

TITLE V: PUBLIC WORKS

Chapter

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CHAPTER 50: GARBAGE

Section

Pickup and Disposal Services

- 50.01 Use of pickup and disposal service required
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PICKUP AND DISPOSAL SERVICES

§ 50.01 USE OF PICKUP AND DISPOSAL SERVICE REQUIRED.

All owners of improved real estate and the operators of businesses within the city limits shall utilize the garbage pickup and disposal services of the collector granted a franchise by duly enacted ordinance of the city and shall pay a fee for such services. This chapter requires a fee paid for such services. This chapter shall not apply to industrial customers within the city. For purposes of this chapter, "INDUSTRIAL" shall be defined to include only those establishments engaged in activities, the waste from which is regulated by the United States or Commonwealth of Kentucky Environmental Protection Agency, and for which the waste or refuse is considered to be hazardous or environmental and cannot be disposed of in a landfill. "INDUSTRIAL" for purposes of this chapter refers only to the type of waste being collected and not the nature of the activities located on the premises that do not otherwise involve the disposal of waste.

(Ord., passed 5-8-85; Am. Ord. 87-1, passed 1-14-87; Am. Ord. 92-16, passed 5-13-92; Am. Ord. 94-03, passed 5-11-94; Am. Ord. 98-06, passed 5-13-98; Am. Ord. 04-03, passed 3-23-04; Am. Ord. 06-04, passed 4-25-06; Am. Ord. 2011-07, passed 4-25-11)

§ 50.02 REGULATIONS FOR COLLECTION.

Regulations for collection, receptacles, and preparation shall be established by the city and the franchise holder. The franchise holder shall not limit the amount of garbage, debris or refuse to be picked up weekly from residential customers or the Carrollton Housing Authority. The franchise holder shall be required to pick up from commercial



customers the refuse as outlined in the bid proposal submitted from Rumpke of Kentucky seeking a franchise by the city. Industrial customers are free to contract with any corporation or entity they desire for the collection of refuse, garbage or industrial waste. (Ord., passed 5-8-85; Am. Ord. 87-1, passed 1-14-87; Am. Ord. 92-16, passed 5-13-92; Am. Ord. 94-03, passed 5-11-94; Am. Ord. 98-06, passed 5-13-98; Am. Ord. 00-04, passed 4-25-00; Am. Ord. 04-03, passed 3-23-04; Am. Ord. 06-04, passed 4-25-06; Am. Ord. 2011-07, passed 4-25-11)

§ 50.03 DEPOSIT FEE.

Each new residential customer shall be required to pay a garbage deposit fee of \$15 to the Carrollton Utilities Company before receiving any service. The deposit shall be refunded to the customer after 12 continuous months of prompt payment for such service without the customer receiving any interest on the deposit. Failure by a customer, new or old, to pay for the service shall result in the discontinuation of city utilities services and the application of the deposit, if any, to any deficiency.

(Ord. 87-1, passed 1-14-87; Am. Ord. 90-12, passed 8-8-90; Am. Ord. 94-03, passed 5-11-94; Am. Ord. 98-06, passed 5-13-98; Am. Ord. 04-03, passed 3-23-04; Am. Ord. 06-04, passed 4-25-06; Am. Ord. 2011-07, passed 4-25-11)

§ 50.04 RATES AND CHARGES.

(A) (1) Residential units shall pay a charge per month to the city which includes an administrative fee of \$2.60 as in the following schedule:

June 1, 2017 - May 31, 2018	\$15.05 per month
June 1, 2018 - May 31, 2019	\$15.05 per month
June 1, 2019 - May 31, 2020	\$15.42 per month
June 1, 2020 - May 31, 2021	\$15.42 per month
June 1, 2021 - May 31, 2022	\$15.80 per month
June 1, 2022 - May 31, 2023	\$15.80 per month

(2) Any services in addition to the regular collection must be collected directly from the franchise holder and any extra charge, therefore, paid directly to the franchise holder.

(B) (1) Commercial customers. If a commercial establishment opts for curbside pickup, the amount charged by the city, including an administrative fee of \$2.60, shall be as follows:

June 1, 2017 - May 31, 2018	\$15.05 per month
June 1, 2018 - May 31, 2019	\$15.05 per month
June 1, 2019 - May 31, 2020	\$15.42 per month

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June 1, 2020 - May 31, 2021	\$15.42 per month
June 1, 2021 - May 31, 2022	\$15.80 per month
June 1, 2022 - May 31, 2023	\$15.80 per month

(2) In the event that the franchise holder provides a roll cart for curbside pickup, then the commercial establishment shall pay per month to the city, including an administrative fee of \$2.60, as per the following schedule:

June 1, 2017 - May 31, 2018	\$15.05 per month
June 1, 2018 - May 31, 2019	\$15.05 per month
June 1, 2019 - May 31, 2020	\$15.42 per month
June 1, 2020 - May 31, 2021	\$15.42 per month
June 1, 2021 - May 31, 2022	\$15.80 per month
June 1, 2022 - May 31, 2023	\$15.80 per month

(3) Commercial units shall pay unto the city for dumpster service a 7% surcharge on the following amounts according to the frequency of collection and container size, as set forth in the following schedules:

