENT (GCE) shall mean any equipment that removes fats, oils, and grease from wastewater such as a grease trap of which are installed inside the building usually under the counter/sink or in the floor of the kitchen area; or a grease interceptor which is usually installed outside in the ground.
20. HOLDING TANK WASTE shall mean any sanitary waste from holding tanks or chambers such as are used in connection with boats, chemical toilets, campers, trailers or other isolated facilities from which sanitary waste emanate. This definition includes sanitary wastes from septic tanks.
21. IMPROVEMENT PLAN shall mean the submittal to SD1 required for SD1 and Kentucky Division of Water (KDOW) approval for the construction of sanitary sewer lines and other infrastructure.
22. INDUSTRIAL USER shall mean any person, which discharges industrial wastes.

23. **INDUSTRIAL WASTES** shall mean the wastes admissible to the wastewater treatment system from industrial manufacturing processes, trade or business or from the development, recovery or processing of natural resources, as distinct from sanitary sewage.
24. **INTERFERENCE** shall mean inhibition or disruption of the SD1's sewer system, treatment processes or operations, which contributes to a violation of any requirement of the wastewater treatment system NPDES Permit. The term includes prevention of sewage sludge use or disposal by SD1 in accordance with Section 405 of the Clean Water Act, or any criteria guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substance Control Act or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by SD1.
25. **NEW SOURCE** shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, and subject to the other provisions as found at 40 CFR 403.3(k).
26. **NON-RESIDENTIAL USER** shall mean any and all persons of the wastewater treatment system not otherwise classified.
27. **NORMAL STRENGTH SEWAGE** shall mean sewage having daily average concentration values of not more than the following in the pollutant categories indicated:
- | | | | |
|---|-----------|------------------------------------|-----------|
| Biochemical Oxygen Demand | 240 mg/L | Suspended Solids..... | 300 mg/L |
| | 10.0 mg/L | Total Phosphorus as P | 30.0 mg/L |
| | 30.0 mg/L | Total Kjeldahl Nitrogen as N | |
| Biodegradable oils and greases in less than floating amounts. | | | |
28. **NUISANCE** shall mean anything which is injurious to health, or is indecent or offensive to the senses, or is an obstruction to the free use of property so as to interfere with human comfort or enjoyment of life or property, whether affecting individual interests per se or affecting at the same time an entire community or neighborhood of any considerable number of persons, although the extent of the annoyance, interference or damage may not be inflicted equally upon the persons therein.
29. **PASS THROUGH** shall mean a discharge, which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation).
30. **PERSON(S)** shall mean any individual, firm, company, association, society, corporation or group other than a public corporation.
31. **pH** shall mean the logarithm to the base of 10 of the reciprocal of the concentration of hydrogen ion in grams per liter of solution.
32. **PHOSPHORUS** shall mean total phosphorus content in wastewater as determined by the methods of analytical testing.

33. PLACED IN SERVICE shall mean:

A. As to a single family or multi-family residential development, the occurrence of:

- 1) Approval of the improvement plan by SD1 and KDOW.
- 2) Acceptance of the sanitary sewer system by SD1.
- 3) Filing of the record plat with the county clerk.

B. As to non-residential, industrial, or public development, the occurrence of:

- 1) Approval of the improvement plan by SD1 and KDOW.
- 2) Approval of the installed sewer system by SD1 if private, or acceptance of the sewer by SD1 if public
- 3) Issuance of the Capacity Connection Permit by SD1.

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

35. POLLUTION shall mean an alteration of the quality of waters of the state by waste to a degree, which affects such waters for beneficial uses or facilities which serve such beneficial uses. Pollution may include contamination.

36. PRETREATMENT shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties on wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process change(s), or other means, except as prohibited by 40 CFR 403.6(d).

37. PRETREATMENT PROGRAM shall mean a program administered by a POTW that meets the criteria established by the Federal Pretreatment Regulations, specifically 40 CFR 403.8 and 403.9, and which has been approved by a regional administrator or state director in accordance with 40 CFR 403.11.

38. PRETREATMENT STANDARD or NATIONAL PRETREATMENT STANDARD shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) of the Clean Water Act, which applies to industrial users.

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

40. PUBLIC AUTHORITY shall mean any government entity having jurisdiction.

41. PUBLICLY OWNED TREATMENT WORKS (POTW) shall mean a treatment works as defined by Section 212 of the Clean Water Act, (33 U.S.C. 1292) which is owned by SD1. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purpose of these Rules and Regulations, POTW shall also include any sewers that convey wastewaters to the POTW from persons outside the SD1 who are, by contract or agreement with the SD1, persons of SD1's POTW.
42. PUMP STATION shall mean a facility used for pumping wastewater from a lower to higher elevation, particularly where the elevation of the source is not sufficient for gravity flow and/or where the use of gravity conveyance will result in excessive excavation and higher construction costs.
43. REGIONAL ADMINISTRATOR shall mean the appropriate EPA Regional Administrator or their designated representative.
44. RESIDENTIAL USER shall mean any contributor to SD1's wastewater treatment works whose lot, parcel, or real estate, or building is used for domestic dwelling purposes only.
45. SANITARY SEWER SYSTEM shall mean all facilities designed for collection, pumping and transporting sanitary flows.
46. SANITARY SEWER CAPACITY shall mean the overall capacity of the Sanitary and/or Combined Sewer System as determined by SD1 in accordance with standard engineering calculations and regulations of the KDOW.
47. SERVICE CONNECTION shall mean an existing extended pipe from the main sanitary sewer system meant for a property to connect the building lateral to.
48. SEWAGE shall mean a combination of the liquid and water-carried waste discharged from premises.
49. SEWER shall mean any pipe or conduit for conveying wastewater or drainage water.
50. SEWER TAPPER shall mean a person licensed and approved by SD1 to connect, repair or abandon a person's building lateral to the wastewater sewer system.
51. SEWER SERVICE CHARGE shall mean the fee or fees charged for the uses of and the services rendered by the sewage works and facilities of SD1 including but not to the Base Rate, Environmental Surcharge and Variable Rate described in Section 401(A)(1).
52. SEWER TAPPER shall mean a person licensed and approved by SD1 to connect, repair or abandon a person's building lateral to the wastewater sewer system.

53. SIGNIFICANT INDUSTRIAL USER (SIU) shall mean:
- A. All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N.
 - B. Another industrial user that; discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blow-down wastewater); contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by SD1 as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement [in accordance with 40 CFR 403.8(f)(6)].
54. SLUG LOADING shall mean the discharge of any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the wastewater treatment system.
55. SPECIAL METER shall mean a credit meter designed to measure the quantity of water not actually entering the wastewater treatment system. Special Meters shall only be available for non-residential user properties.
56. STANDARD METHODS shall mean the publication: Standard Methods for the Examination of Water and Wastewater, latest edition, American Public Health Association, American Water Works Association, Water Environment Federation.
57. STORM SEWER shall mean a sewer designed or used for collecting or conveying storm water, but which excludes sanitary sewage and industrial wastes.
58. STORM WATER shall mean any surface runoff or discharge consisting entirely of water from any form of natural precipitation and resulting from such precipitation (i.e. runoff resulting from rainfall or snow melt).
59. SURCHARGE shall mean the charge, which the person must pay in addition to the sewer service charge if the sewage which is discharged into the sewage system exceeds the specifications for the normal strength sewage.
60. TOTAL KJELDAHL NITROGEN shall mean the sum of free-ammonia and organic nitrogen compounds, which are converted to ammonium sulfate $(\text{NH}_4)_2\text{SO}_4$, under test conditions. The value shall be as determined by the methods of analytical testing.
61. TOTAL SUSPENDED SOLIDS (TSS) shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering, expressed in milligrams per liter. The value shall be as determined by the methods of analytical testing.
62. TOXIC ORGANIC MANAGEMENT PLAN shall mean a written plan submitted by industrial users as an alternative to TTO monitoring, which specifies the toxic organic compounds used, the method of disposal used and procedures for assuring that toxic organics do not routinely spill or leak into wastewater discharged to the POTW.

63. WASTE shall mean sewage and any and all other waste substances (liquid, solid, gaseous, or radioactive) associated with human habitation, or of human or animal origin, or from any production, manufacturing, or processing operation of whatever nature, including such wastes placed within containers of whatever nature prior to, and for purposes of, disposal.
64. WASTEWATER shall mean a combination of the liquid and water-carried wastes from premises.
65. WASTEWATER CONSTITUENTS AND CHARACTERISTICS shall mean the individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate, and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.
66. WASTEWATER DISCHARGE PERMIT shall mean a permit issued to industrial users, which authorizes discharges to the sewer.
67. WASTEWATER TREATMENT PLANT shall mean any arrangement of devices and structures used for treating sewage.
68. WASTEWATER TREATMENT SYSTEM (WTS) shall mean all of the connected treatment works necessary to meet the requirements of Title III of the federal act and involved in:
- A. The transport of wastewaters from premises to a plant or facility wherein treatment of the wastewater is accomplished.
 - B. The treatment of the wastewaters to remove pollutants.
 - C. The ultimate disposal, including recycling or reuse of the treated wastewater and residues resulting from the treatment process.
69. WASTEWATER TREATMENT SYSTEM (WTS) Service Charge - Refer to Sewer Service Charge.
70. WASTEWATER TREATMENT SYSTEM (WTS) Surcharge - Refer to Surcharge.
71. WATERCOURSE shall mean the route along which water flows from any natural or man-made channel.
72. WATERS OF THE COMMONWEALTH shall mean as defined in KRS 224.01-010(33), includes any and all rivers, streams, creeks, lakes, ponds, impounding reservoirs, springs, wells, marshes, and all other bodies of surface or underground water, natural or artificial, situated wholly or partly within or bordering upon the Commonwealth or within its jurisdiction. (KRS 244.01-010(33)).

SECTION 200

USE OF SEWERS REQUIRED

SECTION 201 USE OF SEWERS REQUIRED

The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, abutting a sewer owned by SD1, is hereby required, at their expense, to connect all household disposal facilities directly to the proper sewer in accordance with the provisions of these Rules and Regulations within 90 days after the date of written notice to do so.

SECTION 300

USE OF THE WASTEWATER TREATMENT SYSTEM RESIDENTIAL, NON-RESIDENTIAL, INDUSTRIAL

SECTION 301 GENERAL

1. Storm water and all other unpolluted drainage shall be discharged into such sewers as are specifically designed and designated as storm sewers or to a watercourse as described in SD1's Storm Water Rules and Regulations.
2. Any person owning or having possession, charge or management of any lot or parcel of real estate in which there exists sewers on which a fill or excavation is to be made in the easement, shall, before making such fill, apply to SD1 for approval. The application shall state the location of the tract and the nature and dimensions of the proposed fill or excavation proposed. If SD1 is satisfied that the proposed fill will not obstruct, damage or interfere with any lawfully existing sewer systems under their management, permission authorizing the fill may be granted. In the event it becomes necessary to adjust, relocate or otherwise modify any existing sewer as a result of the fill or excavation the applicant shall, at their expense, make such adjustments, relocations or modifications as required by SD1, upon review and approval by SD1 or the Kentucky Division of Water (KDOW) as applicable.
3. Any damages from sanitary sewer backups or overflows resulting from lack of capacity in large wet weather events or acts of God will not be the responsibility of SD1.
4. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, deface, cover or tamper with any sewer which is under SD1's management.

SECTION 302 PROHIBITED DISCHARGES

1. No person shall discharge storm water or cause storm water to be discharged, either directly or indirectly, to the sanitary sewer system. Such storm water discharges consist of, but are not limited to driveway drains, stairwell drains, sump pumps, downspouts, or yard drains. Any such connections made either before or after the effective date of these Rules and Regulations shall be considered illegal.
2. No person constructing a sanitary sewer system or building lateral, shall leave the sewer open, unsealed or incomplete in such fashion as to permit storm, subsurface water, or debris to enter such sewers.
3. No person shall directly or indirectly discharge or cause to be discharged any sanitary sewage or other polluted waters to the ground surface or any waters of the Commonwealth.
4. No sanitary sewer connection shall be made downstream of a diversion structure.
5. In the combined or sanitary sewer system, no person shall discharge any substances directly into a manhole or other opening in the system other than through an approved building lateral, unless otherwise approved by SD1 in writing.

SECTION 400

SEWER SERVICE CHARGES

SECTION 401 SEWER SERVICES CHARGES

1. SEWER SERVICE CHARGE RESIDENTIAL USER

A. GENERAL

Residential users are billed monthly, in arrears, an Environmental Surcharge and a Base Rate and a Variable Rate based upon winter water usage as defined below:

- 1) ENVIRONMENTAL SURCHARGE: Effective July 1, 2019, customers of the residential user shall pay an Environmental Surcharge for the costs associated with compliance with federal and state laws and regulations which shall be charged by the district on a monthly basis or at such other periodic basis as determined by SD1 from time to time. The Environmental Surcharge shall continue to be in effect until June 30, 2040, at which time the Environmental Surcharge shall expire and be terminated.
- 2) BASE RATE: Effective July 1, 2019, customers of the residential user shall pay a Base Rate fee for the uses of and the services rendered, which shall be charged by SD1 on a monthly basis or at such other periodic basis as determined by SD1 from time to time. The monthly Base Rate includes the first two hundred cubic feet (HCF) of water usage.
- 3) VARIABLE RATE: Effective July 1, 2019, customers of the residential user shall pay a Variable Rate for the uses of and the services rendered by SD1 Based upon winter water usage of water in excess of two HCF (which is included in the monthly Base Rate) which shall be charged by the district on a monthly basis or at such other periodic basis as determined by SD1 from time to time.
 - Effective July 1, 2020, the winter water usage factor shall be calculated by using the average daily usage factor, multiplied by 30, and rounded to the nearest whole number. The average daily usage is determined by using either one quarterly water meter reading occurring completely during the previous December 1 through April 30 period, or three consecutive monthly water meter readings occurring completely during the previous January 1 through April 30 period. This usage factor will be used for billing the time frame beginning July 1 through June 30 and reset annually.
 - Effective July 1, 2020, new or existing customers where a usage factor has not or cannot be established will be billed at a factor of five HCF of water per month, until such factor has been established.

