

**COMMONWEALTH OF KENTUCKY**  
**COUNTY OF BOYD**  
**ORDINANCE NO. 507**

AN ORDINANCE OF THE COUNTY OF BOYD CONCERNING USE OF THE COUNTY SANITARY SEWAGE COLLECTION , SETTING FORTH POLICY, DEFINITIONS, RULES AND REGULATIONS REGARDING THE USE OF SAID SYSTEM, CONTROLLING PRIVATE WASTEWATER DISPOSAL, GOVERNING THE BUILDING OF SEWERS AND CONNECTIONS, POLLUTANT DISCHARGE LIMITS, PRETREATMENT PROGRAM ADMINISTRATION, ESTABLISHING THE RIGHT OF THE COUNTY TO CHARGE FEES FOR ADMINISTERING THE COUNTY'S REASONABLY NECESSARY FUNCTIONS RELATED TO SEWER USE, AND DELINEATING POWERS AND AUTHORITY OF INSPECTORS AND SETTING FORTH THE METHODS AND PROCEDURES OF ENFORCEMENT OF THE ORDINANCE AND PENALTIES FOR VIOLATION OF SAME.

**WHEREAS**, the County of Boyd has constructed wastewater interceptor and collection facilities and;

**WHEREAS**, the County of Boyd has determined the need for the adoption of a Sewer Use Ordinance to properly control the effluent to be discharged by the public into the County's sewer system, and the use of the system;

**NOW THEREFORE, BE IT ORDAINED BY THE COUNTY OF BOYD** that the following Ordinance shall be in effect from the date of publication hereof and until repeal and/or amendment thereof by the legislative body of the County.

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## ARTICLE I - GENERAL PROVISIONS

### A. Purpose and Policy

This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the County of Boyd and enables the County to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the general Pretreatment Regulations (40 CFR, Part 403).

The objectives to this ordinance are:

1. to prevent the introduction of pollutants into the County wastewater system which will interfere with the operation of the system or contaminate the resulting sludge,
2. to prevent the introduction of pollutants into the county wastewater system which will pass through the system inadequately treated into receiving waters so as to cause violations of the County's or City of Ashland's KPDES permit or the atmosphere or otherwise be incompatible with the system;
3. to improve the opportunity to recycle and reclaim wastewaters and sludges from the system;
4. to provide for equitable distribution of the cost of the County wastewater system; and
5. provide for the safety of the sewer system employees.

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

This ordinance shall apply to the County of Boyd and to persons outside the County who are, by contract or agreement with the County, users of the County Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of this ordinance.

### B. Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated;

1. ACT or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
2. Approval Authority. The Secretary of the Kentucky Natural Resources and Environmental Protection Cabinet for an authorized representative thereof.
3. Authorized Representative. An authorized representative of a user may be: (1) a principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (2) a general partner or proprietor if the user is a partnership or proprietorship, respectively; (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.  
  
An authorized representative of the County may be any person designated by the County to act on its behalf.
4. Baseline Monitoring Report (BMR). A report submitted by categorical industrial users within 180 days after the effective date of a categorical standard which indicated the compliance status of the user with the applicable categorical standard (40 CFR 403.12 (b)).
5. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° Celsius expressed in terms of weight and concentration in milligrams per liter (mg/l).
6. Building Drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, water, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
7. Building Sewer. The extension from the building drain to the public sewer or other place of disposal, also called "house connection."
8. Building Sewer Permit. As set forth in "Building Sewers and Connections" (Article IV).
9. Categorical Industrial User. An industrial user subject to categorical pretreatment standards which have been promulgated by EPA.
10. Categorical Pretreatment Standards. National

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

11. County. The County of Boyd, Kentucky.
12. Clean Water Act (CWA). (Also known as the Federal Water Pollution Control Act) enacted by Public Law 92-500. October 18, 1972. 33 USC 1251 et seq: as amended by PL 95-217. December 28, 1977; PL 97-117, December 29, 1981; PL 97-440, January 8, 1983, and PL 100-04, February 4, 1987.
13. Combined Sewer. Any conduit designed to carry both sanitary sewage and storm water or surface water.
14. Combined Wastestream Formula (CWF). Procedure for calculating alternative discharge limits at industrial facilities where a regulated wastestream is combined with other non-regulated wastestreams prior to treatment (40 DFR 403.7).
15. Compatible Pollutant. Biochemical oxygen demand, suspended solids and fecal coliform bacteria; plus any additional pollutants identified in the POTW's NPDES/KPDES permit, where the POTW is designed to treat such pollutants and, in fact, does treat such pollutants so as to ensure compliance with the POTW's NPDES/KPDES permit.
16. Concentration-based Limit. A limit based on the relative strength of a pollutant in a wastestream, usually expressed in mg/l.
17. Control Authority. The term "control authority" shall refer to the County when there exists an approved Pretreatment Program under the provisions of 40 CFR 403.11.
18. Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
19. Daily Maximum. The maximum allowable value for any single observation in a given day.
20. Dilute Wastestream. Boiler blowdown, sanitary wastewater, noncontact cooling water and certain process wastestreams that have been excluded from regulation in categorical pretreatment standards because they contain none or only trace amounts of the

regulated pollutant.

21. Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Kentucky.
22. Discharger. Any person that discharges or causes a discharge to a public sewer.
23. Domestic Wastewater. The water-carried wastes produced from non-commercial or non-industrial activities and which result from normal human living processes.
24. Easement. An acquired legal right for the specific use of land owned by others.
25. Effluent. The liquid overflow of any facility designed to treat, convey or retain wastewater.
26. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
27. Equipment. All movable, non-fixed items necessary to the wastewater treatment process.
28. Flow Proportional Composite Sample. Combination of individual samples proportional to the flow of the wastestream at the time of sampling.
29. Flow Weighted Averaging Formula (FWA). A procedure used to calculate alternative limits for a categorical pretreatment standard where regulated and nonregulated wastestreams combine after treatment, but prior to the monitoring point as defined in 40 CFR 403.
30. Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
31. Grab Sample. A sample which is taken from a wastestream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
32. Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

33. Incompatible Pollutant. All pollutants other than compatible pollutants as defined in paragraph 15 of this article.
34. Indirect Discharge. The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
35. Industrial User (IU). A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Clean Water Act.
36. Industrial Wastes. The wastewater from industrial or commercial processes as distinct from domestic or sanitary wastes.
37. Interceptor. A device designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from normal wastes which permits normal sewage or liquid wastes to discharge into the sewer or drainage system by gravity. Interceptor as defined herein is commonly referred to as a grease, oil, or sand trap.
38. Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
  - (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES/KPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act (40 CFR 403.3).
39. May This is permissive (see "shall," paragraph 69).
40. Monthly Average. The maximum allowable value for the

average of all observations obtained during one month.

41. Multi-Unit Sewer Customer. A location served where there are two or more residential units or apartments, two or more businesses in the same building or complex or where there is any combination of business and residence in the same building or complex.
42. National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Clean Water Act which applies to a specific category of industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.
43. National (or Kentucky) Pollutant Discharge Elimination System or NPDES/KPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1332), or a permit issued by the Commonwealth of Kentucky under this authority and referred to as KPDES.
44. Natural Outlet. Any outlet, including storm sewers, into a water course, pond, ditch, lake, or other body of surface or groundwater.
45. New Source. 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, provide that:
  - (A) The building, structure, facility or installation is constructed at a site at which no other source is located; or
  - (B) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (C) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

46. Ninety (90) Day Compliance Report. A report submitted by a categorical industrial user, within 90 days following the date for final compliance with applicable categorical standards that documents and certifies the compliance status of the user (40 CFR 403.12 (d)).
47. Ordinance. This ordinance, unless otherwise specified.
48. Pass Through. A discharge of pollutant which cannot be treated adequately by the POTW, and therefore exits into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES/KPDES permit (including an increase in the magnitude or duration of a violation) (40 CFR 403.3).
49. Periodic Compliance Report. A report on compliance status submitted by significant industrial users to the Control Authority at least semiannually (40 CFR 403.12 (e)).
50. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estates, governmental entity of any other legal entity, or their legal representatives, agent or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
51. pH. The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.
52. Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
53. Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
54. POTW Treatment Plant (City of Ashland). That portion of the POTW designed to provide treatment to wastewater.
55. Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be

obtained by physical, chemical or biological processes, or process change(s), or other means, except as prohibited by 40 CFR 403.6(d).

56. Process Wastewater. Any water which, during manufacturing or processing, comes into direct contact with or results from the production of or use of any raw material, intermediate product, finished product, by-product, or waste product.
57. Production-based Standard. A discharge limitation expressed in terms of allowable pollutant mass discharge rate per unit of production and is applied directly to an industrial user's manufacturing process.
58. Prohibitive Discharge Standard. Any regulation developed under the authority of 307 (b) of the Act and 40 CFR, Section 403.(5).
59. Properly Shredded Garbage. The wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any directions.
60. Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the City of Ashland. This definition also includes any sewers of the County that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purpose of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the County who are, by contract or agreement with the County, users of the City's POTW or County's collection system.
61. Public Sewer. A common sewer controlled by a governmental agency or public utility. In general, the public sewer shall include the main sewer in the street and the service branch to the curb or property line, or a main sewer on private property and the service branch to the extent of ownership by public authority.
62. Regulated Wastestream. An industrial process wastestream regulated by a National Categorical Pretreatment Standard.
63. Sanitary Sewer. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.

64. Sewage. The spent water of a community. Domestic or sanitary waste shall mean the liquid or water-carried wastes from residences, commercial buildings, and institutions as distinct from industrial sewage. The terms "sewage" and "wastewater" are used interchangeably.
65. Sewerage. Any and all facilities used for collecting, conveying, pumping, treating and disposing of wastewater.
66. Sewer user Charges. A system of charges levied on users of a POTW and/or collection system for the cost of operation and maintenance, including replacement, or such works.
67. Sewer System or Works. All facilities for collecting, transporting, pumping, treatment and disposing of sewage and sludge, namely the sewerage system and the POTW.
68. Sewer. A pipe or conduit that carries wastewater or drainage water.
69. Shall. Is mandatory (see "may", paragraph 39).
70. Significant Industrial User (SIU). Defined by EPA guidance as: (A) all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and (B) any noncategorical industrial user that (i) discharges 25,000 gallons per day or more of process wastewater ("process wastewater" excludes sanitary noncontact cooling, and boiler blowdown wastewaters) or (ii) contributes a process wastestream which makes up to five percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant or (iii) has a reasonable potential, in the opinion of the Control or Approval Authority, to adversely affect the pollutants, sludge contamination or endangerment of POTW workers or sewer system workers).
71. Slug Discharge. Any discharge of a non-routine episodic nature including, but not limited to, an accidental spill or non-customary batch discharge or any discharge of water or wastewater in which the concentration of any given constituent or quantity of flow exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow rate during normal operation which adversely affects the POTW.