<b>June 1, 2017 - May 31, 2018</b>						
<b>Container Size</b>	<b>Frequency of Collection (Times per Week)</b>					
	<b>1X</b>	<b>2X</b>	<b>3X</b>	<b>4X</b>	<b>5X</b>	<b>6X</b>
2 Yards	\$47.95	\$95.90	\$143.8 5	\$191.7 9	\$239.7 5	\$287.6 9
3 Yards	53.28	106.54	159.83	213.11	266.38	319.65
4 Yards	63.93	127.87	191.79	255.72	319.65	383.59
6 Yards	74.58	149.18	223.75	298.34	372.93	447.52
8 Yards	90.58	181.14	271.72	362.28	452.84	543.41

<b>June 1, 2018 - May 31, 2019</b>						
<b>Container Size</b>	<b>Frequency of Collection (Times per Week)</b>					
	<b>1X</b>	<b>2X</b>	<b>3X</b>	<b>4X</b>	<b>5X</b>	<b>6X</b>
2 Yards	\$47.95	\$95.90	\$143.8 5	\$191.7 9	\$239.7 5	\$287.6 9
3 Yards	53.28	106.54	159.83	213.11	266.38	319.65
4 Yards	63.93	127.87	191.79	255.72	319.65	383.59
6 Yards	74.58	149.18	223.75	298.34	372.93	447.52

8 Yards	90.58	181.14	271.72	362.28	452.84	543.41
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<b>June 1, 2019 - May 31, 2020</b>						
<b>Container Size</b>	<b>Frequency of Collection (Times per Week)</b>					
	<b>1X</b>	<b>2X</b>	<b>3X</b>	<b>4X</b>	<b>5X</b>	<b>6X</b>
2 Yards	\$49.38	\$98.77	\$148.16	\$197.54	\$246.94	\$296.32
3 Yards	54.87	109.73	164.62	219.50	274.37	329.23
4 Yards	65.84	131.70	197.54	263.39	329.23	395.09
6 Yards	76.81	153.65	230.46	307.29	384.11	460.94
8 Yards	93.29	186.57	279.87	373.14	466.42	559.71

<b>June 1, 2020 - May 31, 2021</b>						
<b>Container Size</b>	<b>Frequency of Collection (Times per Week)</b>					
	<b>1X</b>	<b>2X</b>	<b>3X</b>	<b>4X</b>	<b>5X</b>	<b>6X</b>
2 Yards	\$49.38	\$98.77	\$148.16	\$197.54	\$246.94	\$296.32
3 Yards	54.87	109.73	164.62	219.50	274.37	329.23
4 Yards	65.84	131.70	197.54	263.39	329.23	395.09
6 Yards	76.81	153.65	230.46	307.29	384.11	460.94
8 Yards	93.29	186.57	279.87	373.14	466.42	559.71

<b>June 1, 2021 - May 31, 2022</b>						
<b>Container Size</b>	<b>Frequency of Collection (Times per Week)</b>					
	<b>1X</b>	<b>2X</b>	<b>3X</b>	<b>4X</b>	<b>5X</b>	<b>6X</b>
2 Yards	\$50.86	\$101.73	\$152.60	\$203.46	\$254.34	\$305.20
3 Yards	56.51	113.02	169.55	226.08	282.60	339.10
4 Yards	67.81	135.65	203.46	271.29	339.10	406.94
6 Yards	79.11	158.25	237.37	316.50	395.63	474.76

8 Yards	96.08	192.16	288.26	384.33	480.41	576.50
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<b>June 1, 2022 - May 31, 2023</b>						
<b>Container Size</b>	<b>Frequency of Collection (Times per Week)</b>					
	<b>1X</b>	<b>2X</b>	<b>3X</b>	<b>4X</b>	<b>5X</b>	<b>6X</b>
2 Yards	\$50.86	\$101.73	\$152.60	\$203.46	\$254.34	\$305.20
3 Yards	56.51	113.02	169.55	226.08	282.60	339.10
4 Yards	67.81	135.65	203.46	271.29	339.10	406.94
6 Yards	79.11	158.25	237.37	316.50	395.63	474.76
8 Yards	96.08	192.16	288.26	384.33	480.41	576.50

(C) (1) Carrollton Housing Authority shall pay a charge per unit per month for carry-out service to the city without any surcharge as per the following schedule:

June 1, 2017 - May 31, 2018	\$28.25 per month
June 1, 2018 - May 31, 2019	\$28.25 per month
June 1, 2019 - May 31, 2020	\$29.10 per month
June 1, 2020 - May 31, 2021	\$29.10 per month
June 1, 2021 - May 31, 2022	\$29.97 per month
June 1, 2022 - May 31, 2023	\$29.97 per month

(2) Any services in addition to the regular collection must be collected directly from the franchise holder and any extra charge, therefore, paid directly to the franchise holder.

(D) Franchise holder may, in the event the price of diesel fuel reaches \$4.00 per gallon, impose a fuel surcharge with the prior written consent of the city.

(E) Date charges due. Charges remaining due and unpaid for a period of 30 days shall be deemed delinquent and shall be subject to

interest on said account at 12% per annum until paid.

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(F) Each new residential customer shall be required to pay a garbage deposit fee of \$15 to the Carrollton Utilities Company before receiving any service. The deposit shall be refunded to the customer after 12 continuous months of prompt payment for such service without the customer receiving any interest on said deposit. Failure by a customer, new or old, to pay for such service shall result in the discontinuation of city utilities services and the application of the deposit, if any, to any deficiency.