2. SEWER SERVICE CHARGE NON-RESIDENTIAL USER

A. GENERAL

Non-residential users are billed monthly or quarterly, in arrears, a sewer service charge based upon water usage as defined below:

- 1) The sewer service charge for non-residential users for normal strength sewage is based on the water usage as measured by the public water supply meter or meters, and/or by any supplementary meter, meters, or other means as hereinafter provided.
- 2) The minimum water usage factor per month is two HCF per month or six HCF per quarter.

3. SEWER SERVICE CHARGE ALL PERSONS

A. GENERAL

- 1) The minimum billing factor per month is two HCF per month for consumption between zero and 200 cubic feet.
- 2) In addition to SD1 sewer service charges, SD1 may also bill and collect charges related to sanitary sewers through contractual agreements SD1 may have with counties, cities, organizations or individuals within the service area. These charges shall appear on the regular SD1 bill as separate items and are not part of the sewer service charge and/or rates established by SD1.
- 3) When the sewer that is owned by SD1 is available and abutting the property, it will be presumed that the sewage from the premises is discharged into the sewer and upon field verification, the property shall be billed for sewage service. This shall apply to all premises within the jurisdictional boundary of SD1.
- 4) All premises shall be connected to the sewer in accordance with Section 201 of these regulations herein set out and shall be subject to the sewer service charge as soon as the capacity connection permit is issued. However, if the making of the connection is delayed, the property shall be subject to the sewer service charge within 30 days. This shall apply to all premises within the jurisdictional boundary of SD1.
- 5) Claims for exemption from the sewer service charge because of non-availability of sewers may be made in writing to the Executive Director giving the public water supplier account and meter numbers. Exemptions from the charge will be effective only from and after such application has been investigated and approved by SD1.
- 6) Property with no public water service will be billed a flat rate according to the current approved rate schedule and will be rendered to the registered owner of the property.

B. BILLING, PAYMENT, AND NON-PAYMENT OF SERVICES

- 1) The sewer service charge and surcharge, if any, are billed and collected by SD1.

- 2) Payment of the sewer service charge and surcharge must be as made to SD1 or one of its assigned collection agents.
- 3) In case of failure of any person to pay for services rendered, the board may compel payment and may enjoin further use until the payment is made, or it may institute an action in any court having jurisdiction for the recovery of charges for services rendered, or the Board may, by a notice in writing, signed by its president or any member of said Board, notify the municipality or the person, firm, commission, or corporation which furnishes water to the person's premises, to shut off the water service to said person's premises, until such time as all delinquent charges, plus a reasonable charge for turning off and on the water service against such person, are paid in full or have acceptable payment arrangements made.
- 4) Bills shall be rendered according to the name and address on the respective water meter reading records.
 - Quarterly bills will be due and have a payment due date of 30 calendar days past the billing date.
 - Monthly bills will be due and have a payment due date of 21 calendar days past the billing date.
- 5) A penalty of 10 percent of the amount of all bills shall be added to those not paid by the due date.
 - Quarterly bills not paid within 30 days from the date of billing, or by the payment due date will be considered delinquent and are subject to the penalty.
 - Monthly bills not paid within 21 days from the date of billing, or by the payment due date will be considered delinquent and are subject to the penalty.
- 6) If a bill is rendered to a customer who is not the property owner, and the bill becomes unpaid and/or delinquent, then the property owner shall bear the responsibility of payment.
- 7) When any bill has remained unpaid past the payment due date, the person will be notified by mail.
 - When any quarterly bill has remained unpaid for thirty (30) calendar days past the original payment due date, the board will authorize the notification of the municipality or the person, firm, commission, or corporation which furnishes water to the person's premises, to shut off the water service to such person's premises until such time as all delinquent charges plus a reasonable charge for the turning off and on of water service against such person, are paid in full or have acceptable payment arrangements made. The board may

institute actions in a court having jurisdiction for the recovery of such delinquent bills.

- When any monthly bill has remained unpaid past the due date the delinquent amount plus the penalty will show on the next monthly bill. When a delinquent balance has remained unpaid for 30 calendar days past the original due date, the board will authorize the notification of the municipality or the person, firm, commission, or corporation which furnishes water to the person's premises, to shut off the water service to such person's premises until such time as all delinquent charges plus a reasonable charge for the turning off and on of water service against such person, are paid in full or have acceptable payment arrangements made. The board may institute actions in a court having jurisdiction for the recovery of such delinquent bills.
- 8) In the event that a customer moves out of a premises and has a delinquent account balance, this balance will be applied to the customer's new account if it is within SD1's jurisdictional boundary. If a customer moves from SD1's jurisdictional boundary, any delinquent balance will be submitted to a collection agency for action.
 - 9) Upon receipt of such notice in writing, the municipality, person, firm, or corporation which furnishes water to the said person's premises will immediately shut off and discontinue the water service to said person's premises (KRS 220.510).
 - 10) Upon full payment of such delinquent account plus a reasonable service charge from the municipality, water district, person, firm, or corporation that furnishes water to the said person's premise, or upon an acceptable payment arrangement made, the water service will be ordered back on. The service fee(s) or charge(s) collected shall be paid to the municipality, person, firm, commission, or corporation providing the service.
 - 11) Payment for services may be made by check and/or direct withdrawal from checking or savings accounts. Customers who pay by check or direct withdrawal assume all responsibility for ensuring the bank information is accurate and valid, and there are sufficient funds to cover the amount issued for payment of sewer service charges. Payment is considered to be made only when the funds are transferred from the customer's bank account to SD1's account.
 - 12) Payment for services may be made by debit or credit card acceptable by SD1 and our payment processor. Customers who pay by debit or credit card assume all responsibility for ensuring the card information is accurate and valid. Payment is considered to be made only when the funds are transferred to SD1's account.
 - 13) A service fee in such amount as approved on SD1's fee schedule as approved by resolution of the board shall be applied to the customer's account for each payment returned from the customer's bank, debit, or credit card provider (for any reason). This fee will be added to the outstanding sewer service balance for which payment was originally intended. The service fee is necessary to cover extra incurred expenses by SD1 for processing the returned check.
 - 14) A notice will be sent to the customer after the returned check or direct withdrawal is received by SD1. This notice will inform the customer of the service fee and also inform

the customer that if all outstanding sewer service charges (including the returned fee) are not paid within 10 calendar days from the postmarked date of the notice, all water service will be secured to the account in accordance with Sections 401(3)(B)(2) through 14) or other applicable sections hereinbefore.

- 15) The service fee for returned items is in addition to all other charges and penalties as described in SD1's Rules and Regulations.

SECTION 402 ADJUSTMENTS TO SEWER SERVICE CHARGE

1. **WINTER WATER USAGE ADJUSTMENTS (RESIDENTIAL USER):** A request for consideration for a reduction to the usage factor as defined in Section 401(A) herein must be submitted in writing clearly indicating the reason(s) as to why or how the billed factor includes usage that did not enter the sewer system or is not an accurate reflection of the person's typical winter usage. SD1 may require additional information or documentation, such as photographs or receipts for parts or services.
2. **NON-RESEIDENTIAL USER:** Reduction in the sewer service charge may be allowed when non-typical water usage that is not measured by an auxiliary or special meter does not enter the sewer system. Water usage for production lines or processes must be measured by a registered auxiliary or special meter. A request for consideration must be made in writing clearly indicating the reason the water did not reach the sewer system. Requested reductions will not be less than a minimum bill per the current approved rates for the applicable billing period. Documentation such as photographs, professional receipts, receipts for parts, etc. must be provided. SD1 may send an inspector to verify the information submitted.
3. **ADJUSTMENTS FOR OVER BILLING:** Upon request from the person or at SD1's discretion, billing records for a period of five years may be reviewed to determine appropriate billing adjustments or refunds to an account for errors, changes in circumstances, or other reasonable reasons for adjustment. Billing disputes or requests for adjustments must be submitted within five years of the date of the bill to be considered for adjustment.
4. **ADJUSTMENT FOR UNDER BILLING:** If SD1 determines that a customer account was not properly billed due to errors, changes in circumstances, or other reasonable reasons, SD1 will make proper adjustments to the account for a period not to exceed one year.
5. **RESIDUAL CREDIT:** Residual credits will be carried over to the next billing period(s). Residual credits may be applied to a delinquent balance for other premises associated with the person. No refund checks will be issued for less than five dollars unless approved by SD1.

SECTION 403 AUXILIARY AND SPECIAL METERS

1. GENERAL

- A. Auxiliary or special meters shall be installed at the expense of the owner. No meter shall be installed before approval of the installation is granted by SD1. All meters shall be installed in accordance with the standards, rules and regulations of the applicable public water supplier.
- B. Meters to be used as auxiliary meters or special meters which will be approved are as follows:
- Meters purchased from any municipality, or the person, firm or corporation which furnished water to said person's premises and meters similar to and equal to those specified by said water supplier and tested by the water supplier.
 - Crest or turbine type meters of two-inch size and over, to be used where it is established the particular meter is under a full head at all times, provided such meters are tested and passed for large constant flows by an independent testing laboratory or a water department and certified by same.
 - Existing private meters now in place may be continued in use on conditional basis. If such meters are suspected of faulty registration, they are subject to a test when so ordered by SD1.

2. AUXILIARY METERS ALL PERSONS

SD1 has the authority to require an additional debit (charge) meter(s) to be installed at the applicant's expense, so as to measure the quantity of water actually entering the wastewater treatment system (WTS) and to determine the sewer service charge or surcharge.

- A. Auxiliary meters for determining the sewer service charge or surcharge shall be installed, owned and maintained by the property owner. However, following the installation of such meters and approval of the installation by SD1, meters may not be removed without the prior approval of SD1.
- B. When an auxiliary meter is so located that it is not read by the public water supplier, it shall be the responsibility of the person to make reports of meter readings before each billing period. Meter reading forms are available from SD1. If the required meter reading reports for auxiliary meters are not received at SD1 before each billing period, SD1 shall compute the person's sewer service charge by using an estimated consumption total based on consumption history.
- C. Where private meters are used on wells, or in an industrial, commercial or private water distribution system and such meters are set behind the meters used to register the primary water supply to a lot, land or premises, the installation is subject to the inspection and approval of SD1.

- D. Where total sanitary wastewater flow is to be measured, the auxiliary meter(s) must be installed to measure all flow streams discharging to the sewer.
- E. If SD1 finds that it is not practical to measure the quantity of wastewater by meters, SD1 shall determine the quantity of wastewater entering the WTS in any manner or by any method found reasonable and practical. The quantity so determined shall be the quantity of wastewater to which the WTS charges shall be applied.

3. SPECIAL METERS NON-RESIDENTIAL USERS

- A. All requests for installation of special meters and reductions in sewer service charge must be in writing, using the special meter installation form, to SD1.
- B. **SPECIAL METER REQUIREMENTS:** An approved, permanently installed special meter (no hose connections or portable meters) designed for measurement of water flows must be used to measure all water which does not enter the sanitary or combined sewer system. All special meters must register in the same units (gallons or cubic feet) as the public water supply meter which serves the person.
- C. **METER APPROVAL:** All special meters must be approved by SD1 to receive credit. It shall be the responsibility of the person to verify that the water does not enter the sanitary or combined sewer system. Only water measured with the approved special meter shall qualify for a reduction in sewer service charges. Where a portion of the special metered water discharges to the WTS, only partial credit will be given based on information supplied by the person and as determined by SD1. No refunds, credits, reductions or allowances will be given covering any period prior to the date SD1 approves the request for installation of a special meter.
- D. **RIGHT TO INSPECT METERS:** SD1 reserves the right to enter a person's premises, to inspect the installation of all special meters and to verify all readings. If completed forms do not correspond with actual readings, then all reductions will be based on actual meter readings.
- E. **SPECIAL METER RESPONSIBILITY:** SD1 assumes no responsibility for installation, maintenance or mechanical condition of the meter. No reductions will be approved if the meter fails to operate properly. No estimated readings will be acceptable as a basis for reduction in sewer service charges. If a meter is suspected of faulty registration, SD1 may order a test and/or replacement of meter.
- F. **IMPROPERLY INSTALLED OR FAULTY METER:** SD1 reserves the right to reverse all reductions that were previously made if it is determined that the special meter was improperly installed and/or faulty.
- G. **METER READING SUBMITTAL:** The person is responsible for reporting all readings to SD1. SD1 assumes no responsibility for the readings until said readings are received at SD1's main office. All readings must be recorded on the official form provided by SD1 and mailed to SD1's main office. Forms will be automatically forwarded to the person on a yearly basis. All reductions will be computed based on the SD1's current approved rate schedules in effect at the time the water was used.

- H. **METER READING TIME LIMIT:** All special meter forms must be received by SD1 before the sewer service charge is processed for each billing period. If the reading is not received before the processing of the sewer service charge, then the total water consumption from the public water supply meter and any auxiliary meter will be used. In the event a non-residential customer is required to turn in special meter readings, per an agreement with SD1, and does not do so in the agreed period of time, SD1 will allow only 90 percent of the requested reduction once received.

For annually read special meters, the special meter refund forms must be completed and mailed to SD1's customer service department within 30 days of when SD1 mailed the forms to the person. No reductions will be allowed to a person's sewer service charge once the billing has been computed and/or processed. The reduction will be carried forward to the next billing period. No reduction in a person's sewer service charge will be allowed for accounts that have been inactive for a period of 12 months or more since the last form submittal.

Furthermore, if the tardiness in submitting readings continues, the non-residential customer may forfeit the right to participate in the Special Meter Program.

- I. **SPECIAL METER REFUND LIMITATIONS:** Requested reductions or credits to a person's sewer service charge will not be greater than a minimum bill per current approved rates, for the applicable billing period. Credit will be carried to the next billing period. The amount of reduction associated with a special meter credit cannot amount to more than the total sewer service charges associated with the usage from the person's water supply meter(s) for the same period of time.

For annually read special meters, refunds will be processed at 100 percent if received within the proper time frame. In the event the special meter reading is received the following year (approximately one year late) a refund of 50 percent will be issued. In the event a reading is submitted two or more years later than required, no credit will be issued and the reading will be used as a start reading for the next period.