72. Slug Load. Any pollutant (including Biochemical Oxygen Demand) released in a discharge at a flow rate or concentration which will cause interference with the operation of the treatment works or which exceeds limits set forth in the Industry's Discharge Permit and which include accidental spills.
73. Spill Prevention and Control Plan. A plan prepared by an industrial user to minimize the likelihood of a spill and to expedite control and cleanup activities should a spill occur.
74. Split Sample. Portion of a collected sample given to the industry or to another agency to verify or compare laboratory results.
75. Standard Industrial Classification (SIC). A classification scheme based on the type of industry or process at a facility.
76. Standard Methods. The examination and analytical procedures set forth in the recent editions of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation and as set forth in the Congressional Record 40 CFR 136.
77. State. Commonwealth of Kentucky.
78. Storm Drain (Sometimes Termed "Storm Sewer"). A drain or sewer for conveying water, groundwater, surface water, or unpolluted water from any source.
79. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
80. Superintendent. The person designated by the County to supervise the publicly owned treatment works and who is charged with certain duties and responsibilities by this article or his duly authorized representative. This person is also operator/superintendent of Cannonsburg Water District.

81. Surcharge. A charge for services in addition to the basic sewer user and debt service charges, for those users whose contributions contain Biochemical Oxygen Demand (BOD<sub>5</sub>), Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), Oil & Grease or Ammonia-nitrogen (NH<sub>3</sub>-N) in concentrations which exceed limits specified herein for such pollutants. Where authorized by the control authority, payment of a surcharge will authorize the discharge of the referenced pollutants so long as the discharge does not cause pass through or interference.
82. Suspended Solids (TSS). Total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater."
83. Time Proportional Composite Sample. Combination of individual samples with fixed volumes taken at specific time intervals.
84. Toxic Organic Management Plan. Written plan submitted by industrial users as an alternative to TTO monitoring, which specifies the toxic organic compounds used, the method of disposal used and procedures for assuring that toxic organics do not routinely spill or leak into wastewater discharged to the POTW.
85. Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of EPA under the provisions of the Clean Water Act 307 (a) or any amendments thereto.
86. Unpolluted Water. Water of quality equal to or better than the treatment works effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities.
87. Unregulated Wastestream. A wastestream that is not regulated by a National Categorical Pretreatment Standards.
88. User. Any person who contributes, causes or permits the contribution of wastewater into the sewer system or POTW.

89. Wastewater. The spent water of a community. Sanitary or domestic wastes shall mean the liquid and water-carried wastes from residences, commercial buildings and institutions as distinct from industrial waste.
90. Wastewater Discharge Permit (WDP). A permit issued to industrial users which authorizes discharges to the public sewer as set forth in the Administration Section of this Ordinance.
91. Wastewater Facilities. The structures, equipment, and processes required to collect, carry away, treat domestic and industrial wastes, and dispose of the effluent.
92. Wastewater Treatment Works. An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant" or "sewage treatment plant."
93. Watercourse. A natural or artificial channel for the passage of water either continuously or intermittently.
94. Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the State or any portion thereof.

C. Abbreviations

The following abbreviations shall have the designated meanings:

ADMI	-	American Dye Manufacturers Institute
ASTM	-	American Society for Testing and Materials
BMP	-	Best Management Practices
BOD	-	Biochemical Oxygen Demand
BPJ	-	Best Professional Judgment
CFR	-	Code of Federal Regulations
CIU	-	Categorical Industrial User
COD	-	Chemical Oxygen Demand
CWA	-	Clean Water Act (33 U.S.C. 1251 <u>et. seq.</u> )
CWF	-	Combined Wastestream Formula
EPA	-	Environmental Protection Agency
FWA	-	Flow Weighted Average
FR	-	<u>Federal Register</u>
gpd	-	gallons per day
IU	-	Industrial User
l	-	Liter
mg	-	Milligrams
mg/l	-	Milligrams per Liter
NPDES	-	National Pollutant Discharge Elimination System
KPDES	-	Kentucky Pollutant Discharge Elimination System
POTW	-	Publicly Owned Treatment Works
RCRA	-	Resource Conservation and Recovery Act
SIC	-	Standard Industrial Classification
SIU	-	Significant Industrial User
SWDA	-	Solid Waste Disposal Act, 42 U.S.C. 6901, <u>et. seq.</u>
TSS	-	Total Suspended Solids
TTO	-	Total Toxic Organics
USC	-	United States Code

## ARTICLE II - USE OF PUBLIC SEWERS

### A. Mandatory Sewer Connection

1. The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the County and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the County, is hereby required at the owner's expense to install suitable toilet facilities therein and to connect such facilities directly with the proper sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.
2. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, holding tank or other facility intended or used for the disposal of wastewater where public sanitary sewer service is available, as defined in paragraph 1, except as provided for in "Private Wastewater Disposal" (Article III).
3. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public system within sixty (60) days in compliance with this ordinance, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material or salvaged and removed.

### B. Unlawful Discharge to Storm Sewers or Natural Outlets

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

2. It shall be unlawful to discharge to any natural outlet or storm sewer within the County of Boyd or in any area under the jurisdiction of said County, any sanitary wastewater or other polluted waters, except where suitable treatment or management has been provided in accordance with subsequent provisions of this ordinance. No provision of this ordinance shall be construed to relieve the owner of a discharge to any natural outlet of the responsibility for complying with applicable State and Federal Regulations governing such discharge.

C. Compliance with Local, State and Federal Laws

1. The discharge of any wastewater into the public sewer system by any person is unlawful except in compliance with the provisions of this ordinance, and any more stringent State or Federal Standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977, and subsequent amendments and 40 CFR 403.

