

ORDINANCE NO. **BG2013 - 32**

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 23 (WATER AND SEWER), SUBCHAPTER 23-3 (SEWER SYSTEM) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES AS REQUESTED BY THE BOWLING GREEN MUNICIPAL UTILITIES BOARD

WHEREAS, Bowling Green Municipal Utilities is proposing amendments to Chapter 23 (Water and Sewer) related to the section on Industrial Pretreatment in the City's Code of Ordinances; and,

WHEREAS, the amendments are based on revisions to the Federal Clean Water Act Program and were presented and approved by the Bowling Green Municipal Utilities Board; and,

WHEREAS, these amendments are in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 23 (Water and Sewer) is hereby amended as follows:

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23-3 SEWER SYSTEM.

23-3.01 Definitions.

As used in this Subchapter:

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"Best Management Practices" (BMP's) shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 23-3.05: Prohibitions and Limitations on the use of the Public Sanitary Sewers. BMP's may 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.

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"Instantaneous Limits" shall mean the maximum allowable concentration of a pollutant

determined from the analysis of any discrete or composite sample collected, independent of the flow rate and the duration of the sampling event.

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23-3.05 Prohibitions and Limitations on Use of the Public Sanitary Sewers.

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e. Prohibitions on Wastewater Discharges. No person shall discharge or deposit or cause or allow to be discharged or deposited into the wastewater system any wastewater which contains the following:

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7. Excessive Discharge Rate. Wastewaters at a flow rate that exceed for any time period longer than fifteen (15) minutes more than five (5) times the user’s average process flow during normal operation or that would cause interference with the wastewater system. Users are required to incorporate hydraulic slug control into the BMP for each facility. BGMU shall evaluate the slug control plan within one (1) year of the user’s designation as a Significant Industrial User. This Sewer Use Ordinance stands as authority to enforce these slug control requirements.

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23-3.06 Control of Prohibited Wastes.

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b. Compliance Schedule. Where pretreatment is required to meet the requirements of this Subchapter, the Ssignificant Industrial User shall submit the shortest schedule by which such additional pretreatment will be provided. The completion date in this schedule shall not be later than the compliance date established by the U.S. Environmental Protection Agency (EPA) for the applicable Pretreatment Standard or applicable National Categorical Pretreatment Standard.

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f. Protection from Accidental Discharge. Each Ssignificant Industrial User shall

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provide protection from accidental discharge of prohibited materials or other wastes regulated by this Chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the General Manager for review, and shall be approved by him before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the Significant Industrial User from the responsibility to modify his facility as necessary to meet the requirements of this Chapter.

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23-3.07 Significant Industrial Users: Reporting and Monitoring.

a. Reports.

1. Every Significant Industrial User who discharges into the public sanitary sewer or employs processes which generate any substances suspected of having an adverse impact on the wastewater system shall file a periodic Discharge Report at such intervals as may be designated by the General Manager. The General Manager may require any other users discharging or proposing to discharge into the wastewater system to file such periodic reports.

2. The Discharge Report shall include, but, in the discretion of the General Manager, shall not be limited to: nature of process, volume, rates of flow, mass emission rate, production quantities, hours of operation, concentrations of controlled pollutants, or other information which relates to the generation of waste. Such reports may also include the chemical constituents and quantity of liquid materials stored on site even though they are not normally discharged. In addition to Discharge Reports, the General Manager may require information in the form of self-monitoring reports.

3. Within one hundred and eighty (180) days after the effective date of a National Categorical Pretreatment Standard, all Significant Industrial Uusers subject to such Standards and currently discharging or scheduled to discharge to the wastewater system shall be

required to submit to the General Manager a report containing the information required in Section 403.12(b) of the Regulations and the compliance schedules and reports required in Sections 403.12(c), (d) and (c) of the Regulations.

4. Reports submitted to the General Manager must be signed by an authorized representative of the Significant Industrial User. An authorized representative may be (a) a Principal executive officer of at least the level of vice president, if the Significant Industrial User is a corporation, (b) a general partner or proprietor, if the Significant Industrial User is a partnership or sole proprietorship, or (c) a duly authorized representative of any of the above individuals, if such representative is responsible for the overall operation of the facility from which the discharge originates.

~~5. All sample collection and testing methods shall be those as described in 40 CFR 136, and 40 CFR 261, or other approved EPA methods.~~

56. All sampling analysis done in accordance with U.S. EPA procedures by the Significant Industrial User during a reporting period shall be submitted to the General Manager, regardless of whether or not that analysis was required by the user's discharge permit.