SECTION 500

WASTEWATER DISCHARGES INDUSTRIAL AND NON-RESIDENTIAL USERS

SECTION 501 GENERAL REGULATIONS

1. PROHIBITIONS

General and specific prohibitions apply to all non-residential and industrial users introducing pollutants into a wastewater treatment system (WTS) whether the industrial user is subject to other national pretreatment standards, or any national, state, or local pretreatment requirements. SD1 has the right to deny, control, or condition discharges to the WTS and has the right to require compliance with the federal, state, and SD1 Rules and Regulations, per 40 CFR 403.8(f)(1).

The following prohibitions apply to all SD1 service areas:

- A. **GENERAL PROHIBITION:** No person may introduce into the WTS any pollutants or wastes which cause, threaten to cause, or can cause, either alone or by interaction with other substances, system releases, or interference, or pass through.
- B. **SPECIFIC PROHIBITIONS:** No person shall discharge to the WTS the following:
 - 1) Waste causing a fire or explosion hazard. This includes pollutants, 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 SD1's WTS and/or personnel. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent, nor any single reading more than 10 percent of the lower explosive limit (LEL) of the meter for the particular gas to be measured.

Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorides, perchlorates, bromates, carbides, hydrides, sulfides, waste streams with a closed cup flashpoint of less than 140°F (60°C) using the test methods specified in Code of Federal Regulations at 40 CFR 261.21, and any other substances which SD1, the state, or US Environmental Protection Agency (EPA) has notified its person is a fire hazard or a hazard to the system.

- 2) Any water or wastes, acid or alkaline in reaction and having corrosive properties capable of causing damage or hazard to structure, equipment, or personnel of SD1, but in no case have a pH lower than 5.0 standard units (SU). Refer to Section 501(2), Wastewater Effluent Discharge Limits for further pH limitations and enforcement.
- 3) Solid or viscous pollutants or waste streams in amounts which may or will cause obstruction of flow in or damage or injury to the WTS.

- 4) Any pollutant or waste streams, including oxygen-demanding pollutants (biochemical oxygen demand, etc.), discharged at a flow rate and/or pollutant concentration which will cause interference with the wastewater treatment processes.
- 5) Heat in liquid or vapor form in amounts which will inhibit biological activity in the wastewater treatment plant resulting in interference or cause the temperature at the wastewater treatment plant to exceed 104°F (40°C).
- 6) Any water or waste containing floating fat, oils, or grease or containing petroleum oil (including synthetic petroleum replacements), non-biodegradable cutting oil, products of mineral oil origin, or other non-biodegradable oils, emulsified or not, in amounts that will cause system releases, interference or pass through. Refer to Section 501(2) for effluent discharge limits.
- 7) Any water or wastes containing toxic gases, vapors, dissolved gases (such as hydrogen sulfide, sulfur oxides and ammonia) or fumes in concentrations sufficient to cause poisonous or toxic fumes or wastewater within the WTS in a quantity that may cause acute worker health and safety problems or harmful condition.
- 8) Any trucked or hauled pollutants, except at discharge points designated and controlled by SD1.
- 9) Waste that causes a danger to life or safety of personnel, including, but not limited to, medical or infectious wastes.
- 10) Waste that causes a nuisance or prevention of the effective maintenance or operation of the WTS through having a strong, unpleasant odor.
- 11) Waste that causes air pollution by the release of toxic or malodorous gases or malodorous gas-producing substance.
- 12) Any substance which would cause the treatment plant to be in noncompliance with sludge use, recycle or disposal criteria pursuant to guidelines or regulations developed under Section 405 of the Clean Water Act or other laws and regulations or criteria for sludge management and disposal.
- 13) Waste that causes a detrimental environmental impact or a nuisance in the water of the state or a condition unacceptable to any public authority.
- 14) Waste that causes any condition, e.g., discoloration in the WTS's effluents such that receiving water quality requirements established by law cannot be met.
- 15) Waste that causes conditions at or near any wastewater treatment works which violate any statute, permit, rule, or regulation of any public authority.
- 16) Quantities or rates of flow which overload any wastewater treatment works or cause excessive SD1 operation and/or maintenance costs or use a disproportionate share of a WTS_[GU1].

- 17) Any ashes, cinders, sand, inorganic materials, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, waxes, wood, asphaltic materials, cement or concentrate, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, beer or distillery spent grains, chemical residues, paint residues, cannery waste bulk solids, or any other solid or viscous substances, in amounts capable of causing obstruction to flow in, or Interference with the proper operation of a WTS.
 - 18) Any water or wastes containing objectionable or toxic substances to such a degree that any such material received in the composite wastewater at a wastewater treatment plant exceeds the limits established by SD1 to comply with the objectives presented in the Introduction of these Rules and Regulations.
 - 19) Toxic or poisonous substances in sufficient quantity to injure or interfere with any wastewater treatment process, to constitute hazards to humans or animals, or to create any hazard in waters which receive treated effluent from the wastewater treatment plant.
 - 20) Any water or wastes containing surfactants that results in a system release, cause interference and/or pass through of the WTS causing foaming in the receiving stream.
- C. RADIOACTIVE MATERIAL: No person shall discharge material licensed by the Federal Nuclear Regulatory Commission or other radioactive material into the wastewater treatment works. Excreta from individuals undergoing medical diagnosis or therapy with radioactive material shall be exempt.
- D. GARBAGE GRINDERS:
- 1) No person shall discharge wastes from garbage grinders into the WTS except:
 - A) Wastes generated in preparation of food normally consumed on the premises, or
 - B) Where the person has obtained permission for that specific use from SD1.
 - 2) All garbage grinders shall shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the sewer. Garbage grinders shall not be used for grinding plastic, paper products, inert materials, or garden refuse for discharge to the WTS.
- E. DILUTION: Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement, or in any other pollutant-specific limitation developed by SD1 or the state. (Comment: Dilution may be an acceptable means of complying with some of the prohibitions set forth in this section for pH regulations.) The Executive Director may impose mass limitations on industrial users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

2. WASTEWATER EFFLUENT DISCHARGE LIMITS

A. DRY CREEK WASTEWATER TREATMENT PLANT SERVICE AREA EFFLUENT DISCHARGE LIMITS

In addition to the General Regulations for prohibitions identified in Section 501(1), persons shall not discharge:

- 1) Any liquid or vapor in a wastewater discharge into the WTS having a temperature higher than 150°F (65°C).
- 2) Any wastewater or waste containing petroleum oil (including synthetic petroleum replacements), non-biodegradable cutting oil, products of mineral oil origin, or other non-biodegradable oils, emulsified or not, in excess of 50 mg/L grease and oil hydrocarbon.
- 3) Any wastewater or waste containing substances which may solidify or become viscous at temperatures between 32°F (0°C) and 140°F (60°C); in amounts that will cause interference or pass through.
- 4) Any water or wastes, acid or alkaline in reaction and having corrosive properties capable of causing damage or hazard to structure, equipment or SD1. The acidic or alkaline character of such wastes must be neutralized at all times to within the permissible range of pH, which range is between 6.0 and 10.0 SU. Violation of this requirement is subject to a penalty and each violation shall be considered a separate offense.

SD1 may assess the penalties for such violations and add such penalties to the industrial user's charges and fees. Such penalty shall not be construed as liquidated damages and shall accrue in addition to any liability for any consequential damages resulting from the violation for which the penalty is imposed.

- 5) Any wastewater containing metals or substances in concentrations greater than those listed in Table 501-1, or applicable federal categorical wastewater discharge limits if more stringent. The sampling performed for each pollutant is accurate and representative, refer to Section 501(6)(G) Proper Sampling and Analysis.

These effluent discharge limits apply to total sanitary flow being discharged to the WTS.

These effluent limitations have been established to assure compliance with the objectives presented in the Introduction of these Rules and Regulations.

- 6) SD1 reserves the right to establish more stringent limitations or requirements on discharges to the WTS if deemed necessary to comply with the objectives presented in the Introduction to these Rules and Regulations.

- 7) Except as modified to meet conditions at the wastewater treatment plant, measurements, tests and analyses of the characteristics of wastewaters shall be determined in accordance with standard methods and applicable EPA approved methods.

**Table 501-1 Dry Creek Wastewater Treatment Plant Service Area
Effluent Discharge Limits**

Discharge Pollutant Parameters	Sampling Method	Daily Maximum Limit (mg/L)
Arsenic (As), total	Composite	2.21
Cadmium (Cd), total	Composite	0.12
Chromium (Cr), hexavalent	Grab	1.15
Chromium (Cr), total	Composite	6.00
Copper (Cu), total	Composite	3.06
Lead (Pb), total	Composite	0.76
Mercury (Hg), total	Composite	0.0005
Nickel (Ni), total	Composite	4.55
Selenium (Se), total	Composite	0.23
Silver (Ag), total	Composite	1.0
Zinc (Zn), total	Composite	3.50
Cyanide, free ^[GU2]	Grab	0.69
pH	Grab	6.0 - 10.0 (SU)
Temperature	Grab	150° F (65°C)
Grease & Oil, hydrocarbon	Grab	50

B. WESTERN REGIONAL WATER RECLAMATION FACILITY SERVICE AREA EFFLUENT DISCHARGE LIMITS

In addition to the General Regulations for prohibitions identified in Section 501(1), industrial users shall not discharge:

- 1) Any liquid or vapor in a wastewater discharge into the WTS having a temperature higher than 150°F (65°C).
- 2) Any wastewater or waste containing petroleum oil (including synthetic petroleum replacements), non-biodegradable cutting oil, products of mineral oil origin, or other non-biodegradable oils, emulsified or not, in excess of 50 mg/L grease and oil hydrocarbon.
- 3) Any wastewater or waste containing substances which may solidify or become viscous at temperatures between 32°F. (0°C) and 140°F. (60°C); in amounts that will cause interference or pass through.
- 4) Any water or wastes, acid or alkaline in reaction and having corrosive properties capable of causing damage or hazard to structure, equipment, or SD1. The acidic or alkaline character of such wastes must be neutralized at all times to within the permissible range of pH, which range is between 6.0 and 10.0 SU. Violation of this requirement is subject to a penalty and each violation shall be considered a separate offense.

SD1 may assess the penalties for such violations and add such penalties to the industrial user's charges and fees. Such penalty shall not be construed as liquidated damages and shall accrue in addition to any liability for any consequential damages resulting from the violation for which the penalty is imposed.

- 5) Any wastewater containing metals or substances in concentrations greater than those listed in Table 501-2, or applicable federal categorical wastewater discharge limits if more stringent. The sampling performed for each pollutant is accurate and representative, refer to Section 501(6)(G) Proper Sampling and Analysis.

These effluent discharge limits apply to total sanitary flow being discharged to the WTS.

These effluent limitations have been established to assure compliance with the objectives presented in the Introduction of these Rules and Regulations.

- 6) SD1 reserves the right to establish more stringent limitations or requirements on discharges to the WTS if deemed necessary to comply with the objectives presented in the Introduction to these Rules and Regulations.
- 7) Except as modified to meet conditions at the wastewater treatment plant, measurements, tests and analyses of the characteristics of wastewaters shall be determined in accordance with standard methods and applicable EPA approved methods.

**Table 501-2 Western Regional Water Reclamation Facility Service Area
Effluent Discharge Limits**

Discharge Pollutant Parameters	Sampling Method	Daily Maximum Limit (mg/L)
Arsenic (As), total	Composite	1.44
Cadmium (Cd), total	Composite	0.052
Chromium (Cr), total	Composite	6
Copper (Cu), total	Composite	1.48
Lead (Pb), total	Composite	0.608
Mercury (Hg), total	Composite	0.0005
Nickel (Ni), total	Composite	4.91
Selenium (Se), total	Composite	0.572
Silver (Ag), total	Composite	0.307
Zinc (Zn), total	Composite	3.94
Chromium, hexavalent	Grab	0.84
Cyanide, amenable	Grab	0.21
pH	Grab	6.0 - 10.0 (SU)
Temperature	Grab	150°F (65°C)
Grease & Oil, hydrocarbon	Grab	50

**C. EASTERN REGIONAL WATER RECLAMATION FACILITY SERVICE AREA
EFFLUENT DISCHARGE LIMITS**

In addition to the General Regulations for prohibitions identified in Section 501(1), industrial users shall not discharge:

- 1) Any liquid or vapor in a wastewater discharge into the WTS having a temperature higher than 104°F (40°C).
- 2) Any wastewater or waste containing petroleum oil (including synthetic petroleum replacements), non-biodegradable cutting oil, products of mineral oil origin, or other non-biodegradable oils, emulsified or not, in excess of 100 mg/L grease and oil-total.
- 3) Any wastewater or waste containing substances which may solidify or become viscous at temperatures between 32°F (0°C) and 140°F (60°C); in amounts that will cause system releases, interference or pass through.

- 4) Any water or wastes, acid or alkaline in reaction and having corrosive properties capable of causing damage or hazard to structure, equipment or personnel of SD1. The acidic or alkaline character of such wastes must be neutralized at all times to within the permissible range of pH, which range is between 5.0 and 10.0 SU. Violation of this requirement is subject to a penalty and each violation shall be considered a separate offense.

SD1 may assess the penalties for such violations and add such penalties to the industrial user's charges and fees. Such penalty shall not be construed as liquidated damages and shall accrue in addition to any liability for any consequential damages resulting from the violation for which the penalty is imposed.

- 5) Any wastewater containing metals or substances in concentrations greater than those listed in Table 501-3, or applicable federal categorical wastewater discharge limits if more stringent. The sampling performed for each pollutant is accurate and representative, refer to Section 501(6)(G), Proper Sampling and Analysis.

The effluent limits apply to total sanitary flow being discharged to the WTS.

These effluent limitations have been established to assure compliance with the objectives presented in the Introduction of these Rules and Regulations.

- 6) SD1 reserves the right to establish more stringent limitations or requirements on discharges to the WTS if deemed necessary to comply with the objectives presented in the Introduction to these Rules and Regulations.
- 7) Except as modified to meet conditions at the wastewater treatment plant, measurements, tests and analyses of the characteristics of wastewaters shall be determined in accordance with standard methods and applicable EPA approved methods.