D. Discharge of Unpolluted Waters into Sewer

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

E. Prohibited Discharges

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

1. Any liquids, solids or gases which by reason or their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the sewer system or POTW. At no time shall the wastewater exhibit a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.
2. Any waters or wastes having a pH lower than 6.0 or higher than 11.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the POTW.
3. Any slug load of pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or concentration that will cause interference with the normal operation of the sewer system or POTW.
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities (i.e., wood, glass, ashes, sand, cinders, unshredded garbage, etc.).
5. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW that will result in a treatment plant influent temperature which exceeds 40°C (104°F).
6. Any pollutant(s) which result in the presence of toxic gases, vapors or fumes within the sewer system or POTW in a quantity that may cause acute worker health and safety problems.
7. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scum to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or State criteria applicable to the sludge management method being used.
8. Any substance which will cause the POTW to violate its NPDES/KPDES Permit and/or sludge disposal system permit.

9. Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through at the POTW.
10. Any trucked or hauled pollutants except at discharge points designated by the Superintendent.

## ARTICLE III - PRIVATE WASTEWATER DISPOSAL

### A. Public Sewer Not Available

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

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

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

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

5. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

### B. Requirements for Installation

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

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

## ARTICLE IV - BUILDING SEWERS AND CONNECTIONS

### A. Permits

1. There shall be two (2) classes of building sewer permits required; (a) for residential and (b) for service to commercial and industrial establishments. In either case, the owner(s) or his agent shall make application on a special form furnished by the County. Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. Details regarding commercial and industrial permits include, but are not limited to, those required by this ordinance. Permit and inspection fees shall be paid to the County at the time the application is filed.
2. Users shall promptly notify the County in advance of any introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the sewer system and POTW. The Superintendent may deny or condition the new introduction or change in discharge based on the information submitted in the notification or additional information as may be requested.
3. No person(s) shall uncover, plug or make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining permission from the Superintendent.

### B. Prohibited Connections

1. No person shall make connection of roof downspouts, basement wall seepage or floor seepage, exterior foundation drains, areaway drains or other surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connections which already exist on the effective date of this ordinance shall be completely and permanently disconnected within sixty (60) days of the effective date of this ordinance. The owner(s) of any building sewers having such connections, leaks or defects bear all costs incidental to removal of such sources. Pipes, sumps and pumps for such sources of ground and surface water shall be separate from wastewater facilities. Removal of such sources of water without presence of separate facilities shall be evidence of drainage to public sanitary sewer.

C. Design and Installations

1. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway. The sewer from the front building may be extended to the rear building and the whole considered as one building sewer but the County does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
2. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance. Permit and inspection fees for new buildings using existing building sewers shall be the same as for new building sewers. If additional sewer customers are added to the old building sewers, additional sewer tap fees shall be charged accordingly even though no new sewer tap is actually made into the County system.
3. Extension of customer service lines from any point on the customer's side of the tap for delivery of waste from any location other than that of the customer in whose name the tap is registered shall not be permitted.
4. The building sewer shall be cast iron soil pipe, ASTM A-74, latest revision, PVC (polyvinyl-chloride) sewer pipe, ASTM D-3034, latest revision or ductile iron pipe, AWWA specification C-151 cement lined, and shall meet requirements of the State plumbing code. Joints shall be as set out hereinafter. Any part of the building sewer that is located within five (5) feet of a water service pipe shall be constructed with cast iron soil pipe or ductile iron pipe unless the building sewer is at least one (1) foot deeper in the ground than the water service line. Cast iron soil pipe or ductile iron pipe may be required by the County where the building sewer is exposed to damage or stoppage by tree roots. Cast iron soil pipe or ductile iron pipe shall be used in filled or unstable ground, in areas where the cover over the building sewer is less than three (3) feet or in areas where the sewer is subject to vehicular or other external loads.

5. The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the local and State building and plumbing codes and other applicable rules and regulations of the County.
6. All costs and expenses incidental to the installation and connection to the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the County for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Fees for connection shall be as established by the County.
7. The owner shall ensure that all excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the County.
8. In all buildings in which any sanitary facility drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by an approved means and discharged to the same building sewer. Drain pipe and sump for collection of such sanitary drainage shall be above basement floor or in separately watertight or drained sump or channel.
9. The building sewer shall be connected into the public sewer at the easement or property line. Where no property located service branch is available, an authorized agent of the County shall cut a neat hole into the main line of the public sewer and a suitable wye or tee saddle installed to receive the building sewer. The invert of the building sewer at such point of connection with a saddle shall be in the upper quadrant to the main line of the public sewer. A neat workmanlike connection, not extending past the inner surface of the public sewer, shall be made and the saddle made secure and watertight by encasement in epoxy cement specially prepared for this purpose. A wye and H bend fitting shall be installed at the property line between the public sewer and the building sewer. This fitting shall serve the purpose of a clean out and for applying the smoke test during inspection of the line. After testing, a cast iron or ductile iron riser will be inserted in this fitting and brought flush with the ground surface. A stopper or plug, outfitted with a type joint applicable to the pipe used, shall seal this riser against the intrusion of ground or surface water.

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

D. Inspection

1. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative. The connections shall be made gastight and watertight and verified by proper testing.
2. All building sewers shall be smoke tested through the wye branch at the public sewer connection, with public sewer tightly plugged off, after connections at both ends are made and after all pipe is properly bedded and backfilled at least to top of pipe and if backfill is completed, within two (2) weeks after completion of backfill. At time of test, any openings into the building drain inside the building shall be water trapped or plugged. Any leakage or smoke from building sewer or building drain and plumbing shall be located at test and repaired to stand repetition of smoke test without leakage. When smoke testing is completed, the temporary flow line plug shall be removed and a permanent watertight plug shall be placed in branch of test wye-branch and carefully backfilled by hand and tamped to at least six (6) inches above the top of the branch.