67. The Significant Industrial User must receive the approval of the General Manager before changing the sampling point and/or monitoring facilities to be used in all required sampling.

78. All Significant Industrial Uusers must notify the General Manager within 24 hours of first becoming aware of a permit violation through self-monitoring. This notification shall include the date of violation, the parameter violated and the amount in exceedance. With ten (10) days of first becoming aware of this violation, user must re-sample for the parameter(s) violated and submit this sample results to BGMU.

89. All industrial users shall report any change of discharge volume or pollutant concentration.

b. Records and Monitoring.

1. All Significant Industrial Uusers who discharge or propose to discharge wastewaters to the wastewater system shall maintain such records of production and related factors, effluent flows, and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this Subchapter and any applicable State or Federal pretreatment standards or requirements. These records shall also include the date, exact place, method and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or BGMU, or where the User has been specifically notified of a longer retention period by the General Manager.

2. Such records shall be made available upon request by the General Manager. All such records relating to compliance with pretreatment standards shall be made available to officials of the U.S. Environmental Protection Agency and the State of Kentucky Natural Resources and Environmental Protection Cabinet upon demand. A summary of such data indicating the Significant Industrial Uuser's compliance with this Chapter shall be prepared semi-annually and submitted to the General Manager. In addition the General Manager may inspect and copy all records pertaining to the user's wastewater discharge.

3. Any Significant Industrial Uuser shall install at his own cost and expense suitable monitoring equipment to facilitate the accurate observation, sampling and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.

4. The monitoring equipment shall be located and maintained on the Significant Industrial Uuser's premises in a readily accessible location in the opinion of the General Manager. When such a location would be impractical or cause undue hardship on the Significant Industrial

User, the General Manager may allow such facility to be constructed in the public street or sidewalk area with the approval of the public agency having jurisdiction over such street or sidewalk, and located so that it will not be obstructed by public utilities, landscaping, or parked vehicles.

5. When more than one Significant Industrial User can discharge into a common sewer, the General Manager may require installation of separate monitoring equipment for each Significant Industrial User. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single Significant Industrial User, the General Manager may require that separate monitoring facilities be installed for each separate discharge.

6. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the General Manager's requirements and all applicable construction standards and specifications.

c. Inspection, Sampling and Analysis.

1. Compliance Determination. Compliance determinations with respect to Section 23-3.05 may be made on the basis of either instantaneous grab samples or composite samples of wastewater as may be appropriate for the parameter. Composite samples may be taken over twenty-four (24) hour period, or over a time span, as determined necessary by the General Manager to meet the needs of specific circumstances.

2. Analysis of Discharges. At the owner's expense, laboratory analysis of discharge samples shall be performed by a laboratory, acceptable to the General Manager, in accordance with methods as outlined in 40 CFR 136 and 40 CFR 261, or other approved EPA methods. If the POTW samples a Significant Industrial User and determines a violation has occurred BGMU shall sample, at the owners expense, a second time within thirty (30) days.

3. Sampling Frequency. Sampling of discharges for the purpose of compliance determination with respect to Section 23-3.05 will be done at such intervals as the General Manager may designate.

4. Sample Collection. All sample collection and testing methods shall be those as described in 40 CFR 136 and 40 CFR 261, or other approved EPA methods.

5. Monitoring Equipment. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a Significant Industrial User to keep those facilities in good working order shall not be grounds for the Significant Industrial User to claim that sample records are unrepresentative of its discharge.

6. Sample Collection Methods. The User must collect wastewater samples using the 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the General Manager. Where time-proportional composite sampling or grab sampling is authorized, 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 as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

7. Use of Grab Samples. For sampling required in support of baseline monitoring and 90-day compliance reports a minimum of four (4) 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, the

POTW may authorize a power minimum. The Significant Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Regulations.

8. All Samples will be representative and based on composite or composited grab samples taken at a minimum of every four (4) hours while discharging.

94. Copies of records of all samples and/or monitoring activities must be kept by the Ssignificant Iindustrial Uuser for a minimum of three (3) years.

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e. Permit to Discharge.

1. No person shall discharge or cause to be discharged any Iindustrial Wwastewater directly or indirectly to sewerage facilities owned by BGMU without first obtaining a permit from BGMU for Iindustrial Wwastewater discharge when deemed necessary. This regulatory authority shall extend to any extra jurisdictional agencies or industries which contribute wastewater to BGMU's wastewater system. These permits shall include the permit issuance, effective and expiration dates; a statement that the permit is non-transferable; effluent limits based on applicable Pretreatment Standards; self-monitoring, sampling, reporting, notification and record keeping requirements; the waiver process to seek relief for monitoring a pollutant neither present or expected to be present in a discharge; a statement of applicable penalties for violation of the Pretreatment Standards and Regulations; requirements to control slug discharges; and language detailing any grants by the POTW General Manager authorizing waivers from monitoring.