(Ord., passed 5-8-85; Am. Ord. 86-14, passed 9-10-86; Am. Ord. 87-1, passed 1-14-87; Am. Ord. 90-12, passed 8-8-90; Am. Ord. 92-16, passed 5-13-92; Am. Ord. 94-03, passed 5-11-94; Am. Ord. 98-06, passed 5-13-98; Am. Ord. 02-02, passed 3-26-02; Am. Ord. 02-22, passed 12-18-02; Am. Ord. 04-03, passed 3-23-04; Am. Ord. 06-04, passed 4-25-06; Am. Ord. 2011-07, passed 4-25-11; Am. Ord. 2017-06, passed 4-24-17)

§ 50.05 DATE CHARGES DUE.

Charges remaining due and unpaid for a period of 30 days shall be deemed delinquent and shall be subject to interest on the account at 12% per annum until paid.

(Ord., passed 5-8-85; Am. Ord. 87-1, passed 1-14-87; Am. Ord. 92-16, passed 5-13-92; Am. Ord. 94-03, passed 5-11-94; Am. Ord. 98-06, passed 5-13-98; Am. Ord. 04-03, passed 3-23-04; Am. Ord. 06-04, passed 4-25-06; Am. Ord. 2011-07, passed 4-25-11)

UNAUTHORIZED DISPOSAL

§ 50.15 DUMPING PROHIBITED.

(A) It shall be unlawful for any person to dispose of rubbish, trash, garbage, or like material by the dumping of such material within the city.

(B) It shall be unlawful for any person to authorize the dumping of said material on his property within the city.

(C) Each dumping incident shall constitute a distinct and separate violation of this chapter.

(Ord., passed 9-13-78) Penalty, see § 50.99

§ 50.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500 or imprisoned for not more than 30 days, or both, for each offense.



CHAPTER 51: GAS

Section

- 51.01 System established
- 51.02 Breaking seals on meters
- 51.03 Rules and regulations
- 51.04 Gas rates
  
- 51.99 Penalty

§ 51.01 SYSTEM ESTABLISHED.

There is hereby established a gas distribution system.  
(`78 Code, § 12-15)

§ 51.02 BREAKING SEALS ON METERS.

(A) It shall be unlawful for any person to turn on or break the seal of any gas meter without proper authorization from the city.

(B) It shall be unlawful for any person to suffer or permit a violation of division (A) to occur on any premises under his or her control.

(`78 Code, § 12-3) Penalty, see § 51.99

§ 51.03 RULES AND REGULATIONS.

Service hereunder shall be subject to the city utilities rules and regulations and to the Regulations for Gas Utilities prescribed by the Federal Energy Regulatory Commission from time to time.  
(Ord., passed 12-16-81)

§ 51.04 GAS RATES.

The following rates are established for the provision of natural gas by Carrollton Utilities.

(A) General Service Rate (G1) Residential. Service for residential customers within the city limits and all other areas served by Carrollton Utilities.

(1) Customer Charge. A customer charge shall be assessed each month to all residential customers receiving gas service at a rate of \$5.00 within the city limits and \$6.00 for all other areas served.

(2) Gas Supply Rate Component. Gas supply costs shall be assessed each month to customers based on the cost of gas purchased by Carrollton Utilities during the month.

(3) Interstate Pipeline Rate Component. Interstate pipeline charges shall be assessed at the actual cost to provide interstate transportation service required to serve residential customers.

(4) Distribution Charge Component. A distribution charge shall be assessed monthly at the rate of \$1.549 per MMBTU for service within the city limits and \$1.853 per MMBTU for all other areas served by Carrollton Utilities.

(B) General Service Rate (C1) Commercial. Service for Commercial customers within the city limits and all other areas served by Carrollton Utilities.

(1) Customer Charge. A customer charge shall be assessed each month to all commercial customers receiving gas service at a rate of \$7.00 within the city and \$8.00 for all other areas served.

(2) Gas Supply Rate Component. Gas supply costs shall be assessed each month to customers based on the cost of gas purchased by Carrollton Utilities during the month.

(3) Interstate Pipeline Rate Component. Interstate pipeline charges shall be assessed at the actual cost to provide interstate transportation service required to serve commercial customers.

(4) Distribution Charge Component. A distribution charge shall be assessed monthly at the rate of \$1.765 per MMBTU for service within the city limits and \$2.118 per MMBTU for any other areas served by Carrollton Utilities.

(C) General Service Rate (I1) Industrial. Service for industrial customers with annual natural gas requirements of 15,000 MMBTU per year or less within the city limits and all other areas served by Carrollton Utilities.

(1) Customer Charge. A customer charge shall be assessed each month to all industrial customers receiving gas service at a rate of \$25.00.

(2) Gas Supply Rate Component. Gas supply costs shall be assessed each month to customers based on the cost of gas purchased by Carrollton Utilities during the month.

(3) Interstate Pipeline Rate Component. Interstate pipeline charges shall be assessed at the actual cost to provide interstate transportation service required to serve industrial customers.

(4) Distribution Charge Component. A distribution charge shall be assessed monthly at the rate of \$1.225 per MMBTU .

(D) General Service Rate (I2) Industrial. Service for industrial customers with annual natural gas requirements of in excess of 15,000 MMBTU per year within the city limits and all other areas served by Carrollton Utilities.

(1) Customer Charge Component. A customer charge shall be assessed each month to all industrial customers receiving gas service

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at a rate of \$300.00 for customers with annual requirements in excess of 15,000 MMBTU per year and less than 100,000 MMBTU per year and \$400.00 for customers with annual requirements of 100,000 MMBTU or more.