**Table 501-3 Eastern Regional Water Reclamation Facility Service Area
Effluent Discharge Limits**

Discharge Pollutant Parameters	Sampling Method	Daily Maximum Limit (mg/L)
Arsenic (As)	Composite	1.02
Cadmium (Cd)	Composite	0.02
Chromium (Cr), total	Composite	3.80
Copper (Cu)	Composite	0.29
Lead (Pb)	Composite	0.11
Mercury (Hg)	Composite	0.0005
Nickel (Ni)	Composite	0.82
Selenium (Se)	Composite	0.03
Silver (Ag)	Composite	0.35
Zinc (Zn)	Composite	1.36
Cyanide	Grab	0.03
pH	Grab	5.0 - 10.0 (SU)
Temperature	Grab	104°F (40°C)
Chloride	Composite	2,000 daily max
Grease & Oil, total	Grab	100
Chromium, hexavalent	Grab	0.23

3. SAMPLING/FLOW MONITORING

A. SD1 RIGHT OF ACCESS AND MONITORING OF WASTEWATER

- 1) Persons or occupants of premises of any industrial user where wastewater is created or discharged shall allow SD1 ready access at all reasonable times to all parts of the premises for the purpose of inspection and sampling or for the performance of any of their duties as stated in Section 901 in these Rules and Regulations. SD1 shall have the right to enter and set up, on company property, such devices as are necessary to conduct a gauging and sampling operation and to begin such operation without advance notice to the company.
- 2) Where a person has security measures in force which would require proper identification and clearance before entry into the premises, the industrial user shall make necessary arrangements with its security guards so that

upon presentation of suitable identification, SD1 will be permitted to enter immediately or in non-emergency events, as deemed by SD1, within 15 minutes of arrival for the purpose of performing their specific responsibilities. While performing the work, SD1 shall observe all safety rules applicable to the premises established by the user; or the company or premise shall install suitable gauging and sampling manholes outside the security limits, which manholes will, at all times, be immediately accessible to SD1.

B. INSTALLATION OF MONITORING/SAMPLING CHAMBER

- 1) SD1 may require any industrial user to construct, at the industrial user's expense, monitoring facilities. The plans for the monitoring facilities must be reviewed by SD1 prior to installation. The monitoring facilities would allow for observation, sampling and flow measurement of the building sewer or internal drainage systems. SD1 may also require sampling or metering equipment to be provided, installed and operated at the industrial user's expense.
- 2) The monitoring facility shall be situated on the industrial user's premises and located so that it will not be obstructed by landscaping or parked vehicles.
- 3) SD1 shall have access to the monitoring facilities at all times for inspection and sample collection as stated in Section 901 in these Rules and Regulations. If the facilities are locked, special arrangements shall be made to allow access. SD1 shall also have the right to set up monitoring devices at the facilities. There shall be ample room in or near such monitoring facilities to allow accurate sampling and compositing of samples for analysis. The monitoring facilities, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the industrial user.
- 4) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with SD1's requirements and all applicable local agency construction standards and specifications. Unless a time extension is otherwise granted by SD1, construction shall be completed within 90 days following the issuance of written notification by SD1.

4. SPILL/SLUG PREVENTION

- A. Each person shall provide facilities for protection from accidental discharge of prohibited materials or other regulated wastes and slug discharges. Such facilities shall be provided and maintained at the person's expense. Detailed plans, delineating such facilities and detailed operating procedures to provide the protection, shall be maintained by the person and available for inspection by SD1 at any reasonable time, upon request of SD1.
- B. When SD1 determines that chemicals or other materials stored on a site may represent a possible hazard to the sewer system, SD1 may require the development of an accidental spill prevention or slug control plan. Per 40 CFR 403.8(f)(1)(iii)(B)(6),

the plan should state at a minimum a description of discharge practices, including non-routine batch discharges. The plan must describe areas of production, areas where raw chemicals and waste chemicals are stored, and state where the spill or slug potentials exist. The procedures to be taken to control or countermeasure a spill or slug must be stated and include SD1's 24-hour phone number (859-547-1673) for reporting accidental spills for immediate notification and require a written follow-up notification to be sent to SD1 within five days of the incident. Refer to Section 501(6)(C), the General Reporting Requirements for Spill Reporting. The plan must include, where necessary, procedures for inspection and maintenance of each aspect of the slug control plan, including measures and equipment of the emergency response.

- C. A new or modified accidental spill prevention or slug control plan may be required and submitted to SD1 when any person institutes the use of a new process or change in its manufacturing or processing facilities or when there is a significant change in its existing operation or wastewater constituents or characteristics.
- D. Where required by Federal Categorical Regulations, a Spill Prevention Control and Countermeasure Plan (SPCC) [Section 502(2)(B)(6)], a Toxic Organic Management Plan (TOMP) [Section 502(2)(B)(7)], a Pollution Management Plan (PMP) [Section 502(2)(B)(8)] or a Best Management Practice (BMP) [Section 502(2)(B)(9)] shall be submitted to SD1. Refer to the categorical industrial user section of these Rules and Regulations.

5. WASTEWATER PRETREATMENT

Wastewater pretreatment or control facilities may need to be installed for an industrial user to attain compliance with SD1's Rules and Regulations. SD1 can require pretreatment to be installed when deemed necessary. Plans, specifications, and any other pertinent information relating to wastewater pretreatment or control facilities are required to be submitted to SD1 within 90 days prior to installation for review. Failure to make a timely submittal shall be grounds for revocation or refusal to issue or renew a wastewater discharge permit. Changes made to existing pretreatment or control facilities must also be submitted to SD1 within 90 days prior to installation for review.

- A. **REVIEW OF PRETREATMENT OR CONTROL FACILITIES:** Review of existing or proposed pretreatment or control facilities or equipment by SD1 does not, in any way, guarantee that these facilities or equipment will function in the manner described by their constructor or manufacturer; nor shall it relieve any person of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose of pretreatment or control.
- B. **PRETREATMENT OPERATIONS AND RECORDS:** Where pretreatment or control facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense and shall be subject to periodic inspection by SD1. The person shall maintain operating records and submit to SD1 reports of the character of the influent and effluent to show the performance of the pretreatment or control facilities.

C. WASTEWATER INTERCEPTION DEVICES: Grease, oil and sand interception devices or traps shall be provided when, in the opinion of SD1, they are necessary for the proper handling of liquid wastes containing oil or grease in excessive amounts, sand or other harmful ingredients, except that such interception devices or traps will not be required for private living quarters or dwelling units. All interception devices or traps shall be of the type and capacity approved by SD1 and the plumbing codes of state and local regulations and shall be so located as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, gas-tight, watertight, and equipped with easily removable covers. Where installed, all grease, oil and sand interception devices or traps shall be maintained by the owner, at their expense, in continuously efficient operation at all times.

D. PRETREATMENT BYPASSING

- 1) INTENTIONAL BYPASSING: An industrial user may allow any bypass, defined as the intentional diversion of waste streams from any portion of an industrial user's treatment facility, to occur only if it also is for essential maintenance to assure efficient operation and does not cause pretreatment standards or requirements to be violated. These bypasses are subject to the provisions of the following:
 - A) If an industrial user knows in advance of the need for an intentional bypass, the industrial user shall submit prior notice to SD1, if possible, at least 10 days before the date of the bypass.
- 2) UNANTICIPATED BYPASS: An industrial user shall submit oral notice of an unanticipated bypass SD1 within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain the information required in 40 CFR 403.17. SD1 may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- 3) If the bypass discharge is prohibited, SD1 may take enforcement action against an industrial user for a bypass, unless:
 - A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
 - B) There was no feasible alternative to the bypass.
 - C) The industrial user submitted notices as required above.

SD1 may approve an anticipated bypass, after considering its adverse effects and if SD1 determines that it will meet the three conditions noted above.

6. GENERAL REPORTING REQUIREMENTS

- A. **CHANGES IN OPERATION, WASTEWATER VOLUME OR CHARACTER OF POLLUTANTS:** All industrial users shall promptly notify SD1 in advance of any substantial change in production operation and in the wastewater volume or character of pollutants, including the listed or characteristic hazardous wastes for which the industrial user has submitted an initial notification under 40 CFR 403.12(p). See Section 501(6) (D), Hazardous Waste Discharge Reporting. Enforcement action will be taken if a significant industrial user fails to notify SD1 of such changes and a slug discharge occurs.
- B. **SLUG LOADING:** Must be reported to SD1 prior to the discharge and abide by all the conditions of SD1's Rules and Regulations and any conditions SD1 imposes on the discharge. If any waste is discharged or is proposed to be discharged to the WTS which may contain substances or possess the characteristics enumerated in Section 501 of these Rules and Regulations and which, in the judgment of SD1, have a detrimental effect on the wastewater system and/or receiving waters, or which may otherwise create a hazard to life or constitute a public nuisance, SD1 may:
- 1) Reject the waste.
 - 2) Require pretreatment to an acceptable condition for discharge to the WTS.
 - 3) Require control over the quantities and rates of discharge; and/or
 - 4) Require payment to cover the added costs of handling, treating, and disposing of the wastes not covered by the WTS sewer service charge.
- C. **ACCIDENTAL DISCHARGE/SPILL REPORTING**
- 1) Persons shall notify SD1 immediately of any slug loading, accidental discharges or any other discharges or highway spills of wastes in violation of these Rules and Regulations to enable countermeasures to be taken by SD1 to minimize damage to the WTS and/or the receiving waters. SD1's 24-hour phone number is 859-547-1673. The industrial user shall identify the type of chemical, volume of spill, location, time and date of occurrence and the countermeasures taken to control.
 - A) This notification shall be followed, within five calendar days of the date of occurrence, by a detailed written statement from the industrial user describing the causes of the discharge and the measures being taken to prevent its future occurrence.
 - B) Such notification will not relieve industrial users of liability for any consequential expense, loss, or damage to the WTS or for any fines and/or penalties imposed on SD1 which result from the violating discharge.
- D. **HAZARDOUS WASTE DISCHARGE REPORTING**
- 1) The industrial user shall notify SD1, the EPA Regional Waste Management Division Director and state hazardous waste authorities, in writing, of any discharge into the treatment system of a substance, which, if otherwise

disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the information requested in 40 CFR 403.12(p). Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than one 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of these Rules and Regulations or 40 CFR 403.12(b), (d) and (e).

- 2) Discharges are exempt from the requirements of this section during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.
- 3) In the case of any new regulations under Section 3001 of Resource Conservation and Recovery Act identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify, as noted above, of the discharge of such substance within 90 days of the effective date of such regulations.
- 4) In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

E. NON-CATEGORICAL INDUSTRIAL USER SELF-MONITORING AND REPORTING

Significant non-categorical industrial users (NSCIU) shall submit to SD1, at least once every six months (or on dates specified by SD1), a description of the nature, concentration and flow of pollutants required to be reported to SD1. The self-monitoring reports are due to SD1 no later than the 20th day after each monitoring reporting period. This sampling and analysis may be performed by SD1 in lieu of self-monitoring by the NSCIU. Where SD1 itself collects all the information required for the report, the non-categorical significant industrial user will not be required to submit the report. All sampling performed during the required reporting periods must be reported to SD1. All sampling data reported must be representative of the wastewater conditions during the reporting period.

F. COMPLIANCE SCHEDULES

If sampling indicates that the pretreatment standards are not being met on a consistent basis and additional operation and maintenance (O&M) and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements, the industrial user will provide the shortest compliance schedule by which the additional pretreatment and/or O&M will be provided, as required by 40 CFR 403.8(f)1(ii) and 40 CFR 403.12(c).

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 industrial user to meet the applicable categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.). No increment of this section shall exceed nine months.

Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to SD1 including, at 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 industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the control authority.

G. PROPER SAMPLING AND ANALYSIS

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- 1) Except as indicated in Section 501(6)(G)(2)) (xz3)) below, the industrial user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by SD1.

Where time-proportional composite sampling or grab sampling is authorized SD1 and documented, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by SD1, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits. [See 40 CFR 403.12(g)(3)].

- 2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfide, and volatile organic compounds must be obtained using grab collection techniques.
- 3) For sampling required in support of baseline monitoring and 90-day compliance reports required in [40 CFR 403.12(b) and (d)], a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical

sampling data do not exist; for facilities for which historical sampling data are available, SD1 may authorize a lower minimum.

For the reports required for CIU periodic reports of continued compliance (40 CFR 403.12(e) and non-CIU periodic reports of continued compliance 403.12(h)), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements. See 40 CFR 403.12(g)(4).

All reports required of industrial users shall be based on analysis performed in accordance with procedures established by the EPA Regional Administrator pursuant to Section 304(g) of the Clean Water Act and contained in 40 CFR Part 136 and amendment thereto or with any other test procedures approved by the EPA Regional Administrator. Sampling shall be performed in accordance with the techniques approved by the EPA Regional Administrator. Except as modified to meet conditions at the wastewater treatment plant, measurements, tests, and analyses of the characteristics of such wastewaters shall be determined in accordance with standard methods.

SECTION 502 INDUSTRIAL USERS

1. GENERAL

SD1 may inspect or monitor all non-residential and industrial users in the service area as needed. To obtain important information of a non-residential/ industrial establishment, SD1 may require a non-residential/industrial establishment to complete and file with SD1 industrial waste questionnaire containing pertinent information on their production, quantity of flow, a chemical analysis of their wastes to be discharged, and waste disposal. For new establishments, the questionnaire may be required to be completed before wastewater discharges begin.

All discharges from a non-residential/industrial establishment shall remain the responsibility of the person who discharges. The owner of the building, in the case of leasing or a multi-tenant situation, may also be liable to enforcement action for discharges in violation of SD1 Rules and Regulations or may have to install and pay for monitoring facilities or wastewater pretreatment.

Non-residential/industrial establishments discharging into wastewater collection systems not owned by SD1 shall be regulated by the multi- or extra-jurisdictional agreement between SD1 and the owner of the wastewater collection system. Where SD1 is contracted by a client to operate and maintain the wastewater collection system and or wastewater treatment system (WTS), the non-residential/industrial discharges shall be regulated per the contract between SD1 and the client.