2. The permit for Iindustrial Wwastewater discharge may require pretreatment of industrial wastewaters before discharge, restriction of peak flow discharges, discharge of certain wastewater only to specified sewers of BGMU, relocation of point of discharge, prohibition of discharge of certain wastewater components, restriction of discharge to certain hours of the day, payment of additional charges to defray increased costs of BGMU created by the wastewater



discharge and such other conditions as may be required to effectuate the purpose of this Chapter.

3. No permit for Industrial Wastewater discharge is transferable without the prior written consent of the General Manager.

4. No person shall discharge Industrial Wastewaters in excess of the quantity or quality limitations set by the permit for industrial wastewater discharge. Any person desiring to discharge wastewaters or use facilities which are not in conformance with the permit should apply to BGMU for an amended permit with regard to quantity.

5. Applicants for a permit for Industrial Wastewater discharge shall complete an application for wastewater discharge permit available at the general offices of BGMU one hundred eighty day (180) prior to permit validation. Baseline Monitoring Reports (BMR) and Industrial Waste Survey Questionnaire (IWSQ) must be submitted as well.

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9. All Significant Industrial Users shall submit periodic reports regarding the nature and concentration of all pollutants as outlined in their wastewater discharge permit. Production rates shall be reported by industrial users subject to production based standards. In addition, within ninety (90) days following date for final compliance with applicable Pretreatment Standards or, in the case of a new source, ninety (90) days prior to commencement of the introduction of wastewater into the wastewater treatment plant, any user subject to Pretreatment Standards and/or local requirements shall submit to the General Manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated processes which are limited by Pretreatment Standards and/or local requirements. This report shall include schematic drawings or other descriptions of any pretreatment equipment. New sources are required to be in compliance with pretreatment standards and/or local limits upon commencement of introduction of wastewater to the wastewater treatment system. All sampling and testing shall follow the methods as outlined in 40 CFR 136, 40 CFR 261, or other approved EPA methods. This statement shall be signed by an authorized

representative of the industrial user, and certified by a qualified professional.

10. No User shall ever increase the use of process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or for any other pollutant-specific limitation developed by BGMU or the Commonwealth of Kentucky. The General Manager may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, all reports shall indicate the mass of pollutants regulated by Ppretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, of production and mass where requested by the General Manager, of pollutants contained therein which are limited by the applicable Ppretreatment Standards. All analyses shall be performed in accordance with procedures established by the EPA Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the EPA Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

11. The General Manager may suspend a permit for Industrial Wastewater discharge for a period of not to exceed sixty (60) days when such suspension is necessary in order to stop a discharge which presents an imminent hazard to the public health, safety, or welfare, to the local environment or to BGMU's wastewater system.

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18. Before any further discharge of Industrial Wastewater may be made by the discharger, he must apply for a new permit for Industrial Wastewater Discharge, pay all charges that would be required upon initial application together with all delinquent fees, charges and penalties and such other sums as the discharger may owe to BGMU. Cost incurred by BGMU in revoking the permit and disconnecting the industrial connection sewer shall be paid for by the discharger before issuance of a new permit for Industrial Wastewater discharge.

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20. Any person notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, BGMU shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the wastewater treatment plant or endangerment to any individuals. BGMU shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the Significant Industrial User describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to BGMU within fifteen (15) days of the date of occurrence.

21. The General Manager may deny or conditionally approve, new or increased contributions of pollutants or changes in the nature of pollutants to the POTW by Significant Industrial Users where such contributions do not meet applied Pretreatment Standards and Regulations, or conditions of this Chapter.

Any Significant Industrial User who meets the criteria for Significant Non-Compliance shall submit a compliance schedule outlining the steps which the Significant Industrial User plans to take to achieve compliance. This compliance schedule shall include milestone dates. The Significant Industrial User shall submit reports within fourteen (14) days past each milestone date. These reports will confirm the completion of the schedules plan for the milestone date. If the Significant Industrial User has not met the expectations of the compliance schedule the Significant Industrial User will explain why and how the Significant Industrial User will accelerate activities to meet the final compliance milestone date. Within fourteen (14) days past the final compliance milestone date the Significant Industrial User will submit a report with a statement, indicating that the Significant Industrial User is consistently meeting the conditions of this Subchapter and the Significant Industrial User will provide sufficient analytical data to support this statement.