(2) Gas Supply Rate Component. Gas supply costs shall be assessed each month to customers based on the cost of gas purchased by Carrollton Utilities during the month.

(3) Interstate Pipeline Rate Component. Interstate pipeline charges shall be assessed at the actual cost to provide interstate transportation service required to serve industrial customers.

(4) Distribution Charge Component. A distribution charge shall be assessed monthly at the following rate:

First	10,200	MMBTU	@	0.490 per MMBTU
Next	5,100	MMBTU	@	0.343 per MMBTU
Next	5,100	MMBTU	@	0.245 per MMBTU
Next	20,400	MMBTU	@	0.196 per MMBTU
Next	61,200	MMBTU	@	0.147 per MMBTU
OVER	102,000	MMBTU	@	0.098 per MMBTU

(E) (1) Creditworthiness of Customer. Carrollton Utilities, at its discretion or whenever it is not reasonably satisfied with industrial customer's creditworthiness or ability to pay based on information available to Carrollton Utilities at that time, may apply credit evaluation practices to determine the acceptability of the industrial customer's overall financial condition. Carrollton Utilities' standard objective financial criteria shall include all of the following:

(a) Acceptable overall financial condition, working capital and profitability trends;

(b) Acceptable bank and trade references; and

(c) If the industrial customer has an on-going business relationship with Carrollton Utilities, no delinquent balances should be outstanding for services provided previously by Carrollton Utilities, and the industrial customer must have paid its prior accounts according to the established terms and not have made deductions or withheld payment for claims not authorized by this section or any agreement for services between Carrollton Utilities and industrial customers.

(2) If the industrial customer fails to meet Carrollton Utilities' standard objective credit criteria (described above),

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Carrollton Utilities will require the industrial customer to provide security, in one of the forms described below, in order for service to commence or continue.

(a) Prepayment in advance of an amount equal to the industrial customer's average monthly invoice for the prior six month period;

(b) An irrevocable letter of credit drawn upon a financial institution acceptable to Carrollton Utilities with a term of one year and of an amount equal to industrial customer's average monthly invoice for the prior six month period;

(c) A financial guaranty, in form and substance satisfactory to Carrollton Utilities, executed by a person or another entity which does satisfy the credit appraisal criteria, of industrial customer's performance of its financial obligations to Carrollton Utilities under the agreement with a term of one year and of an amount equal to the industrial customer's average monthly invoice for the prior six month period; or

(d) Such other form of security as industrial customer may agree to provide and as may be acceptable to Carrollton Utilities.

(3) Should the industrial customer not provide required security within 15 days of request by Carrollton Utilities, Carrollton Utilities may deny or suspend the service being furnished.

(F) Compressed Natural Gas (CNG). Service at the Carrollton Utilities CNG station at 225 Sixth Street to the general public for purpose of filling vehicles powered by natural gas.

(1) The rate per Mcf, gasoline gallon equivalent, mmBtu or other unit of measurement shall be set to recover gas supply costs, interstate pipeline charges, G1 local distribution charges, operational costs, capital recovery costs, maintenance costs and any such other costs associated with the compression and delivery of the natural gas.

(Ord. 01-25, passed 12-12-01; Am. Ord. 02-10, passed 6-12-02; Am. Ord. 08-14, passed 12-24-08; Am. Ord. 2013-14, passed 10-28-13; Am. Ord. 15-18, passed 9-28-15)

§ 51.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500 or imprisoned for not more than 30 days, or both, for each offense.

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CHAPTER 52: SEWERS

Section

General Provisions

- 52.001 Purpose and policy
- 52.002 Definitions
- 52.003 Sewer rates

Use of Public Sewers

- 52.015 Mandatory sewer connection
- 52.016 Unlawful discharge to storm sewers or natural outlets
- 52.017 Compliance with local, state, and Federal laws
- 52.018 Discharge of unpolluted waters into sewer

Private Wastewater Disposal

- 52.030 Public sewer not available
- 52.031 Requirements for installation

Building Sewers and Connections

- 52.045 Permits
- 52.046 Prohibited connections
- 52.047 Design and installations
- 52.048 Inspection

GENERAL PROVISIONS

§ 52.001 PURPOSE AND POLICY.

(A) This chapter sets forth uniform requirements for contributors into the wastewater collection and treatment system for the City of Carrollton and enables the city to comply with all applicable state and Federal laws required by the Clean Water Act of 1977 and the general pretreatment regulations (40 CFR, Part 403).

(B) The objectives to this chapter are:

(1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system inadequately treated into receiving waters so as to cause violations of the city's KPDES permit or the atmosphere or otherwise be incompatible with the system;

(3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system;



(4) To provide for equitable distribution of the cost of the municipal wastewater system; and

(5) Provide for the safety of the treatment plant employees.

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

(D) This chapter shall apply to the City of Carrollton and to persons outside the city who are, by contract or agreement with the city, users of the City Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the Manager of Utilities shall administer, implement, and enforce the provisions of this chapter. (Ord. 2018-14, passed 11-26-18)

#### § 52.002 DEFINITIONS.

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

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

"BUILDING DRAIN." That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, water, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

"BUILDING SEWER." The extension from the building drain to the public sewer or other place of disposal, also called "HOUSE CONNECTION."

"BUILDING SEWER PERMIT." As set forth in "BUILDING SEWERS AND CONNECTIONS."