## ARTICLE V - POLLUTANT DISCHARGE LIMITS

### A. General Conditions

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

### B. Restricted Discharges

1. Wastewater containing more than 100 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.
2. Wastewater containing floatable oils, fat, or grease, whether emulsified or not, in excess of 200 milligrams per liter (200 mg/l) or containing substances which may solidify or become viscous at temperatures 32-150° (0-65°C).
3. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, motels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. Paper products are prohibited from being discharged into the sewer system.

4. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants which: injure or interfere with any wastewater treatment process, constitute a hazard to humans to humans or animals, causes the County to violate the terms of its KPDES permit, prevents the use of acceptable sludge disposal methods, or exceed a limitation set forth in a Categorical Pretreatment Standard.
5. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the County in compliance with applicable State or Federal Regulations.
6. Any water or wastes which by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
7. Any wastewater with objectionable color which cannot be removed to an acceptable level within the operation of the wastewater treatment process but in no case, wastewater with a color that exceeds 100 ADMI units.
8. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed to the extent required by the City of Ashland NPDES/KPDES permit.
9. Any waste(s) or wastewater(s) classified as a hazardous waste by the Resource Conservation and Recovery Act (RCRA) without a 60 day prior notification of such discharge to the Superintendent. This notification must include the name of the hazardous waste, the EPA hazardous waste number, type of discharge, volume/mass of discharge and time of occurrence(s). The Superintendent may prohibit or condition the discharge(s) at any time.
10. Any water or wastes which have characteristics based on a 24 hour composite sample, grab or a shorter period composite sample, if more representative, that exceed the following normal maximum domestic wastewater parameter concentrations:

<u>Parameter</u>	<u>Maximum Allowable Concentration Without Surcharges</u>	
BOD	<u>250</u>	mg/1
COD	<u>1200</u>	mg/1
TSS	<u>250</u>	mg/1
NH <sub>3</sub> -N	<u>30</u>	mg/1
Oil & Grease (total)	<u>200</u>	mg/1

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

11. The following limitations are established for characteristics of any wastewaters to be discharged into the municipal sewer system. All significant industrial users must comply with these limitations where they are more stringent than applicable State and/or Federal Regulations.

<u>Parameter</u>	<u>Maximum Daily Concentration (mg/1)</u>
Arsenic	<u>0.10</u>
Cadmium	<u>1.00</u>
Chromium	<u>12.00</u>
Copper	<u>2.00</u>
Cyanide, Total	<u>2.00</u>
Lead	<u>0.50</u>
Mercury	<u>0.0001</u>
Nickel	<u>1.0</u>
Silver	<u>0.1</u>
Zinc	<u>2.0</u>
Total Toxic Organics	<u>2.13</u>

12. The County has received authority through the U.S. EPA and State Statutes to enforce the requirements of 40 CFR Subchapter N, 40 CFR 403, and 40 CFR Par 35. All users shall comply with the requirements of those regulations.

C. Dilution of Wastewater Discharge

No use shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any pollutant specific limitation developed by the County or State.

D. Grease, Oil, and Sand Interceptors

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

E. Special Industrial Pretreatment Requirements

1. Pursuant to the requirements imposed on publicly owned wastewater treatment works by the Federal Water Pollution Control Act Amendments of 1972 and later amendments, all Pretreatment Standards promulgated by the U.S. Environmental Protection Agency for new and existing industrial dischargers to public sewer systems are hereby made a part of this ordinance. Any industrial waste discharge which violates these EPA Pretreatment Standards shall be in violation of this Ordinance.
2. Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, the industry shall be solely responsible for the continued maintenance in satisfactory and effective operation of such facilities and at their expense. The County may agree to assume these responsibilities if proper and appropriate arrangement for reimbursement of costs are made.

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

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

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

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

Waste haulers who have been granted permission to discharge to the public sewer system shall pay fees for such discharge in accordance with a fee schedule established by the Superintendent and approved by the County.

Nothing in this ordinance shall relieve waste haulers of the responsibility for compliance with Boyd County Health Department, State, or Federal Regulations.

F. Protection from Accidental and Slug Discharges

1. Each significant industrial user shall provide protection from accidental and/or slug discharges of prohibited materials or other substances regulated by this ordinance which adversely affects the POTW. Facilities to prevent accidental and/or slug discharges of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Once every two (2) years, the Superintendent will determine whether each industrial user needs to develop or update a plan to control slug discharges. If the Superintendent determines that a slug control plan or revision is necessary, the plan shall contain the following:
  - a. Description of discharge practices
  - b. Description of stored chemicals
  - c. Procedures for notifying the POTW
  - d. Prevention procedures for spills

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

2. Written Notice. Within five (5) days following an accidental discharge, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article, the Enforcement Response Plan or other applicable law.
3. Notice to Employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

G. State Requirements

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this ordinance.

H. County's Right of Revision

The County reserves the right to establish more stringent limitations, or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in this Ordinance.

I. Federal Categorical Pretreatment Standards

Upon the promulgation of Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance.

## ARTICLE VI - PRETREATMENT PROGRAM ADMINISTRATION

### A. Wastewater Discharges

It shall be unlawful to discharge to the sewer system or POTW any wastewater except as authorized by the County in accordance with the provisions of this Ordinance.