The definition of Significant Non-Compliance is expanded to include 40 CFR 403.8 (f) (2) (viii) (A-C). Per 40 CFR 403.12 (b) (e) and (h), all Significant Industrial User reports shall include any BMP's required and BMP compliance information. Documentation of compliance with BMP information shall be maintained by the SIU and the POTW.

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23-3.09 Enforcement and Abatement.

a. General. BGMU through the General Manager or his designee, to insure compliance with this Chapter, and as permitted through 40 CFR Subchapter N, 401 through 471 and 401 KAR 5:057 may take the following enforcement steps against Significant Industrial Users in noncompliance with this Chapter. The remedies available to the General Manager include injunctive relief, civil and criminal penalties, immediate discontinuance of discharges and/or water and/or electric service and the publishing of the list of significant violators annually. The enforcement authority shall be vested in the General Manager of the POTW or his/her designee. This designee shall be the duly authorized employee as authorized under 40 CFR 403.12 (m).

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

b. Enforcement Action.

1. Informal Notice. These actions include statements made to the Significant Industrial User during sampling and/or inspection visits, telephone calls to the appropriate company official, informal meetings, warning or reminder letters. These informal notices shall be used for minor violations.

2. Formal Notice. These actions include the following:

(a) Notice of Violation. Any person found to be violating any provision of this Subchapter, wastewater discharge permit or any order issued hereunder shall be served by the POTW Manager with a written notice stating the nature of the violation.

(b) Administrative Order/Fines. Any person who, after receiving a Notice of Violation, and continue to discharge in violation of this Chapter or of the pretreatment standard or requirements or is determined to be a chronic or persistent violator, shall be ordered to appear before the General Manager. At said appearance, a compliance schedule will be given to the violating user and an administrative fine assessed. The fine shall be determined on a case-by-case basis which shall consider the type, severity, duration and number of violations, severity of impact on the POTW, impact on human health, the Significant Industrial User's economic benefit from the violation, past history of the Significant Industrial User, and good-faith efforts made by the Significant Industrial User. The fine shall be a non-arbitrary but appropriate amount as defined in Section 23-3.10 in this Subchapter.

The administrative order may take any of the following four (4) forms:

(1) Consent Order. The General Manager is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the Significant Industrial User responsible for the noncompliance. Such orders will include specific action to be taken by the Significant Industrial User to correct the noncompliance within a time period also specified in the order. Consent Orders shall have the same force and effect as all other administrative orders.

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

(3) Cease and Desist Order. When the General Manager finds that an Significant Industrial User has violated or continues to violate this Chapter or any permit or order issued hereunder, the General Manager may issue an order to cease and desist all such violations to the Significant Industrial User and direct those persons in noncompliance to:

- (i) Comply forthwith;
- (ii) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(4) Show Cause Hearing. The General Manager may issue to any Significant Industrial User who causes or contributes to violations of this Chapter, discharge permit or order issued hereunder, an order to appear and show cause why more severe enforcement action should not be taken. A notice shall be served on the Significant Industrial User specifying the time and place of the hearing to be held by the General Manager regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the Significant Industrial User to show cause before the General Manager why more severe enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of

the facility. Whether or not a duly notified Significant Industrial User or its representative appears, immediate enforcement action may be pursued.

BGMU itself may conduct the hearing and take evidence or may designate a representative to:

(i) Issue in the name of BGMU notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(ii) Take the evidence.

c. **Revocation of Permit.** Any Significant Industrial User violating any of the provisions of this Chapter or discharge permit or other order issued hereunder shall be subject to termination of its authority to discharge sewage into the public sewer system. Such termination shall be immediate if necessary for the protection of the POTW. Said Significant Industrial User may also have water service terminated. Any Significant Industrial User who violated any condition(s) of this Chapter, discharge permit, order or applicable State or Federal regulation is subject to having its Industrial User Discharge Permit revoked in accordance with the procedures of this Chapter. Violations resulting in immediate permit revocation shall include, but not be limited to, the following:

1. Failure of Significant Industrial User to factually report the wastewater constituents and characteristics of its discharge;

2. Failure of the Significant Industrial User to report significant changes in operations, processes, wastewater constituents and characteristics;

3. Refusal of reasonable access to the Significant Industrial User's premises for the purposes of inspection and sampling; and,