"CITY." City shall mean the duly constituted municipal corporation of the City of Carrollton, Carroll County, Kentucky.

"COMBINED SEWER." Any conduit designed to carry both sanitary sewage and storm water or surface water.

"DOMESTIC WASTEWATER." The water-carried wastes produced from non-commercial or non-industrial activities and which result from normal human living processes.

"EASEMENT." An acquired legal right for the specific use of land owned by others.

"GARBAGE." The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods in homes kitchens, stores, markets, restaurants, motels, hotels, and other places where food is stored, prepared, or served. Specifically excluded are food-processing wastes from canneries, slaughterhouses, packing plants, and similar industries.

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

"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.

"NATURAL OUTLET." Any outlet, including storm sewers, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

"ORDINANCE." This chapter, unless otherwise specified.

"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 earned freely under the flow conditions normally prevailing in public sewers, with no particle greater than inch in any dimension.

"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.

"SANITARY SEWER." A sewer that carries liquid and water-earned wastes from residences, commercial buildings, industrial plants and institutions and to which storm, surface and ground waters are not intentionally admitted.

"SEWAGE." The spent water of a community. Domestic or sanitary waste shall mean the liquid or water-carried wastes from residences, commercial buildings, and institutions as distinct from industrial sewage. The terms "SEWAGE" and "WASTEWATER" are used interchangeably.

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

"SEWER USER CHARGES." A system of charges levied on users of a POTW for the cost of operation and maintenance, including replacement of such works.

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

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

"SHALL." Is mandatory (see "MAY").

"STORM DRAIN" (Sometimes Termed "STORM SEWER"). A drain or sewer for conveying water, groundwater, surface water, or unpolluted water from any source but excludes domestic and industrial wastewaters, other than unpolluted cooling water.

"STORM WATER." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

"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 benefitted by discharge to the sanitary sewers and wastewater treatment facilities.

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

"WASTEWATER." The spent water of a community. Sanitary or domestic wastes shall mean the liquid and water-carried wastes from residences, commercial buildings and institutions as distinct from industrial waste. Rainwater, groundwater, or drainage of uncontaminated water is not wastewater.

"WASTEWATER FACILITIES." The structures, equipment, and processes required to collect, carry away, treat domestic and industrial wastes, and dispose of the effluent.

"WASTEWATER TREATMENT WORKS." An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "WASTE TREATMENT PLANT" or "WASTEWATER TREATMENT PLANT" or "WATER POLLUTION CONTROL PLANT" or "SEWAGE TREATMENT PLANT."

"WATERCOURSE." A natural or artificial channel for the passage of water either continuously or intermittently.

"WATERS OF THE STATE." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or

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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.

(B) Abbreviations. The following abbreviations shall have the designated meanings.

ADMI	American Dye Manufacturers Institute
ASTM	American Society for Testing and Materials
BMP	Best Management Practices
BOD	Biochemical Oxygen Demand
BPJ	Best Professional Judgment
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
CWA	Clean Water Act (33 U.S.C. 1251 et seq.)
CWF	Combined Wastestream Formula
EPA	Environmental Protection Agency
FWA	Flow Weighted Average
FR	Federal Register
gpd	gallons per day
IU	Industrial User
l	Liter
mg	Milligrams
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
KPDES	Kentucky Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act

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SIC	Standard Industrial Classification
SIU	Significant Industrial User
SWDA	Solid Waste Disposal Act (42 U.S.C. 6901, et. seq.)
TSS	Total Suspended Solids
TTO	Total Toxic Organics
USC	United States Code

(Ord. 2018-14, passed 11-26-18)

§ 52.003 SEWER RATES.

(A) The following sewer service rates are hereby established for the different classifications of system users as described below. The basis for the classes is that one class will apply to those customers that are within the geographical boundaries of the city and other rates will be applicable to those users who are outside the geographical limits of the city.

(B) Basic charges.

(1) The differences in the charges shall be of an indefinite duration.

(2) Rates beginning July 1, 2018. The basic sewer charge based on water consumption effective September 1, 2019 is as follows:

Location	First 1,000 gallons (minimum)	Over 1,000 gallons (per 1,000 gallons)
Within the city limits	\$10.40	\$5.66
Areas outside the geographical limits of the city	\$12.70	\$6.65
Prestonville and Ghent Extensions	\$12.70 minimum per 1,000 gallons	\$6.65 minimum per 1,000 gallons
Regional Sewer Project (Glencoe, Sanders, Sparta)		
Size of water meter		
5/8-inch - 3/4-inch	\$11.42	\$11.42



Location	First 1,000 gallons (minimum)	Over 1,000 gallons (per 1,000 gallons)
1-inch - 2-inch	\$23.10	\$23.10
Over 2-inch	\$28.47 minimum per 1,000 gallons	\$28.47 per 1,000 gallons
Worthville and Eagle Creek Extensions (Worthville, Happy Hollow, and Eagle Creek Campground)	\$24.70 minimum per 1,000 gallons	\$6.65 per 1,000 gallons
Eagle Creek Resort	\$28.91 minimum per 1,000 gallons	\$6.65 per 1,000 gallons
City of Campbellsburg	\$30.38 minimum per 1,000 gallons	\$6.65 per 1,000 gallons
Users east (upstream) of Nucor Lift Station	\$14.15 minimum	\$8.10 per 1,000 gallons

(C) The differences in the charges shall be of an indefinite duration.