2. SIGNIFICANT INDUSTRIAL USERS (SIU)

Industrial users that are determined to be significant by SD1, as defined in Section 101, are required to be permitted by SD1. A significant industrial user (SIU) can be a surcharged industry, a categorical industrial user (CIU), a non-significant categorical user (NCIU), or any industrial user that SD1 determines that should be permitted as an SIU. Most SIUs are required to perform self-monitoring of their effluent and send a self-monitoring report to SD1 on a specified periodic basis. In some cases, SD1 may perform the sampling for the SIU.

A. **SURCHARGED INDUSTRIES:** A surcharged industry is a SIU who discharges wastewater into the WTS which exceeds the specifications for normal strength sewage. A surcharge is applied to these industrial users where an additional wastewater charge is applied above and beyond the normal strength wastewater service charge. A wastewater discharge permit will also be issued to all surcharged industries.

Every person whose premises are served by a sewer connection and which discharges sanitary sewage, industrial wastes, water, or other liquid, other than normal strength sewage, either directly or indirectly into the WTS under the management of SD1, shall be charged and shall pay a WTS surcharge in addition to the WTS service charge.

In the case of a new industry with high strength wastes, or when a surcharged industry is unable to self-monitor and report to SD1 analysis of the wastes to SD1 when requested, the WTS surcharge shall be based on a chemical analysis of a similar process or other data acceptable to SD1 and shall continue in effect until such time as an analysis of the wastes is submitted by the company and confirmed by SD1.

- 1) SURCHARGE CALCULATION: When the concentrations of anyone, any combination or all of these four constituents exceed the values for normal strength sewage (see Section 101, Definitions), the excess concentrations shall be subject to charges at a rate calculated from the following formula:

$$R = \frac{A (\text{TSS-300}) + B (\text{BOD-240}) + C (\text{TKN-30}) + D (\text{P-10})}{1,000,000}$$

Wherein:

R = Total surcharge rate in dollars per hundred cubic feet of wastewater flow.

TSS = Total suspended solids (Section 101)

BOD = Biochemical oxygen demand (Section 101)

TKN = Total Kjeldahl nitrogen (Section 101)

P = Total phosphorus (Section 101)

300 = Maximum TSS in normal strength sewage

240 = Maximum BOD in normal strength

30 = Maximum TKN in normal strength sewage

10 = Maximum Phosphorus in normal strength sewage

A, B, C and D are numerical factors related to unit costs of providing primary and secondary treatment for the indicated pollutants. The values shall be found in SD1's annual Rate & Fee Schedule approved annually by SD1.

2) SURCHARGE SAMPLING

- A) The sewage strength of the wastewater discharge shall be determined from wastewater samples taken at a sampling point at such time, duration, and manner as SD1 may elect or at any place mutually agreed upon between the person and SD1. The results of routine sampling and analysis by the person may also be used in determining the amount of the surcharge, after approval by SD1.
- B) The average wastewater strength found by analysis shall be used in determining the amount of the surcharge. The surcharge shall be applied to the total water consumption, less that portion exempted by SD1.

3) SURCHARGE REDUCTION BY FLOW REDUCTION

- A) Where certain types of business and industrial users discharge clear water, not contaminated as the usual wastewater entering the WTS, and if such persons shall install and have in operation equipment to prevent said water from entering the WTS, they shall be exempt from payment of WTS surcharges for the water so eliminated. The owner shall install meters at their expense to measure that amount of water so disposed of or diverted. All surcharge reduction procedures listed above must be reviewed by SD1 prior to installation. Refer to Section 403, Auxiliary and Special Meters for more information.

- B) For difficult situations, a non-residential or industrial establishment may submit to SD1 for review and request for permission to install a total sanitary flow meter to accurately measure the amount of wastewater being discharged to the sanitary sewer system to account for water evaporation or water contained in product. No estimations of water losses are acceptable.
- C) If SD1 finds that it is not practical to measure the quantity of wastewater by incoming water meters feeding the establishment, it shall determine the quantity of wastewater entering the WTS in any manner or by any method it may find reasonable and practical. The quantity so determined shall be the quantity of wastewater to which the WTS surcharge shall be applied.

4) SURCHARGED INDUSTRIAL SAMPLING AND REPORTING

- A) The Environmental Protection Agency (EPA) requires surcharged industries to self-monitor their wastewater and report the results to SD1 for the six-month periods beginning January 1 through June 30 and July 1 through December 31 of each year. Reports are due by July 20 and January 20 of each year. SD1 has the option to perform this required monitoring for the surcharged industries.
- B) SD1 shall conduct, at a minimum, one wastewater discharge sample per location per calendar year, without cost to the person, industry, or company. This sample shall be obtained any time during the calendar year and shall serve as the basis for future WTS surcharges.

5) REQUEST FOR ADDITIONAL SURCHARGE SAMPLING

If a person, industry, or company disagrees with the analysis on which the WTS surcharge is based, they may request in writing another wastewater sampling. SD1 will review this request on a case-by-case basis as to whether to grant the request. The full cost of sampling (including labor, equipment, and analytical costs). Shall be payable by the requesting party. After the sampling is completed and at the discretion of SD1, the new sampling data will be averaged with the other sampling data in question, unless SD1 agrees that the other data in question is inaccurate. The new average sampling results, higher or lower than the previous sampling results, shall become the basis for the WTS surcharge.

The request for additional sampling must be made no later than the first of October in a calendar year.

B. CATEGORICAL INDUSTRIAL USERS (CIU)

EPA designated specific categories of industrial users in order to regulate the amount of specific Pollutants being discharged to the sewer systems and natural water ways. All EPA designated categorical industries in SD1's service area must report to SD1 Industrial Pretreatment Department for proper wastewater discharge management and control, per federal regulations. The federal categorical pretreatment standards are applied to the regulated process discharge per the respective specific category. SD1 shall notify all affected persons about the specific

categorical regulations that apply and of the applicable reporting requirements under 40 CFR 403.12.

The promulgation of a federal categorical pretreatment standard limit for a particular industrial subcategory immediately supersedes, if more stringent SD1's Effluent Discharge Limits.

An "existing source" industrial user is an industrial user already in production before the promulgation of an applicable categorical pretreatment standard. "Existing source" industrial users shall be in compliance with the categorical pretreatment standards within three years of the effective date of the pretreatment standards unless a shorter compliance time is specified in the appropriate subpart of 40 CFR Chapter 1, Subchapter N (40 CFR 403.6 (b)). "Existing source" industrial users can become "new source" industrial users if they make changes that would qualify them as a "new source" industrial user per 40 CFR 403.3(m).

"New source" industrial users must be in compliance with the applicable categorical pretreatment standards before beginning to discharge to the sanitary sewer system. Should noncompliance occur, the "new source" industrial user must meet all applicable pretreatment standards within the shortest feasible time [not to exceed 90 days].

1) CIU BASELINE MONITORING REPORT

- A) "Existing" industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to SD1 shall be required to submit to SD1 a Baseline Monitoring Report which contains the information as required by 40 CFR 403.12(b). This report is due within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision made upon a categorical determination submission under 40 CFR 403.6(a)(4), whichever is later.
- B) At least 90 days prior to commencement of discharge, "new source" industrial users and "new sources" industries that become industrial users subsequent to the promulgation of an applicable categorical pretreatment standard, shall be required to submit to SD1 a Baseline Monitoring Report which contains the information as requested in 40 CFR 403.12(b)(1)-(5). "New Source" industrial users are required to include information on the method of pretreatment to be used to meet applicable pretreatment standards. New sources shall give estimates of the information requested in 40 CFR 403.12(b)(4)(5).
- C) The report shall include the certification statement indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements; this report shall also include the certification statement as set forth in 40 CFR 403.6(a)(2)(ii) and shall be reviewed and

signed by an authorized representative of the industrial user as defined in 40 CFR 403.12(l) and certified by a qualified professional.

2) COMPLIANCE SCHEDULES

See Section 501(6)(F).

3) COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARDS REPORT (90 DAY COMPLIANCE REPORT) (40 CFR 403.12(D))

A) Within 90 days following the date for final compliance with applicable categorical pretreatment standards or in the case of a “new source” industrial user following commencement of the introduction of wastewater into SD1, any industrial user subject to pretreatment standards and requirements shall submit to SD1 a report containing the industrial information as required by the 40 CFR 403.12(b) (4)(6). For industrial users subject to equivalent mass or concentration limits established by SD1 in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period.

B) This report shall include the certification statement as set forth in 40 CFR 403.6(a) (2) (ii) and shall be reviewed and signed by an authorized representative of the industrial user as defined in 40 CFR 403.12(l) and certified to by a qualified professional.

4) PERIODIC REPORTS ON CONTINUED COMPLIANCE

A) Any industrial user subject to a categorical pretreatment standard (except a (NSCIU) as defined in 40 CFR 403.3(v)(2)), after the promulgation date of such pretreatment standard, or, in the case of a “new source”, after commencement of the discharge into the SD1 sewer system, and after the 90-day Compliance Report submittal, shall submit a continued compliance wastewater discharge report to SD1 or designee at a minimum after the six-month period beginning January 1 through June 30 and July 1 through December 31 of each year, unless required more frequently in the pretreatment standard or by SD1 or the approval authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period. SD1 may require a more detailed reporting of flows. In cases where the pretreatment standard requires compliance with a best management practice (BMP) (or pollution prevention alternative), the industrial user shall submit documentation required by SD1 or the pretreatment standard necessary to determine the compliance status of the industrial user. At the discretion of SD1 and in consideration of such factors as local high or

low flow rates, holidays, budget cycles, etc., SD1 may modify the months during which the above reports are to be submitted.

- B) For industrial users subject to equivalent mass or concentration limits established by SD1 in accordance with the procedures in 40 CFR 403.6(c), the report required shall contain a reasonable measure of the industrial user's "long term" production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report shall include the industrial user's "actual average" production rate for the reporting period.
- C) Where waiver of required pollutant parameter sampling has been granted per SD1 and in conjunction with the respective State or Federal Categorical Regulations, a certification statement must be submitted with each self-monitoring report, such as a total toxic organic (TTO) certification statement must be provided in lieu of required TTO monitoring per 40 CFR 433.12(a) & (b). Refer to Section 502(2)(B)6 through 9)).
- D) **REPORT CERTIFICATION STATEMENT AND AUTHORIZED REPRESENTATIVE SIGNATURE:** This report shall include the certification statement as set forth in 40 CFR 403.6(a) (2) (ii) and shall be reviewed and signed by an authorized representative of the industrial user as defined in 40 CFR 403.12(l).
- E) If an industrial user subject to this reporting requirement monitors any pollutant more frequently than required by SD1, using the procedures prescribed in Section 501(6)(G), the results of this monitoring shall be included in the report.
- F) **POLLUTANT PARAMETER LIMITS VIOLATION RESAMPLING/REPORTING:** If sampling performed by an industrial user indicates a violation, the industrial user shall notify SD1 within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to SD1 within 30 days after becoming aware of the violation. Where SD1 has performed the sampling and analysis in lieu of the industrial user, SD1 has performed the sampling and analysis unless it notifies the industrial user of the violation and requires the industrial user to perform the repeat analysis. Resampling is not required if:
 - I. SD1 performs sampling at the industrial user at a frequency of at least once per month; or
 - II. SD1 performs sampling at the industrial user between the time when the initial sampling was conducted and the time when the industrial user or SD1 receives the results of this sampling.
- G) **MIDDLE TIER CIU SAMPLING/REPORTING:** SD1 (at its discretion) may allow a middle tier CIU to self-monitor and report to SD1 on a less

frequent basis if they meet the qualifications of 40 CFR 403.12(e) (3). Should they fail to continue to meet these qualifications they will immediately revert back to being a regular CIU.

- 5) ADDITIONAL REPORTING: Refer to Section 501(6), General Reporting.
- 6) SPILL PREVENTION CONTROL AND COUNTERMEASURE PLAN (SPCC)
 - A) Industrial users under the oil handling facilities regulations (40 CFR Part 112) must prepare a Spill Prevention Control and Countermeasure Plan (SPCC).
 - B) Each industrial user who is required to prepare a SPCC shall have an initial and on-going safety and accident prevention training program. This training and education program shall include, but not be limited to, appropriate work practices, protective measures, and emergency procedures. The details and frequency of the training programs should be provided as part of the SPCC for the facility. SD1 shall have the authority to require different frequencies of training for industries with frequent spills and/or spill histories.
- 7) TOXIC ORGANIC MANAGEMENT PLAN (TOMP): If industrial users under the categories of 40 CFR Part 413 (Electroplating), 433 (Metal Finishing), and 469 (Electrical and Electronic Components), do not want to sample for the required total toxic organics, then the industrial user shall submit a TOMP that specifies to the satisfaction of SD1, the toxic organic compounds used, the method of disposal used instead of dumping, and procedures for ensuring that toxic organics do not spill or leak into the wastewater.
- 8) POLLUTION MANAGEMENT PLAN (PMP): If industrial users under the 40 CFR Part 442 Transportation Equipment Cleaning Point Source Category do not want to sample for the required pollutant parameters, then the industrial user shall submit a PMP. The PMP must be in accordance with the requirements of 40 CFR 442 regulations and a certification statement of the intent to utilize the PMP must be signed by an authorized representative as defined in 40 CFR 403.12(l).
- 9) BEST MANAGEMENT PRACTICES (BMP): Where allowed by SD1, BMP are (defined in 40 CFR 403.3(e)) schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMP also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. The BMP practices must protect against the potential for pass through and/or Interference. Where permitted by SD1, the industrial user would only have to comply with best management plan based SD1 effluent discharge limits or BMP based Federal Categorical Pretreatment Standards. BMP must be demonstrated to be enacted properly, and in accordance with the respective 40 CFR 403.12(b), (e), and (h). The best management plan must be submitted to SD1 for approval. An authorized representative (as defined in 40 CFR 403.12(l)) of the industrial user must annually sign a

certification statement of the intent to utilize the BMP. Any reporting of the use of best management plans must be sent in as required by the BMP. Violations of any of these requirements can result in the exclusion of the use of these alternative BMP based limits or standards and the default SD1 Effluent Discharge Limits or the Federal Categorical Standards will apply.