Any agency, nondomestic user, and/or industry outside the jurisdiction of the City that desires to contribute wastewater to the POTW must execute (through an authorized representative) an interjurisdictional agreement, whereby the agency and/or industry agrees to be regulated by all provisions of this Ordinance and State and Federal regulations. An Industrial User Permit may then be issued by the Superintendent in accordance with Section B of this article.

### B. Industrial User Discharge Permits

#### 1. General

All significant industrial users proposing to connect to or to contribute to the sewer system or POTW shall obtain an Industrial User Permit before connecting to or contributing to the POTW.

#### 2. Permit Application

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

- a. Name, address, and location if different from the address;
- b. SIC number(s) according to the Standard Industrial Classification Manual, United States Bureau of the Budget, 1972, as amended;
- c. Wastewater constituents and characteristics as determined by an analytical laboratory acceptable to the County; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;

- d. Time and duration of contribution;
- e. Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- g. Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged;
- h. Where known, the nature and concentration of any pollutants in the discharge which are limited by the County, State or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional pretreatment is required for the user to meet applicable Pretreatment Standards;
- i. If additional pretreatment will be required to meet the Pretreatment Standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standards;

The following conditions shall apply to this schedule:

- 1. The schedule must be acceptable to the County.
- 2. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards.

3. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress and the reason for delay, and the steps being taken by the user to return the construction to the schedule established.
- j. Each product produced by type, amount, process or processes, and the rate of production;
- k. Type and amount of raw materials processed (average and maximum per day);
- l. Number of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- m. Any other information as may be deemed by the County to be necessary to evaluate the permit application;
- n. A copy of the industry's written environmental control program, comparable document, or policy.

3. Issuance

The County shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the County Engineer or his designee may issue an Industrial Wastewater Discharge Permit subject to terms and conditions provided herein.

C. Permit Modifications

Within nine (9) months of the promulgation of a National Categorical Pretreatment Standards, the Industrial Wastewater Discharge Permit of users subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. Where a user, subject to National Categorical Pretreatment Standards, has not previously submitted an application for an Industrial Wastewater Discharge Permit as required, the user shall apply for an Industrial Wastewater Discharge Permit within ninety (90) days after the promulgation of the applicable National Categorical Pretreatment Standards. In addition, the user with an existing Industrial Wastewater Discharge Permit shall submit, to the County Engineer within ninety (90) days after the promulgation of an applicable Federal Categorical Pretreatment Standard, the information required by this ordinance.

D. Permit Conditions

Industrial Wastewater Discharge Permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges and fees established by the County. Permits may contain the following:

1. The unit surcharges or schedule of other charges and fees for the wastewater to be discharged to a community sewer;
2. Limits on the average and/or maximum wastewater constituents and characteristics;
3. Limits on average and/or maximum rate and time of discharge or requirements for flow regulations and equalization;
4. Requirements for installation and maintenance of inspection and sampling facilities;
5. Specifications for monitoring programs which may include sampling location; frequency of sampling; number, type and standards for tests; and reporting schedule;
6. Compliance schedules;
7. Requirements for submission of technical reports or discharge reports;

8. Requirements for maintaining and retaining, for a minimum of three (3) years, all plant records relating to pretreatment and/or wastewater discharge as specified by the County, and affording County access thereto as required by 40 CFR 403.12(o)(2);
9. Requirements for notification of the County or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
10. Requirements for notification of slug discharges;
11. The permit may require the user to reimburse the County for all expenses related to monitoring, sampling and testing performed at the direction of the county Engineer and deemed necessary by the County to verify that the user is in compliance with the said permit;
12. Other conditions as deemed appropriate by the County to ensure compliance with this ordinance.

E. Alternative Discharge Limits

Where an effluent from a categorical industrial process(es) is mixed prior to treatment with wastewater other than that generated by the regulated process, fixed alternative discharge limits may be derived for the discharge permit by the Superintendent. These alternative limits shall be applied to the mixed effluent and shall be calculated using the Combined Wastestream Formula and/or Flow-Weighted Average Formula as defined in Article I.

Where the effluent limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutants per unit of production (production-based standard), the Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or of effluent concentration for purposes of calculating effluent permit limitations applicable to the permittee. The permittee shall be subject to all permit limits calculated in this manner under 40 CFR 403.6(c) and must fully comply with these alternative limits.

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

F. Permit Duration

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of sixty (60) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in Article V are modified or other just cause exists. The user shall be informed of any proposed changes in their permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

G. Permit Transfer

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

H. Compliance Data Reporting

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

## I. Periodic Compliance Reports

1. All significant industrial users shall submit, to the Superintendent, every six (6) months (on dates specified in the Industrial User Permit) unless required more frequently by the Permit, a report indicating, at a minimum, the nature and concentration, of pollutants in the effluent which are limited by such Pretreatment Standards or discharge permit. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted.
2. All analyses shall be performed by a laboratory acceptable to the County. Analytical procedures shall be in accordance with procedures established by the U.S. EPA Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto and 40 CFR 261 or with any other test procedures approved by the U.S. EPA Administrator. Sampling shall be performed in accordance with the techniques approved by the U.S. EPA Administrator.
3. Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant(s) in question sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the U.S. EPA Administrator.
4. A Baseline Monitoring Report (BMR) must be submitted to the Superintendent by all categorical industrial users at least ninety (90) days prior to initiation of discharge to the sanitary sewer. The BMR must contain, at a minimum, the following:
  - a. Production Data: a process description, SIC code number, raw materials used, chemicals used, final product, pretreatment industrial category (if applicable), and a schematic which indicated points of discharge to the sewer system.
  - b. Identifying information to include name, address of facility, owner(s), contact person and any other permits held by the facility.