(D) Multiple unit billing method.

(1) Where a single master water meter feeds more than one residential unit, the water and/or wastewater bill shall be calculated as follows:

(a) Monthly usage divided by number of units = average usage per unit.

(b) Average usage per unit applied to current rate structure\* = average charge per unit (\* When using multiple unit billing method, standard meter rate will be used not actual meter size.).

(c) Average charge per unit multiplied by number of units = total bill.

(2) Sewer capacity connection fees:

Cost per daily design rate (GPP)	
City of Carrollton	\$1.69
All other users	\$2.25



(3) For publicly-funded extension projects serving areas where connection to the sewer is mandatory, the capacity fee shall be waived for residential and small commercial customers with existing on-site sewer systems as long as connection to the public system is made within 120 days of being notified that the system is available for use. For publicly funded projects, the capacity fee for customers may be waived by the Carrollton Utility Commission in whole or in part when the customer supports the grant application with the pledge of job creation and private investment.

(4) For publicly-funded extension projects serving areas where connection to the sewer is not mandatory, the capacity fee shall be one-third of the normal fee for residential and small commercial customers with existing on-site sewer systems as long as connection to the public system is made within 120 days of being notified that the system is available for use.  
(Ord. 2018-14, passed 11-26-18; Am. Ord. 2019-03, passed 1-28-19; Am. Ord. 2019-11, passed 8-12-19)

#### USE OF PUBLIC SEWERS

#### § 52.015 MANDATORY SEWER CONNECTION.

(A) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet (30.5 meters) of the property line.

(B) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater where public sanitary sewer service is available, as defined in division (A), except as provided for in "Private Wastewater Disposal."

(C) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public system within 90 days in compliance with this chapter, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of all material including water, grit and sludge and filled with suitable material or

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salvaged and removed in accordance with the requirements of the Carroll County Health Department and applicable local, State and Federal regulations.

(Ord. 2018-14, passed 11-26-18)

§ 52.016 UNLAWFUL DISCHARGE TO STORM SEWERS OR NATURAL OUTLETS.

(A) It shall be unlawful for any person to place, deposit, or permit to be deposited any pollutant in any unsanitary manner on public

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or private property within the City of Carrollton, or in any area under the jurisdiction of said City of Carrollton except in compliance with the provisions of this chapter.

(B) It shall be unlawful to discharge to any natural outlet or storm sewer within the City of Carrollton or in any area under the jurisdiction of said city, any sanitary wastewater or other polluted waters, except where suitable treatment or management has been provided in accordance with subsequent provisions of this chapter. No provision of this chapter shall be construed to relieve the owner of a discharge to any natural outlet of the responsibility for complying with applicable state and Federal regulations governing such discharge.

(Ord. 2018-14, passed 11-26-18)

§ 52.017 COMPLIANCE WITH LOCAL, STATE, AND FEDERAL LAWS.

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

(Ord. 2018-14, passed 11-26-18)

§ 52.018 DISCHARGE OF UNPOLLUTED WATERS INTO SEWER.

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

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

(Ord. 2018-14, passed 11-26-18)

PRIVATE WASTEWATER DISPOSAL

52.030 PUBLIC SEWER NOT AVAILABLE.

(A) Where a public sanitary sewer is not available under the provisions of "Use of Public Sewer," the building sewer shall be

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connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of the Carroll County Health Department and all applicable local and state regulations.

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

(C) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Carroll County Health Department.

(D) 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. (Ord. 2018-14, passed 11-26-18)

#### § 52.031 REQUIREMENTS FOR INSTALLATION.

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

(B) A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the local and State authorities. (Ord. 2018-14, passed 11-26-18)

### BUILDING SEWERS AND CONNECTIONS

#### § 52.045 PERMITS.

(A) There shall be two classes of building sewer permits required:

(1) For residential and commercial service; and

(2) For service to industrial establishments. In either case, the owner(s) or his agent shall make application on a special form furnished by the city. Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Manager of Utilities. Details regarding commercial and industrial permits include, but are not limited to those required by this chapter. Permit and inspection fees shall be paid to the city at the time the application is filed.

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

(C) No person(s) shall uncover, plug or make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining permission from the Manager of Utilities.

(Ord. 2018-14, passed 11-26-18)

§ 52.046 PROHIBITED CONNECTIONS.

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 chapter shall be completely and permanently disconnected within 60 days of the effective date of this chapter. The owner(s) of any building sewers having such connections, leaks or defects shall 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.

(Ord. 2018-14, passed 11-26-18)

§ 52.047 DESIGN AND INSTALLATION.

(A) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway. The sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from such single connection aforementioned.

(B) Old building sewers may be used in connection with new buildings only when they are found, on examination and testing by the Manager of Utilities, to meet all requirements of this chapter. 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 capacity fees shall be charged accordingly even though no new sewer tap is actually made into the city system.