- 10) CONSISTENT REMOVAL CREDIT: Where the WTS achieves consistent removal of pollutants limited by a categorical pretreatment standard(s), SD1 may apply to the approval authority for modification of specific limits in the federal pretreatment standards. SD1 may then modify, at its discretion and subject to the conditions of 40 CFR 403.7, pollutant discharge limits in the federal pretreatment standards. Sewer overflows must be taken in account depending on if an industrial user is in a combined sewer system.
- 11) MASS LIMITS, EQUIVALENT MASS LIMITS, EQUIVALENT CONCENTRATION LIMITS
 - A) When the pollutant discharge limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, SD1 may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users. The limits conversion shall be calculated as shown at 40 CFR 403.6(c).
 - B) Any industrial user operating under a control mechanism incorporating equivalent mass or equivalent concentration limits calculated from a production-based standard shall notify SD1 within two business days after the industrial user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any industrial user not notifying SD1 of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long-term average production rate.
- 12) COMBINED WASTE STREAM FORMULA: Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by SD1, or by the industrial user with the written concurrence of SD1. These alternative limits shall be applied to the mixed effluent and shall be calculated as shown at 40 CFR 403.6(e) using the combined waste stream formula. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant. An industrial user must immediately report any such material or significant change to SD1. The industrial user may change monitoring points only after receiving approval from SD1.
- 13) At SD1's discretion upon request from a CIU, SD1 may authorize the CIU to forego sampling of a pollutant regulated by a categorical pretreatment standard if the CIU has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the

Discharge or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. The CIU must meet the qualifications in 40 CFR 403.12(e) (2) and submit a certification statement with each self-monitoring report. Failure to maintain these qualifications may result loss of the waiver.

- C. **NON-SIGNIFICANT CATEGORICAL INDUSTRIAL USERS (NSCIU):** SD1 at its discretion may allow a CIU to become a NSCIU if they can meet the qualifications. An NSCIU is a CIU designated by SD1 as "non-significant." To qualify as an NSCIU, the CIU must never discharge more than 100 gallons per day (GPD) of total categorical wastewater (excluding sanitary, non-contact cooling, and boiler blowdown wastewater, unless specifically included in the categorical pretreatment standard). The CIU must also: Have consistently complied with all applicable Pretreatment Standards; annually submit a certification statement (40 CFR 403.12(q)); and never discharge any untreated concentrated wastewater. An NSCIU can immediately become a CIU if they no longer meet the qualifications stated above.
- D. **MISCELLANEOUS SIGNIFICANT INDUSTRIAL USERS:** Miscellaneous significant industrial users are industrial users which are neither surcharged nor categorical.

3. WASTEWATER DISCHARGE PERMITTING

Permits are control documents that guide the industrial/non-residential user on what regulations and requirements that they need to adhere to in order to be in compliance with SD1's Rules & Regulations, State, and Federal Regulations. The permit may be designed specific to the user such as an SIU/CIU/FOG permit or it may be a general permit that addresses a group of industrial users.

A. PERMIT REQUIREMENTS

All SIUs shall obtain an Industrial User's Wastewater Discharge Permit before connecting to or discharging into the WTS. All SIUs shall complete and file with SD1, a permit application in the form prescribed by SD1 and accompanied by the applicable fees. SD1 will evaluate the data furnished by the person and may require additional information. After evaluation of the data furnished, SD1 may issue an Industrial User's Wastewater Discharge Permit subject to terms and conditions provided herein.

B. WASTEWATER DISCHARGE PERMIT PROVISIONS

- 1) Wastewater discharge permits shall be expressly subject to all provisions of these Rules and Regulations. Permits shall contain, at a minimum, the following conditions:
 - A) Statement of duration.
 - B) Statement of non-transferability without, at a minimum, prior notification to the publicly owned treatment works (POTW) and provision of a copy of the existing control mechanism to the new owner or operator.

- C) Effluent limits, including BMPs, based on applicable general pretreatment standards in part 403 of Title 40 of the Code of Federal Regulations, categorical pretreatment standards, effluent discharge limits, and state and local law.
 - D) Self-monitoring, sampling, reporting, notification, and record keeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency and sample type, based on the applicable general pretreatment standards in part of 403 of Title 40 of the Code of Federal Regulations, categorical pretreatment standards, effluent discharge limits, and state and local law.
 - E) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule may not extend the compliance date beyond applicable federal deadlines.
 - F) Requirements to control slug discharges, if determined by SD1 to be necessary.
 - G) Additional requirements as determined by SD1.
- 2) All discharges shall comply with all other applicable laws, regulations, standards, and requirements contained in the pretreatment ordinance and any applicable state and federal pretreatment laws, regulations, standards, and requirements including any such laws, regulations, standards, or requirements that may become effective during the term of this permit. The person can contest provisions of the permit 30 days of receipt of the permit revisions.

C. PERMIT LENGTH OF TIME

- 1) Permits shall be issued for a specified period of time but in no event shall a permit extend beyond five years of the date of issuance. 30 days prior to the expiration of the permit, the industrial user shall apply to SD1 for a renewal of the permit.
- 2) The person shall be notified in writing of any proposed changes in his permit at least 30 days prior to the effective date of change. The notice shall include a specified time schedule for compliance. This time schedule shall be based on practical delivery and construction time requirements and shall become part of the permit.

D. PERMIT CHANGES

- A. SD1 reserves the right to re-open the wastewater discharge permit to establish changes in limitations or requirements on discharges to the wastewater sewer system, if deemed necessary.

- E. PERMIT TRANSFERS: Industrial users' wastewater discharge permits are issued to a specific person for a specific operation. An industrial user's wastewater discharge

permit shall not be reassigned, transferred, or sold to a new owner, or significantly changed operation unless permission is granted by SD1. If a change in ownership, name, production, or location occurs, a letter so indicating must be submitted at least 60 days prior to the proposed change date, along with a new permit application.

- F. PERMIT EXPIRATION: Should the wastewater discharge permit expire, the permit and permit conditions shall remain in effect until a new permit is issued, but in no case beyond five years of the date of issuance.
- G. PERMIT REVOCATION: Refer to Section 1001(2), Enforcement Action.

4. RECORD KEEPING

- A. Any industrial user subject to reporting requirements established in these Rules and Regulations or any other state or federal pretreatment regulations shall maintain records of all information resulting from any monitoring activities required by the regulations. Such records shall include for all samples:
 - 1) The date, exact place, method and time of sampling and the names of the person or persons taking the samples.
 - 2) The date(s) analyses were performed.
 - 3) The facility that performed the analyses.
 - 4) The analytical techniques/methods used.
 - 5) The results of such analyses.
- B. Any industrial user subject to these reporting requirements shall be required to retain for a minimum of three years any records of monitoring activities and results (whether or not such monitoring activities are required by regulation) and shall make such records available for inspection and copying by SD1. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by SD1 or the EPA Regional Administrator.
- C. Any records kept by any industrial user on BMPs (including Pollution Management Plan, Toxic Organic Management Plan, or Spill Prevention Control & Countermeasure Plan) are required to be retained for a minimum of three years and they shall make such records available for inspection and copying by SD1.

5. CONFIDENTIAL INFORMATION

- A. Information and data on a person obtained from reports, questionnaires, permit applications, permits, monitoring programs, inspections and sampling activities shall be available to the public or any governmental agency without restriction unless the person specifically requests and is able to demonstrate to the satisfaction of SD1 that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user under applicable state law. Any such request must be asserted at the time of submission of the information or data.

- B. When requested and demonstrated by the person/entity furnishing the information that such information should be held confidential, the portions of a report that might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this ordinance, the Kentucky Pollutant Discharge Elimination System (KPDES) permit, State Disposal System Permit, the pretreatment program and/or in enforcement proceedings involving the person/entity providing the information. Wastewater constituents and characteristics and other effluent data as defined by 40 CFR 2.302 will not be recognized as confidential information.
- C. Information accepted by SD1 as confidential shall not be transmitted to any governmental agency or to the general public by SD1 until and unless a 10-day notification is given to the person.

6. MISCELLANEOUS FEES

SD1 may adopt charges and fees which may include:

- A. Fees for reimbursement of costs of setting up and operating the pretreatment program of SD1.
- B. Fees for monitoring, inspection, and surveillance procedures.
- C. Fees for reviewing accidental discharge procedures and construction.
- D. Fees for permit application.
- E. Fees for filing appeals.
- F. Fees for consistent removal (by SD1) of pollutants otherwise subject to federal pretreatment standards.
- G. Other fees as SD1 may deem necessary to carry out the requirements contained herein.

SECTION 503 FOOD SERVICE ESTABLISHMENTS

1. All restaurants and food service establishments (FSEs) within the boundaries of SD1 must, upon request, complete a Restaurant/Food Service Grease Handling Questionnaire. SD1 will determine the need to issue a Food Service Discharge Permit along with any applicable fees.
2. Food Service Discharge Permit fees will be assessed annually, and fines may be levied due to non-adherence to conditions of the discharge permit.
 - A. SD1 will require that all new FSEs obtain a Food Service Discharge Permit, as well as any FSE that undergoes a significant remodel. SD1 may issue a Food Service Discharge Permit to any food service establishment that is found to be in an area experiencing grease/FOG issues or determined to be the cause of a grease/FOG related sewer overflow.
 - B. Significant remodeling is defined as modification made to an existing FSE sufficient to require issuance of a building permit or the temporary closure of the FSE for building renovation.
3. All Food Service Discharge Permit provisions must be adhered to at all times.
4. SD1 reserves the right to require the grease control equipment (GCE) to be installed when deemed necessary. Refer to Section 501(5)(C), Wastewater Interception Devices.
5. SD1 may inspect GCE to determine if the GCE is functioning properly and being maintained. SD1 may require modifications to be made to the GCE if deemed necessary.
6. SD1 reserves the right to require additional cleaning or additional pretreatment if the GCE is of inadequate size or not working properly.
7. SD1 requires all new restaurant construction within its boundaries to submit a detailed drawing of the GCE and complete a Food Service Discharge Permit Application/Questionnaire.
8. Use of additives (including enzymes and biological) are prohibited in plumbing tied into GCE unless express written permission is received from SD1. In no case shall the use of an SD1 approved additive extend the required cleaning frequency of the trap/interceptor.

SECTION 504 DISPOSAL OF HAULED WASTE

1. All persons must apply for and obtain a Waste Hauler Discharge Permit before discharging holding tank waste to SD1. Permits are issued on an annual basis and all provisions of the permit must be adhered to at all times. An annual permit fee shall be applicable for each waste hauler.
2. A "Waste Hauler Manifest" shall be completed and submitted to SD1 for each shipment of waste discharged, at the time of discharge.
3. No person shall discharge holding tank wastes into any watercourse or storm sewer.
4. Hauled wastes originating within SD1's service area shall be discharged into the wastewater treatment plant specified in the Waste Hauler Discharge Permit or other locations as approved by SD1 in writing.
5. Greasecontrol equipment (GCE) waste originating outside SD1's boundaries will not be accepted in any case.
6. Hauled waste other than GCE waste originating outside the boundaries of the counties served by SD1 are prohibited from being discharged into SD1's Wastewater Treatment System (WTS) unless prior written permission is granted by the SD1.
7. Any person discharging hauled wastes into an SD1 designated disposal facility shall pay SD1 a sewage disposal charge.
8. Any person violating the provisions of this section and or their Waste Hauler Discharge Permit shall be subject to a penalty not to exceed \$1,000.00 per violation and/or suspension or revocation of their permit. In addition, such person may be liable for any expense, loss or damage occasioned by reason of such violation.
9. No person shall discharge or cause to be discharged, either directly or indirectly, into the WTS of SD1, wastes other than domestic sewage without the prior written approval of SD1. Domestic sewage includes septic tank waste, portable toilet waste, and restaurant GCE waste. All other waste requires prior written approval from SD1.
10. Combined loads of domestic sewage must have a separate Waste Hauler Manifest for each source of sewage. Combined loads are defined as domestic sewage from two or more sources. GCE waste cannot be combined with any other waste.
11. GCE must be pumped out completely (total pump), and no water from the trap will be discharged back into the GCE after the pumping is complete, unless prior approval is given. The GCE should be filled with "fresh water" after the total pump out.
12. The transfer of the Waste Hauler Discharge Permit is prohibited unless SD1 grants prior written approval.
13. The full price of discharging to an SD1 designated disposal facility will be charged for partial loads unless a properly functioning sight glass or float is installed on the truck tank to determine volume being discharged.

SECTION 505 UNUSUAL DISCHARGES

1. A letter of request must be submitted to SD1 to discharge waste of an unusual nature, including one-time discharges, to the wastewater treatment system (WTS). SD1 will determine, on a case-by-case basis, if the request will be granted. The letter of request must contain enough information to make a determination, such as a description of the reason for the discharge, the nature and characteristic of the discharge, proper analyses of the discharge to determine compliance with the discharge limits, pretreatment proposed, estimated volume, etc.
2. The responsible party for the discharge shall have an acceptable means of measuring the volume to be discharged and is responsible for paying any fees incurred such as SD1's employee time involved, equipment/vehicle costs, and fees associated with the wastewater characteristics and volume of the actual discharge. Refer to SD1's rate and fee schedule.
3. There shall be no unusual discharges during a rain event in the combined sewer service area.
4. SD1 must be notified at least 24 hours in advance of any approved discharges.
5. All discharges shall be in compliance with all of the conditions of SD1's Rules and Regulations and applicable federal and state regulations.
6. SD1 reserves the right to halt or condition all discharges to the sanitary sewer system.
7. The responsible person is liable for any adverse effects to the sewer system, wastewater treatment plant, the environment, or hazards to the public/SD1 personnel that may be caused by the discharge, whether by itself or in conjunction with other discharges.

SECTION 600

STANDARDS FOR DESIGN AND CONSTRUCTION OF SEWERS AND PUMP STATIONS

SECTION 601 GENERAL

Sanitary sewers, force mains, pump stations or other facilities which discharge into a wastewater treatment system (WTS) under the management or ownership of SD1 and dedicated to and accepted by SD1 shall not be constructed without review and written approval by SD1 of the improvement plans.