- c. Wastewater characteristics: total plant flow, types of discharges, average and maximum flows from each process.
  - d. Nature/Concentration of pollutants: analytical results for all pollutants regulated by this ordinance and/or any applicable federal pretreatment standard and sample type and location. All analyses must conform with 40 CFR, Part 136 and amendments thereto.
  - e. Information concerning any pretreatment equipment used to treat facility's discharge.
5. New sources shall give estimates of the information requested in sections (c) and (d) above, but at no time shall a new source commence discharge(s) to the public sewer of substances that do not meet provisions of this ordinance. All new sources must be in compliance with all provision of this ordinance, State and Federal pretreatment regulations prior to commencement of discharge to the public sewer.

J. Permit Violations

1. All significant industrial users must notify the Superintendent within 24 hours of first becoming aware of a permit violation. This notification shall include the date of violation, the parameter violated and the amount in exceedance.
2. The user shall immediately repeat the sampling and analysis of the parameter(s) in question and submit the results to the Superintendent within thirty (3) days after becoming aware of the violation. Exception to this regulation is only if the County performs the sampling within the same time period for the same parameter(s) in question.
3. Compliance with the terms of an industrial user permit shall be deemed in compliance with the terms of this ordinance.

K. Monitoring

1. The County shall require significant users to provide and operate, at the user's own expense, monitoring facilities and equipment necessary to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage system. The monitoring facility should normally be situated on the user's premises, but the County may, when such a location would be impractical or cause undue hardship in the user, allow the facility to be constructed in a public right-of-way. The Superintendent shall review and approve the location, plans, and specifications for such monitoring facilities and may require them to be constructed to provide for the separate monitoring and sampling of industrial waste and sanitary sewage flows.

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

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

2. All sampling analyses done in accordance with approved federal EPA procedures by the industrial user during a reporting period shall be submitted to the Superintendent regardless of whether or not that analysis was required by the industrial user's discharge permit.
3. The industrial user must receive the approval of the Superintendent before changing the sampling point and/or monitoring facilities to be used in all required sampling.

L. Inspection and Sampling

The County shall inspect the facilities of any user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the County or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, copying records, records examination or in the performance of any of their duties.

The County Approval Authority, and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry onto their premises, the user shall make the necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the County, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

M. Pretreatment

All significant industrial users shall provide necessary wastewater treatment as required to comply with this ordinance and achieve compliance with any applicable Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. The County may require the development of a compliance schedule for installation of any industrial user that cannot meet discharge limits required by this ordinance. Any facilities required to pretreat wastewater to a level required by this ordinance shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the County for review, and shall be acceptable to the County before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent that complies with the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the County prior to the user's initiation of the changes.

N. Annual Publication

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

All records relating to the County's Pretreatment Program shall be made available to officials of the EPA or Approval Authority upon request. All records shall be maintained for a minimum of three (3) years in accordance with 40 CFR 403.12(0)(2).

O. Significant Non-Compliance

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

1. Causes imminent endangerment to human health or the environment or results in the exercise of emergency authority;
2. Involves failure to report noncompliance accurately;
3. Results in a chronic violation defined here as sixty-six percent (66%) or more of all measurements taken during a six (6) month period that exceed (by any magnitude) the daily maximum limit or the monthly average limit for the same pollutant parameter;
4. Results in a Technical Review Criteria (TRC) Violation defined here as thirty-three percent (33%) or more of all measurements for each pollutant parameter taken during a six (6) month period that equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, and oil & grease and 1.2 for all other pollutants except pH);
5. Any violation of a pretreatment effluent limit that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through or has endangered the health of the POTW personnel or the public;
6. Any discharge causing imminent endangerment to human health/welfare or to the environment or resulting in the POTW's use of its emergency authority to halt or prevent such a discharge;

7. Violations of Compliance Schedule Milestones, failure to comply with schedule milestones for starting or completing construction or attaining final compliance by ninety (90) days or more after the schedule date;
8. Failure to provide required reports within thirty (30) days of the due date;
9. Any violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

P. Confidential Information

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests in writing and is able to demonstrate to the satisfaction of the County that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to all governmental agencies for uses related to this ordinance, the NPDES/KPDES Permit, Sludge Disposal System Permit and/or the Pretreatment Programs upon request. Such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics shall not be recognized as confidential information and shall be available to the public without restriction.

Q. Signatory Requirements

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

1. All permit applications shall be signed:
  - a) For a corporation: by a principal executive officer of at least the level of vice-president;
  - b) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

2. All other correspondence, reports and self-monitoring reports shall be signed by a person described above or by a duly authorized representative of that person. A person is duly authorized only if:
  - a) The authorization is made in writing by a person described above;
  - b) The authorization specified either an individual or a position having facility or activity, such as the position of plant manager, superintendent or position of equivalent responsibility.
3. Certification. Any person signing a document under this section shall make the following certification:

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

## ARTICLE VII - FEES

### A. Purpose

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

### B. Charges and Fees

The County may adopt charges and fees which may include:

1. fees for reimbursement of costs of setting up and operating the County's Pretreatment Program;
2. fees for monitoring, inspections, and surveillance procedures;
3. fees for reviewing accidental discharge procedures and construction;
4. fees for permit applications;
5. fees for filing appeals;
6. fees for consistent removal by the POTW of excessive strength conventional pollutants;
7. other fees as the County may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this ordinance and are separate from all other fees chargeable by the County.