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(C) The building sewer shall be cast iron soil pipe, ASTM A74, latest revision, PVC (Polyvinyl-chloride) sewer pipe, ASTM D-3034, latest revision, or ductile iron pipe, AWWA specification C-151 cement lined, or approved equal and shall meet requirements of State plumbing code. Joints shall be gastight and waterproof and installed as prescribed in the State Plumbing Code for the specific type of pipe used. Cast iron soil pipe or ductile iron pipe may be required by the Manager of Utilities where the building sewer is exposed to damage or stoppage by tree roots or other objects. Cast iron soil pipe or ductile iron pipe may also be required in filled or unstable ground, in areas where the cover over the building sewer is less than three feet, or in areas where the sewer is subject to vehicular or other external loads. When solid rock exists in building sewer trenches the rock shall be excavated to a depth of six inches below the bottom of the barrel of the pipe or the grade of the pipe raised so as to clear the rock and pipe cradled with limestone chips, or Portland cement concrete, to the center line of the sewer pipe. Extension of customer service lines from any point on the customer's side of the tap for delivery of waste from any location other than that of the customer in whose name the tap is registered shall not be permitted.

(D) (1) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the local and state building and plumbing codes and other applicable rules and regulations of the city and shall be subject to approval of the Manager of Utilities. The building sewer shall be the same size as the service branch, unless otherwise ordered by the Manager of Utilities, but, in no event less than four inches in diameter. The slope of the building sewer shall in no event be less than one-eighth inch per foot. Where a change in the line or grade of a building sewer is made a proper pipe bend shall be used.

(2) Where change in the size of the building sewer pipe is made a sewer pipe reducer or increaser, properly designed for the specific purpose, shall be used. Where cast iron soil pipe connects to the end of a vitrified tile sewer pipe, a cast iron or vitrified tile pipe increaser shall be used, and, in no event shall the cast iron soil pipe extend into the end of the vitrified tile pipe sewer.

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

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(F) The owner shall ensure that all excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(G) 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 public 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. Foundation drains which remove groundwater are prohibited from discharge to the sanitary sewer.

(H) (1) The building sewer shall be connected into the public sewer at the property line or curb line, where branch sewers extend from the main sewer to either the curb line or property line, or to the service branch on the public sewer where such public sewer exists within an easement on private property). The Carrollton municipal utilities shall be notified to allow for an inspection of this connection. Where no properly located service branch is available, a neat hole shall be cut into the main line of the public sewer and a suitable wye or tee saddle installed to receive the building sewer.

(2) 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 where practicable. 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 water pressure test during inspection of the line. After testing, an acceptable riser will be inserted in this fitting and brought flush to a 12 inch by 12 inch (minimum) concrete pad at the ground surface. The concrete pad shall be at least six inches thick and the surface shall be sloped away from the fitting. A threaded plug, outfitted with a type joint applicable to the pipe used, shall seal this riser against the intrusion of ground or surface water.

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

(J) No building sewer shall be laid parallel to within three feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with

properly curved pipe fittings.

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(K) All excavations required for the installation of a building sewer shall be open trench work unless otherwise specified in the State Plumbing Code, latest revision, and/or approved by the Manager of Utilities, or his authorized representative. Pipe laying and backfill shall be performed in accordance with ASTM specifications, C-12 latest revision, except that no backfill shall be placed until the work has been inspected and approved by the Manager of Utilities or his authorized representative.

(Ord. 2018-14, passed 11-26-18)

§ 52.048 INSPECTION.

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

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

(Ord. 2018-14, passed 11-26-18)

CHAPTER 53: SEWER USE

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## GENERAL PROVISIONS

§ 53.001 PURPOSE AND POLICY.

(A) This chapter sets forth uniform requirements for users of the publicly owned treatment works (POTW) for Carrollton utilities of Carrollton, Kentucky and enables Carrollton utilities to comply with all applicable state and Federal laws, including the Clean Water Act (33 USC 1251 et seq.) and the general pretreatment regulations (40 CFR Part 403). The objectives of this chapter are:

(1) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;

(2) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;

(3) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;

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(4) To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public; and

(5) To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW.

(B) This chapter shall apply to all users of the POTW. The chapter authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. (Ord. 2018-13, passed 11-26-18)

§ 53.002 ADMINISTRATION.

Except as otherwise provided herein, Carrollton utilities shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon Carrollton utilities may be delegated by Carrollton utilities to other Carrollton utilities personnel. (Ord. 2018-13, passed 11-26-18)

§ 53.003 DEFINITIONS.

(A) Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

(B) The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

"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.

"APPLICABLE PRE-TREATMENT STANDARDS." For any specified pollutant, city prohibitive standards, city specific pre-treatment standards (local limits), Commonwealth of Kentucky pre-treatment standards, or EPA's categorical pre-treatment standards (when effective), whichever standard is appropriate or most stringent.

"APPROVAL AUTHORITY." Commonwealth of Kentucky.

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"AUTHORIZED REPRESENTATIVE OF THE USER."

(a) If the user is a corporation:

1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or

2. The manager of one or more manufacturing, production, or operation facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively;

(c) If the user is a Federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.

(d) The individuals described in divisions (a) through (c) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to Carrollton utilities.

"BEST MANAGEMENT PRACTICES" or "BMPS." Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 403.5(a)(1) and (b). BMP also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

"BIOCHEMICAL OXYGEN DEMAND (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20° Celsius, usually expressed as a concentration (milligrams per liter (mg/l)).

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"CARROLLTON UTILITIES (CU)." The department designated by Carrollton to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter, or a duly authorized representative.

"CATEGORICAL PRE-TREATMENT STANDARD" or "CATEGORICAL STANDARD." Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of users and which appears in 40 CFR Chapter I, Subchapter N, Parts 405 through 471.

"CATEGORICAL USER." A user regulated by one of EPA's categorical pre-treatment standards.