4. Violation(s) of any condition of the Industrial User Discharge Permit.

d. **Liability.** Any Significant Industrial User violating any of the provisions of this Chapter, discharge permit or other order issued hereunder shall become liable to BGMU for any expense, loss or damage occasioned by BGMU by reason of such violation. This civil liability is as

provided by State and Federal regulations.

e. Misrepresentations and/or Falsifying of Documents. Any Significant Industrial User who knowingly and/or negligently makes any false statements, representations or certification of any application, record, report, plan or other document filed or required pursuant to this Subchapter or Industrial User Discharge Permit or who falsifies, tampers with or knowingly and/or negligently renders inaccurate any monitoring device or method required under this Subchapter, shall be guilty of a misdemeanor and shall be fined at least one thousand (\$1,000.00) dollars per violation or imprisoned for not more than twelve (12) months or both.

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h. Termination of Service. The General Manager may suspend the wastewater treatment service and/or wastewater discharge permit of an Significant Industrial User whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of the public, the POTW system or the environment. Any Significant Industrial User notified of suspension of the wastewater treatment service and/or the discharge permit shall immediately stop or eliminate its contribution. In the event of a Significant Industrial User's failure to immediately comply voluntarily with the suspension order, the General Manager shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. Any Significant Industrial User responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the General Manager.

i. Criminal Prosecution. Any Significant Industrial User who willfully or negligently violates any provisions of this Subchapter, any orders or permits issued hereunder, or any other pretreatment requirements shall be guilty of a misdemeanor and be, upon conviction, fined at least one thousand (\$1,000.00) dollars per violation per day or imprisoned for not more than one (1)



year or both.

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k. Violations Not Involving Imminent Danger.

1. Notification to Significant Industrial User of actual or threatened violation.

Whenever the General Manager determines or has reasonable cause to believe that a discharge of wastewater has occurred, or is about to occur, in violation of the provisions of this Subchapter, or any other applicable law or regulation, he shall notify the Significant Industrial User of such violation; however, failure of the General Manager to provide notice to the Significant Industrial User shall not in any way relieve the Significant Industrial User from any consequences of a wrongful or illegal discharge. The notice shall state:

(a) The nature of the actual or threatened violation of this Section.

(b) The time within which the Significant Industrial User must take appropriate measures to prevent any threatened violation, or the recurrence of any actual violations, and to furnish evidence to the General Manager that such corrective action has been taken.

2. Proceedings in the event of failure of Significant Industrial User to furnish satisfactory evidence of corrective action within time prescribed by notice. In the event the Significant Industrial User fails to furnish satisfactory evidence to the General Manager that corrective action has been taken within the time prescribed by the notice (or any extensions of time granted by the General Manager), the General Manager may:

(a) Suspend the water, sewer and/or electric service if this action will serve to prevent any further violations by the Significant Industrial User.

(b) Sever his sewer connection(s), or take such other steps as may be required in order to insure that no prohibited wastewater is introduced into the public sanitary sewer.

1. Violations Involving Imminent Danger.

1. The General Manager may suspend the water and/or electric service when

such suspension is necessary, in the opinion of the General Manager, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons to the environment, causes interference to the wastewater system or causes BGMU to violate any condition of its NPDES Permit.

2. Any person notified of a suspension of his water and/or electric service shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the General Manager shall take such steps as deemed necessary including immediate severance of the sewer connection to prevent or minimize damage to the wastewater system or endangerment to any individuals. The General Manager shall reinstate the water, sewer and/or electric service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the Significant Industrial User describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the General Manager within five (5) days of the date of occurrence.

m. Assessment of Damages to Significant Industrial Users. When a discharge of wastewater causes an obstruction, damage, or any other impairment to the wastewater system, the General Manager may assess a charge against the Significant Industrial User for the work required to clean or repair the facility and these charges will be billed directly to the Significant Industrial User when costs are final. The General Manager shall have such remedies for the collection of such costs as he has for the collection of sewer service charges.

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#### 23-3.11 Public Notification of Significant Non-Compliance.

On an annual basis, a public notice shall be published one time only, in the largest daily newspaper published in the publication area, of Significant Industrial Users which, during the previous twelve (12) months, met the criteria for the “Significant Non-Compliance” as defined in this Subchapter.

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2. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

3. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on September 3, 2013, and given final reading on September 17, 2013, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: September 17, 2013

APPROVED: Bruce Wilkerson  
Mayor, Chairman of Board of Commissioners

ATTEST: Katy Shaheen  
City Clerk

SPONSORED BY: Kevin D. DeFebbo, City Manager, 08/23/2013, 3:00 p.m.