The purpose of this policy is to provide general requirements for new sewers and pump stations.

1. **DESIGN:** The design and construction of all sanitary sewers, force mains, pump stations or other facilities connected to the WTS managed by SD1 and dedicated to and accepted by SD1 shall, as a minimum, meet all published standards and specifications as established by SD1.
2. **SEWER INSPECTION:** All sewers which will connect either directly or indirectly into the WTS under the management of SD1 and which are to be constructed by any person, shall be inspected by and subject to, the testing under the supervision of SD1 or its designated representative.
3. **PUMP STATION APPROVAL:** SD1 has the authority to require the installation of a gravity sewer, in lieu of a pump station.
4. **PLAN CHANGES:** Any deviations from the approved plans or specifications affecting, capacity, flow, operation of units, or point of discharge shall be approved, in writing, before such changes are made. Plans or specifications revised shall be submitted in advance of any construction work which will be affected by such changes to permit sufficient time for review and approval.

SECTION 602 RESERVATION OF SANITARY SEWER CAPACITY

1. GENERAL

Sanitary sewer capacity may be limited as to the system as a whole or the capacity at one or more pump stations affected by a proposed development. Due to the location of projects and use or non-use of a pump station(s), capacity may be available for one development while unavailable for another development. Consequently, capacity must be calculated, monitored, reserved, and allocated for each pump station, as well as for the wastewater treatment system (WTS) as a whole.

2. RESERVATION OF SANITARY SEWER CAPACITY

1,000 GALLONS PER DAY (GPD) OR LESS: A request for a reservation of sanitary sewer capacity 1,000 GPD or less may be granted by SD1 based upon pump station capacity and system capacity.

1,000 GPD OR GREATER: A request for a reservation of sanitary sewer capacity over 1,000 GPD for a development may be granted by the Board or its designee based upon pump station capacity and system capacity. Where there are multiple requests for a reservation and insufficient system capacity to approve all of the requests then approval shall be granted based on time or by need as follows:

- A. **PRIORITY BY TIME:** Subject to priority by need, reservations of sanitary sewer capacity shall be granted to developments according to the filing date of the request for reservation.
- B. **PRIORITY BY NEED:** Reservations of sanitary sewer capacity based upon regional interests related to health, economic growth, and the welfare of the general public, as approved on a project-by-project basis by the Board or a majority of the three County Judge-Executives, shall take precedence over developments having a prior filing date of the request for reservation. A priority by need shall not, in any event, cause the revocation of a capacity approval previously approved by the Board or its designee.
- C. **REVIEW BY DISTRICT:** SD1 shall use its best efforts to review and approve or deny a request for reservation within sixty (60) calendar days.
- D. The Board may, at its discretion, approve or deny a request for sanitary sewer capacity to a non-residential or industrial user requiring 25,000 GPD or greater. This decision shall be based upon the Board's determination of whether the allocation is an appropriate use of the available sanitary sewer capacity and shall apply regardless of whether sufficient capacity exists to meet the non-residential or industrial user's needs.

3. AMOUNT OF RESERVATION

The amount of reservation granted shall be based upon the proposed usage of a development, but only to the extent the usage shall be placed in service within a five-year period beginning on the date of capacity approval. SD1 shall determine the final amount of reservation granted, which may differ from the amount requested.

4. RESERVATION FEE OR ADVANCE OF CAPACITY CONNECTION FEE

A reservation fee or an advance or down payment of the capacity connection fees (or some portion thereof) may be required by SD1 in such amount and on such terms as SD1 determines. Failure to pay a required reservation fee within 30 days following the date of capacity approval shall cause an immediate revocation of the reservation.

5. TERMS OF RESERVATION

- A. A reservation of sanitary sewer capacity granted by SD1 will be effective for a period of five years, commencing on the date of capacity approval.
- B. A five-year extension to this five-year reservation may be granted by SD1 upon the occurrence of extraordinary circumstances, not to include general economic or market fluctuations or circumstances substantially attributable to the applicant. A request for extension must be made in writing and must be filed with SD1 no less than 90 days prior to the expiration of the five-year period.
- C. A sanitary sewer reservation of capacity for infrastructure improvements paid for by the developer that will increase capacity beyond what is required for the development, as determined by SD1, will be granted for 15 years commencing on the date of the acceptance of the infrastructure by SD1. A five-year extension will be granted upon request which shall be made in writing no less than 90 days prior to the expiration of the 15-year period.

6. REQUEST FOR RESERVATION

- A. A request for sanitary sewer reservation of capacity shall be filed with SD1 on such form and in such specified format as required by SD1 together with such additional information as SD1 shall reasonably require.
- B. Any amendment made to an improvement plan, which has previously been granted a sanitary sewer capacity which results in the need for additional sanitary sewer capacity shall constitute a new request for reservation.

7. INSUFFICIENT SANITARY SEWER CAPACITY

- A. **WAIT LIST:** If there is insufficient system capacity to adequately satisfy the request of an applicant, the development may, upon the written request of the applicant, be placed on a waiting list until sufficient capacity becomes available., either through new capacity or the revocation of a previously allocated reservation. Priority on the waiting list shall be granted based on the time or by need.
- B. **PRIORITY BY TIME:** Subject to priority by need, reservations of sanitary sewer capacity shall be granted to developments according to the filing date of the request for reservation.

- C. **ONSITE STORAGE:** If there is insufficient system capacity to adequately satisfy the request of an applicant, the development may, submit a request and supporting design and calculations to construct onsite storage tank to address capacity limitation. This request may be approved at the sole discretion of SD1.

8. REVOCATION OF RESERVATION

- A. The unused amount of reserved capacity granted to a development may be revoked unless 80 percent of the development as set forth in the application for reservation of sanitary sewer capacity has been platted by the end of the five-year period beginning with the date of capacity approval, or a later date if an extension has been granted; for those developments that meet the 80 percent threshold, a two-year extension shall be granted upon request for extension of reservation of capacity submitted no less than 90 days prior to the expiration of the five-year period and on such form(s) and in such specified format as required by SD1 together with such additional information as SD1 shall reasonably require. Prior to the execution of any revocation of reservation, SD1 must notify the Developer 180 days prior to revocation. At no time will a revocation occur without prior notification.

- B. If an improvement plan has not been approved by SD1 by the end of the one-year period beginning on the date of capacity approval, the Board may, at any time, thereafter, revoke the unused amount of reserved capacity granted to a development. Prior to the execution of any revocation of reservation, SD1 must notify the Developer 90 days prior to revocation. At no time will a revocation occur without prior notification.

9. TRANSFER OF RESERVATION/REALLOCATION OF EXCESS CAPACITY

A reservation of sanitary sewer capacity shall only apply to the development for which an approval has been granted and may not be transferred to any other development without written approval from SD1, which may not be unreasonably withheld. If ownership of a development is transferred written notice of the transfer shall be filed by the transferee with SD1.

Once capacity for an intended development has been accounted for with the infrastructure improvements, such as a new pump station, SD1 will determine how the remaining capacity, if any, will be allocated.

SECTION 700

BUILDING LATERAL CONNECTIONS AND PERMITS

SECTION 701 CONNECTIONS AND PERMITS

1. GENERAL

- A. A separate and independent building lateral shall be provided for every building that is to be occupied and all buildable lot(s) unless otherwise approved by SD1. The minimum size shall be four inches for a single-family unit.
- B. In residential subdivisions with sanitary sewers, all buildable lots shall be served by connections to the sanitary sewer system either by gravity or by means of a pump. No individual disposal devices will be permitted.
- C. Only persons certified as a certified tapper with SD1 will be allowed to connect building laterals to the sanitary sewer system.
- D. The building lateral and all internal and external plumbing shall be constructed of materials meeting the standards of SD1 and requirements of the Kentucky State Plumbing Law and Code, Rules and Regulations.
- E. A service connection shall be constructed as part of the improvement to the property line of the premises served.
 - 1) The building lateral shall be connected into the sewer at the curb or property line, if a service connection is available at this location. Where no service connection is available; the owner of the building shall extend the building lateral to the sewer.
 - 2) The building lateral shall be owned and maintained by the owner of the property from the point of connection to the sewer to the building served (including the portion of the building lateral that is under the public right-of-way).
 - 3) No building lateral shall be laid in such a manner as to impact the foundation of the building being served. The depth shall be sufficient to afford protection from frost. The building lateral shall be laid at uniform grade and in straight alignment. Changes in direction shall be made only with proper fittings.
 - 4) The details and construction of all connections shall be inspected and approved by SD1 and made in accordance with these Rules and Regulations and SD1's Certified Tapper Manual.

2. SANITARY SEWER CAPACITY CONNECTION PERMIT

- A. A Sanitary Sewer Capacity Connection Permit shall be applicable for all connections to SD1's sanitary sewer system.
- B. The owner or their agent shall make application for a Sanitary Sewer Capacity Connection Permit with SD1 on such form(s) and in such specified format as required by

SD1. No Sanitary Sewer Capacity Connection Permit shall be issued until the applicant has provided sufficient evidence when required of having obtained the building construction permit and providing proof of the water meter size for the building for which the Sanitary Sewer Capacity Connection Permit is sought.

- C. The application for the Sanitary Sewer Capacity Connection Permit shall be accompanied by the payment of all applicable sewer capacity and connection fees in effect as of the date of the application as determined by SD1's rate and fee schedule updated annually. The application shall be supplemented by any plans, specifications or other information considered pertinent in the issuance of the permit by SD1.
- D. After SD1 staff have reviewed the application and determined that all items listed below have been met, SD1 staff will issue the Sanitary Sewer Capacity Connection Permit
 - 1) The Sanitary Sewer Capacity Connection Permit application is complete.
 - 2) All outstanding construction items have been completed in such form and with such documentation as SD1 may require.
 - 3) The applicant and or the development associated with the capacity connection permit is not currently on SD1's suspension list for any outstanding violation(s).
 - 4) All necessary easements have been obtained (if applicable).
- E. Any person making connection to SD1's sanitary sewers without first obtaining a Sanitary Sewer Capacity Connection Permit shall be deemed to have made an illegal connection to SD1 sewers and shall be liable to SD1 for the amount of the sewer capacity and connection fees in effect at the time the illegal connection is discovered by SD1 and will result in administrative enforcement actions in accordance with Section 1000 of the Sanitary Rules and Regulations
- F. No sewer capacity fee will be charged for connection of a specific parcel of property for which the water meter is the same size or smaller as the water meter that most recently served that specific parcel of property as provided in writing from the local water district serving the property.

3. CAPACITY CONNECTION CREDITS (CCF)

- A. Where development or construction will require a larger water meter or meters to serve the property, the CCF will equal the current rates minus any previously paid CCFs. If said fees cannot be determined, the credit will be based upon the fee schedule that was in effect prior to August 1, 1999.
 - 1) SD1 shall issue no refunds for previously paid CCFs.
 - 2) Capacity connection credits shall run with the property(s) as determined by the parcel identification number(s) (PIDN(s)).
 - 3) The amount of the capacity connection credits shall be determined at the time of the application and shall not be divisible or assignable.

- 4) The amount of the capacity connection credit(s) shall be used in their entirety and any remainder shall not be refunded or re-useable thereafter.
- 5) Credit(s) for past paid fees shall expire within five years from termination of use of that capacity, however, a property owner may apply for an additional five-year extension.
- 6) Capacity connection credits shall be contingent upon proper abandonment of the prior connections and compliance with all Sanitary Rules and Regulations.

4. PROHIBITED GENERAL

No authorized person or public authority shall uncover, make any connections with or opening into, use, alter or disturb any SD1 sewer or appurtenances thereof without first obtaining the appropriate permit(s) from SD1.

No person shall install or cause to be installed, any building lateral or make any service connection to any sewer within SD1's jurisdictional boundary without a plumbing permit secured from the State Plumbing Program Director, Kentucky Department for Natural Resources and Environmental Protection and the construction shall conform to the requirements of the Kentucky State Plumbing Law and Code, Rules and Regulations. The construction shall also conform to SD1's Rules and Regulations, details, specifications and/or to any other public authority having jurisdiction and control of the sewer to which the connection is being made or will be made.

SECTION 800

PRIVATE SEWAGE DISPOSAL

SECTION 801 PRIVATE DISPOSAL*

1. Where a sanitary sewer is not available to a premises, the building lateral shall be connected to a private sewage disposal facility complying with the requirements of the appropriate public authority.
2. The owner shall, at their own expense, operate and maintain the private sewage disposal facility to the satisfaction of the appropriate public authority.
3. In accordance with Section 201, when a sewer becomes available for use by property served by a private sewage disposal system, a direct connection shall be made to the sewer system. Any septic tanks, cesspools or similar private sewage disposal facility shall be abandoned to the satisfaction of the appropriate public authority.

* Enforcement of proper operation and maintenance of private sewage disposal facilities is the responsibility of the appropriate public authority.

SECTION 900

POWERS AND AUTHORITY

SECTION 901 POWERS AND AUTHORITY

1. The Executive Director and other duly authorized representative of SD1 bearing proper credentials and identification shall have at reasonable times, access to and copy any records or information pertaining to any effluent which is being monitored in accordance with the provisions of these Rules and Regulations.
2. The Executive Director and other duly authorized representative of SD1 bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of effluent record inspection and/or transcribing, surveying, inspection, observation, measurement, sampling and testing of all wastewater treatment systems (WTS) under the management of SD1, in accordance with the provisions of these Rules and Regulations.
3. The Executive Director and other duly authorized representative of SD1 bearing proper credentials and identification shall be permitted to enter all private properties, through which a proper easement is on record, for the purpose of surveying, inspection, maintenance, operation, repair and reconstruction of any portion of the combined or sanitary sewer system under the management of SD1 subject to the terms of the easement.
4. The Executive Director and other duly authorized representative of SD1 shall have the authority to serve notices of violations as outlined in Section 1000 of these Rules and Regulations. The Executive Director and other duly authorized representative of SD1 shall have the authority to obtain easements utilizing SD1's property acquisition procedures.