## ARTICLE VIII - POWERS AND AUTHORITY OF INSPECTORS

### A. Right to Enter Premises

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

### B. Right to Obtain Information Regarding Discharge

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

### C. Access to Easements

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

### D. Safety

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

## ARTICLE IX - ENFORCEMENT

### A. General

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

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

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

B. Notice of Violation

Any user found to be violating any provision of this ordinance, wastewater permit, or any order issued hereunder, shall be served by the County with written notice stating the nature of the violation(s). Within ten (10) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Superintendent. Submission of this plan in no way relieves the user of potential liability for any violation occurring before or after receipt of the Notice of Violation.

If the violations persist or the explanation and/or plan are not adequate, the County'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 escalated if compliance is not achieved expeditiously after the initial action. A significant noncompliance as defined in Article VI, Subparagraph O, will require a formal enforcement action.

The full scale of enforcement actions will be as detailed in the Enforcement Response Plan.

C. Administrative Orders

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

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

1. Consent Orders

The Superintendent or their designee is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing and agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as orders issued pursuant to Article IX, Section C.3. below.

2. Compliance Order

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

3. Cease and Desist Orders

When the Superintendent finds that an industrial user has violated or continues to violate this ordinance or any permit or order issued hereunder, the Superintendent may issue an order to cease and desist all such violations and direct those person in noncompliance to: a) comply forthwith, or b) take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

D. Show Cause Hearing

1. The Superintendent or their designee may issue to any user who causes or contributes to violations of this ordinance, wastewater permit or order issued hereunder, an order to appear and show cause why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of the hearing to be held by the Superintendent regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause, before the Superintendent, why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of the industrial user. Whether or not a duly notified industrial user or its representative appears, immediate enforcement action may be pursued.
2. The County may, itself, conduct the hearing and take the evidence, or designate a representative to:
  - (a) Issue, in the name of the County notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;
  - (b) Take the evidence;
  - (c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the County for action thereon.
3. At any hearing held pursuant to this ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
4. After the County has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices, or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

E. Additional Enforcement Remedies

1. Performance Bonds

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

2. Liability Insurance

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

## ARTICLE X - PENALTIES

### A. Written Notice

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

As contained in Article IX, the notice may be of several forms. Also as contained in Article IX, penalties of various forms may be levied against users for violations of this ordinance. The penalties, if levied, shall range from publication of violators in the local newspaper to administrative fines of at least \$1,000.00 per day per violation.

### B. Revocation of Permit

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

Any user who violated the following conditions of this ordinance, or applicable State or Federal Regulations, is subject to having his permit revoked in accordance with the procedures of this ordinance.

1. Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
2. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
3. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
4. Violation of conditions of the permit.

C. Liability

Any user violating any of the provision of this Ordinance, discharge permit or other order issued hereunder shall become liable to the County of Boyd for any expense, loss or damage occasioned by the County by reason of such violation. This civil liability is as provided by state and federal regulations.

D. Misrepresentation and/or Falsifying of Documents

Any user who knowingly and/or negligently makes any false statements, representations or certification of any application, record, plan or other document filed or required pursuant to this Ordinance 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 Ordinance, shall be punished by a fine of at least \$1,000.00 or by imprisonment for not more than twelve (12) months or by both.

E. Destruction of Sewer System or POTW and Legal Action

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

F. Legal Action

If any person discharges sewage, industrial wastes or other wastes into the County's wastewater disposal system contrary to the provisions of this ordinance, Federal or State Pretreatment Requirements or any order of the County, the County may commence an action for appropriate legal and/or equitable relief in the appropriate Court of this jurisdiction.

G. Injunctive Relief

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

## H. Civil Penalties

1. Any user who has significantly violated or continues to violate this ordinance or any order or permit issued hereunder, may be liable to the Superintendent for a civil penalty of not more than \$500.00 per day plus actual damages incurred by the sewer system or POTW per violation per day for as long as the violation continues. Each day in which such violation shall continue shall be deemed a separate offense. In addition to the above described penalty and damages, the Superintendent may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses associated with the enforcement activities including sampling and monitoring expenses.
2. The Superintendent may petition the Court to impose, assess and recover such sums. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user and any other factor as justice requires.

## I. Criminal Prosecution

1. Violations - General
  - a. Any user who willfully or negligently violates any provision of this ordinance or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$1,000.00 per violation per day or imprisonment for not more than one (1) year or both.
  - b. In the event of a second conviction, the user shall be punishable by a fine not to exceed \$10,000.00 per violation per day or imprisonment for not more than three (3) years or both.

## ARTICLE XI - VALIDITY

### A. Severability

If any provision, paragraph, word, section or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

### B. Conflict

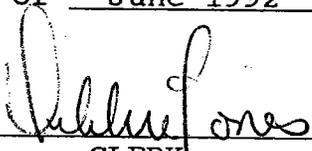
All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

**ARTICLE XII - ORDINANCE IN FORCE**

This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

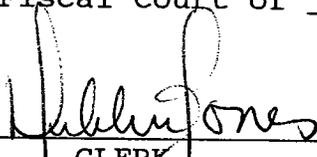
**FIRST READING**

The first reading of this ordinance was held on the 3rd day of June 1992.

  
\_\_\_\_\_  
CLERK

**SECOND READING**

The second reading of this ordinance was held on the 26th day of June 1992 and upon a roll call vote was adopted by the Fiscal Court of Boyd County, Kentucky.

  
\_\_\_\_\_  
CLERK

**JUDGE EXECUTIVE APPROVAL**

I, William F. Scott, Judge Executive of Boyd County, hereby accept and approve the foregoing Ordinance and direct same to be published in full this 26th day of June 1992.

  
\_\_\_\_\_  
JUDGE EXECUTIVE

ATTEST:

  
\_\_\_\_\_  
COUNTY CLERK