SECTION 1000

ENFORCEMENT

SECTION 1001 ENFORCEMENT

1. GENERAL

Whenever it shall be necessary for the purposes of these Rules and Regulations or a permit issued under these Rules and Regulations; and upon presentation of proper credentials and identification, SD1 personnel shall be permitted to enter upon any property of a person subject to these Rules and Regulations or a holder of a permit issued under these Rules and Regulations at reasonable times.

2. ENFORCEMENT ACTION

Violation of these Rules and Regulations in any manner or in violation of any order issued by SD1 as authorized by these Rules and Regulations is hereby declared a public nuisance. Such nuisance shall be corrected or abated as ordered by SD1.

The use of enforcement actions outlined below taken by Industrial Pretreatment or Engineering in response to violations of federal regulations, state regulations, and SD1 Rules and Regulations are described in the Industrial Pretreatment Enforcement Response Plan (ERP) required by 40 CFR 403.8(f)(5) and the Engineering Enforcement Response Plan. The ERPs are incorporated herein by reference. A copy of the ERP is available upon request.

The ERPs aid SD1 in determining the appropriate enforcement action to be taken in each case, based on its consideration of factors relative to the violation, including, but not limited to, the type of violation, the intensity of the violation, whether the violation was intentional or unintentional, and the history of violations for given persons.

- A. ADMINISTRATIVE ENFORCEMENT: Remedies consist of the following, but are not necessarily invoked in the order presented:
- 1) VERBAL NOTICE: A verbal notice is an informal type of enforcement from SD1. The verbal notification may be used at the discretion of SD1 for minor violations and non-compliance issues or to document correction made prior to enforcement. Verbal notifications should be used for informational purposes to inform the person of non-compliant issues before the formal enforcement process begins.
 - 2) CORRECTION NOTICE (CN): An official written communication from SD1 to the noncompliant person, which informs the person that a violation has occurred. The CN is issued for minor violations of the Rules and Regulations and may serve as the initial response prior to escalating enforcement measures.
 - 3) NOTICE OF VIOLATION (NOV): An official communication from SD1, to a noncompliant person stating that SD1 has found the person in violation of the federal, state, and/or SD1 Rules and Regulations. The NOV requires the person to evaluate the cause of the violation, states actions to be taken to achieve

compliance, and required steps to be taken to ensure the violation will not reoccur. The NOV requires the person to return to compliance and may state conditions or requirements for achieving compliance. The NOV may also state deadlines for a compliance.

- 4) ADMINISTRATIVE ORDERS: Enforcement documents issued by SD1 which directs a noncompliant person to undertake or to cease specific activities. They may be the first formal response to significant noncompliance and may be used as a vehicle for administrative fines.
 - A) CEASE AND DESIST ORDERS: Directs a noncompliant person to cease illegal or unauthorized discharges immediately or directs the termination of the discharge found to be in violation of these Rules and Regulations, or pretreatment standards, or the provisions of a wastewater discharge permit. The cease and desist order will be used in situations where the discharge could create an emergency situation or in non-emergency situations, when violations are recurring and other enforcement measures have proven ineffective. SD1 may issue an order of cease and desist directing that those persons not complying therewith shall:
 - i. Comply forthwith.
 - ii. Comply in accordance with a time schedule set forth by SD1.
 - iii. Take appropriate remedial or preventative action in the event of a threatened violation.
 - B) STOP WORK ORDER: A Stop Work Order is an official written communication from SD1 to the noncompliant person, which directs the person to cease all activity in violation of these rules and regulations until the site is fully in compliance with all rules and regulations and all fines are paid.
 - C) EMERGENCY SUSPENSIONS: SD1 may suspend any permit issued under these Rules and Regulations whenever suspension is necessary in order to stop an actual or a threatened violation presenting or causing an imminent or substantial endangerment to the health or welfare of the public, SD1 facilities or the environment. Any person notified of a suspension of a permit issued under these Rules and Regulations shall immediately stop or eliminate such activity. In the event that the person fails to immediately comply with the Emergency Suspension Order, SD1 shall take such steps as are necessary to prevent or minimize the damage to the health or welfare of the public, SD1 facilities or the environment.
 - D) CONSENT ORDERS: A negotiated settlement between SD1 and a person found to be in noncompliance with applicable SD1 Rules and Regulations. The consent order differs from the other forms of administrative orders in that the signatures of both SD1 and the person who has allegedly violated these Rules and Regulations are required. The consent order may also contain a compliance schedule [Refer to Section 501(6)(F), General Reporting

Requirements, Compliance Schedules] for meeting progress milestones dates and possibly fines or remedial actions.

- E) **SHOW CAUSE ORDERS:** An order to direct the person to appear before SD1, explain its noncompliance, and show cause why more severe enforcement actions against the person should not be taken. Show cause may be used in circumstances where previous enforcement actions have failed to resolve the noncompliance. This could lead to further enforcement actions.

- 5) **CLEANING AND/OR REPAIR COST RECOVERY:** When any person causes an obstruction of, or damage to, or any other impairment to a WTS, a charge shall be levied by SD1 against said person for the cost of the work required to clean and/or repair the WTS affected by said discharge. SD1 shall add such charge to the person's usual sewer service charges, surcharges, and fees. These charges may be also used in the judicial remedy cost recovery procedure.

- 6) **PUBLIC NOTICE/SIGNIFICANT NONCOMPLIANCE (SNC):** SD1 will utilize the authority to publish on at least an annual basis, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by SD1, a list of person which, at any time during the previous 12 months, were in significant non-compliance (SNC) with applicable pretreatment requirements. This public notification is required by the federal pretreatment regulations [40 CFR 403.8(f)(2)(viii)]. For the purpose of this provision, a person is in significant noncompliance if its violation meets one or more of the following criteria:
 - A) **CHRONIC VIOLATIONS OF WASTEWATER DISCHARGE LIMITS:** Those in which 66 percent or more of all the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l).

 - B) **TECHNICAL REVIEW CRITERIA (TRC) VIOLATIONS:** Those in which 33 percent or more of all the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH).

 - C) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that SD1 determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of SD1 personnel or the general public).

 - D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in SD1's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge.

- E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
 - F) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
 - G) Failure to accurately report noncompliance.
 - H) Any other violation or group of violations, which may include a violation of Best Management Practices (BMP), which SD1 determines will adversely affect the operation or implementation of the local pretreatment program.
- 7) INCREASED MONITORING AND REPORTING: Increasing the frequency of persons self-monitoring and reporting to SD1.
- 8) SHORTENED PERMIT TERMS: SD1 may revoke and reissue to shorten the permit's duration where a person is experiencing compliance problems with applicable federal and state regulations and/or the SD1 Rules and Regulations.
- A) PERMIT REVOCATION/PERMIT DENIAL: SD1 may revoke or deny a permit of a person for violations of applicable federal and state regulations and/or SD1 Rules and Regulations, permits, or agreements. Falsifying or not accurately reporting information or analytical wastewater data to SD1.
 - B) Not reporting significant changes in operation or changes in wastewater constituents and characteristics.
 - C) Not providing reasonable access to person or SD1 premises for purpose of inspection and monitoring and reasonable access to pertinent person's records.
 - D) Noncompliance with each and every term of the wastewater discharge permit.
 - E) Currently on SD1's suspension list.
 - F) Repetitive violations of any permit issued by SD1.
- 9) REVOCATION OF BEST MANAGEMENT PRACTICES (BMP) WAIVER: BMPs are permitted to be used by certain categorical industrial users (CIUs) in lieu of having to test for specific pollutant parameters. BMPs are referenced in Section 502(2)(B)(9). Examples of BMPs are Toxic Organic Management Plan (TOMP), Pollution Management Plan (PMP), and Spill Prevention & Countermeasure Plan (SPCC). The BMP must protect against the potential for pass through and/or interference. Where permitted by SD1, the person would only have to comply with BMP based SD1's local limits or BMP based Federal Categorical Pretreatment Standards. BMPs must be demonstrated to be enacted properly, and in accordance with the respective 40 CFR 403.12(b)(e)(h). The BMP must be submitted to SD1 for

approval. An authorized representative (as defined in 40 CFR 403.12(l)) must annually sign a certification statement of the intent to utilize the BMP. Any reporting of the use of BMPs must be sent in as required by the BMP.

Violations of any of these requirements can result in the exclusion of the use of these alternative BMP based limits or standards and the default SD1 effluent limits or the federal categorical standards will apply.

10) **PERFORMANCE BONDS:** SD1 may decline to re-issue a permit pursuant to these Rules and Regulations to any noncompliant person unless such person deposits a satisfactory bond, payable to SD1, in an amount not to exceed a value reasonably determined by SD1 to be necessary to achieve consistent.

11) **ADMINISTRATIVE FINES:** An administrative fine is a monetary penalty that may be imposed for violations of these Rules and Regulations or permits issued under these Rules and Regulations pursuant to KRS 220.320 and the Enforcement Response Plan (ERP). Each day of noncompliance with these Rules and Regulations will be deemed a separate and distinct violation.

A) SD1 may assess a penalty of up to one thousand dollars (\$1,000.00) for each violation of SD1's Rules and Regulations by a noncompliant person. Each day in which a violation occurs may be considered a separate violation. Such penalties may be added to the establishment's sewer service charges and fees.

B) **JUDICIAL ENFORCEMENT REMEDIES:** The implementation of the judicial process to secure court ordered action to correct violations and to secure penalties for violations. Judicial administrative remedies will be sought:

- i. When notices of violation or administrative orders have proven ineffective in returning the violating person to compliance.
- ii. When emergency situations require injunctive relief to halt or prevent discharges which threaten human health or the environment or interfere with the treatment system.
- iii. To impose civil penalties and recover losses incurred due to noncompliance.

All judicial administrative remedies will be sought at the discretion of SD1.

- i. **INJUNCTIVE RELIEF:** SD1, through counsel, may petition for a court order of injunction to restrain or compel the activity of a noncompliant person. Injunctive relief can be used where an administrative order does not achieve compliance, or where immediate action is required to prevent a danger to human health, the treatment works or the environment. Injunctions can be temporary in nature, permanent or both.
- ii. **COST RECOVERY:** The judicial process can be used by SD1 to recover the cost associated with noncompliant acts. These costs may be due to actual physical damage to the treatment works or collection

system, personal injury to SD1 personnel, damage to the environment, cost to address or correct the noncompliant act, or other related costs such as increased testing/monitoring.

- iii. CIVIL PENALTIES: Any person who violates any provision of these Rules and Regulations or any permit condition or who violates any cease and desist order, prohibition, effluent limitation, or pretreatment or toxicity standard, may be liable for a court ordered civil penalties equal to administrative fines [see Section 1001(6)] and any and all direct or indirect damages for failing to comply with the Rules and Regulations. In addition to the above, SD1 may recover attorney fees, related court costs, and other expenses associated with the enforcement action.
- iv. TERMINATION OF WTS: SD1 may revoke any Wastewater Discharge Permit or terminate or cause to be terminated WTS service to any premise if a violation of any provision of these Rules and Regulations is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution, or nuisance as defined in these Rules and Regulations. This provision is in addition to other statutes, rules or regulations authorizing termination of service for delinquency in payment. Revocation of a permit shall be accomplished by the procedures in Section 1001(2) of these Rules and Regulations. Revocation of a permit is sufficient grounds for termination of service.

B. CRIMINAL PROSECUTION

- 1) FALSIFYING INFORMATION OR DATA: Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to these Rules and Regulations or Wastewater Discharge Permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under these Rules and Regulations, shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six months, or by both.
- 2) VIOLATIONS: Any person who willfully or negligently violates any provision of these Rules and Regulations or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000.00) per violation per day or imprisonment for not more than one year or both.

SECTION 1100

REQUEST FOR RECONSIDERATION/APPEALS

SECTION 1101 APPEALS

1. **NOTICE OF APPEAL.** An aggrieved party by any order or final determination of SD1 may appeal said order or determination to the Board and have said order or determination reviewed by a committee of three Board members organized pursuant to the Board's Bylaws and chaired by the Board President or his designee pursuant to the provisions of this Section. A written notice of appeal shall be delivered to SD1 to the attention of the Board President by hand delivery or ordinary United States mail within 30 days of receipt of the final decision, permit or order of the district. Said notice shall set forth the grounds for appeal and the relief being sought by the person filing said appeal.
2. Unless the order or determination involves a threat to public health and safety or a billing dispute, SD1 may suspend the operation of the appealed order or determination until such time as the Board Committee has acted upon the appeal.
3. **SCHEDULING OF HEARING.** The Board Committee will schedule a hearing at SD1's office to consider the matter appealed. All parties will be given at least 30 days written notice of the scheduled hearing date. Thirty days' notice will not be required if both parties and the Board Committee agree to an earlier hearing date. Hearings will be open to the public.
4. **ADMINISTRATIVE HEARING.** Upon reviewing all the evidence presented, the Board Committee shall adjourn and make a recommendation to the full Board on whether or not to affirm the order or determination which is the subject matter of the appeal, within 75 days at a regularly scheduled board meeting.
5. **PARTIES.** Any party to a hearing may represent themselves or be represented by counsel, may make oral or written argument, offer testimony or take any combination of such actions. The Board committee president or his designee will preside at the hearing in accordance with reasonable administrative practice.
6. **RECORDATION.** It will be within the Board Committee's discretion to require official transcripts or to set up other procedures of taking evidence. However, the hearing body will employ the use of mechanical recording devices for recording the testimony. The parties may jointly or independently provide further recording by court reporter.
7. **EVIDENCE.** Since the proceedings are administrative and not judicial in nature, the hearing body is not bound by the rules of evidence prescribed for judicial tribunals. Any oral or written matter, including hearsay, deemed relevant and material, may be considered without regard to technical rules of admissibility; for fixing dates, places, persons, and events definitely and accurately. Evidence will be given the weight warranted by the circumstances. The President will rule in open session on any question of admissibility. When a party or member of the hearing body objects to a ruling, a majority vote of the members present will determine whether the evidence will be admitted. When a hearing will be expedited and the interest of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

8. **CIRCUIT COURT APPEAL.** Any party aggrieved by the SD1 Board's final order shall appeal the final determination to the Circuit Court of applicable venue within 30 business days of issuance of the final order of the Board.