"CITY." Carrollton Utilities of Carrollton Kentucky or Carrollton Utilities Council of Carrollton.

"COLOR." The optical density at the visual wave length of maximum absorption, relative to distilled water. One-hundred percent transmittance is equivalent to zero (0.0) optical density.

"COMPOSITE SAMPLE." The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

"CONTROL AUTHORITY."

(a) The POTW if the POTW's Pre-treatment Program Submission has been approved in accordance with the requirements of § 403.11; or

(b) The approval authority if the submission has not been approved.

"COOLING WATER/NON-CONTACT COOLING WATER." Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product. Cooling water may be generated from any use, such as air conditioning, heat exchangers, cooling or refrigeration to which the only pollutant added is heat-domestic user (residential user). Any person who contributes, causes, or allows the contribution of wastewater into Carrollton utilities POTW that is of a similar volume and/or chemical make-up to that of a residential dwelling unit. Discharges from a residential dwelling unit typically include up to 100 gallons per capita per day, 0.2 pounds of BOD per capita per day, and 0.17 pounds of TSS per capita per day.

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"ENVIRONMENTAL PROTECTION AGENCY (EPA)." The U.S. Environmental Protection Agency or, where appropriate, the Director of the Region 10 Office of Water, or other duly authorized official of said agency.

"EXISTING SOURCE." A categorical industrial user, the construction or operation of whose facility commenced prior to the publication by EPA of proposed categorical pre-treatment standards, which would be applicable to such source if and when the standard is thereafter promulgated in accordance with Section 307 of the Act.

"EXISTING USER." Any non-categorical user which was discharging wastewater prior to the effective date of this chapter.

"GRAB SAMPLE." An individual sample collected over a period of time not exceeding 15 minutes.

"INDIRECT DISCHARGE OR DISCHARGE." The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act. The discharge into the POTW is normally by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto.

"INTERFERENCE." A discharge which alone or in conjunction with a discharge or discharges from other sources, either:

(a) Inhibits or disrupts the POTW, its treatment processes or operations;

(b) Inhibits or disrupts its sludge processes, use or disposal; or

(c) Is a cause of a violation of Carrollton utilities's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions 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 commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; and the Toxic Substances Control Act.

"MAXIMUM ALLOWABLE DISCHARGE LIMIT." The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the

duration of the sampling event.

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

"NEW SOURCE."

(a) 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 categorical pre-treatment standards under Section 3078 of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

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

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

3. 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.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of division (a)1. or 3. above but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a new source as defined under this division has commenced if the owner or operator has:

1. Begun, or caused to begin as part of a continuous on-site construction program:

A. Any placement, assembly, or installation of facilities or equipment; or

B. Significant site preparation work

including clearing, excavation, or removal of existing buildings,

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structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this division.

"NEW USER." A "NEW USER" is a user that is not regulated under federal categorical pre-treatment standards but that applies to Carrollton utilities for a new building permit or occupies an existing building and plans to commence discharge of wastewater to Carrollton utilities's collection system after the effective date of this chapter. Any person that buys an existing facility that is discharging non-domestic wastewater will be considered an "EXISTING USER" if no significant changes are made in the manufacturing operation.

"PASS THROUGH." A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of Carrollton utilities's NPDES permit (including an increase in the magnitude or duration of a violation).

"PERMITTEE." A person or user issued a wastewater discharge permit-person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, state, or local governmental entities.

"pH." A measure of the acidity or alkalinity of a substance, expressed in standard units.

"POLLUTANT." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (i.e. pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, or odor).

"PRE-TREATMENT." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing such pollutants into the POTW. This reduction or

alteration can be

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obtained by physical, chemical, or biological processes; by process changes; or by other means (except by diluting the concentration of the pollutants unless allowed by an applicable pre-treatment standard).

"PRE-TREATMENT REQUIREMENT." Any substantive or procedural requirement related to pre-treatment imposed on a user, other than a pre-treatment standard.

"PRE-TREATMENT STANDARDS OR STANDARDS." Prohibited discharge standards, categorical pre-treatment standards, and local limits and/or BMPs established by the POTW.

"PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES." Absolute prohibitions against the discharge of certain substances, which appear in § 53.016(A) and (B) of this chapter.

"PUBLICLY OWNED TREATMENT WORKS (POTW)." A "TREATMENT WORKS," as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by Carrollton utilities . This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. The term also means Carrollton utilities.

"SEPTIC TANK WASTE." Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

"SEWAGE." Human excrement and gray water (household showers, dishwashing operations, etc.).

"SEWER." Any pipe, conduit ditch, or other device used to collect and transport sewage from the generating source.

"SHALL, MAY." "SHALL" is mandatory, "MAY" is permissive.

"SIGNIFICANT INDUSTRIAL USER."

(a) A user subject to categorical pre-treatment standards; or

(b) A user that:

1. Discharges an average of 25,000 GPD or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown);

2. Contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

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3. Is designated as such by Carrollton utilities on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pre-treatment standard or requirement.

(c) Upon a finding that a user meeting the criteria in division (b) has no reasonable potential for adversely affecting the POTW's operation or for violating any applicable pretreatment standard or requirement, Carrollton utilities may at any time, on its own initiative or in response to a petition received from a user (and in accordance with procedures in 40 CFR 403.8(f)(6)) determine that such user should not be considered a significant industrial user.

"SIGNIFICANT NON-COMPLIANCE (SNC)."

(a) Significant non-compliance (as defined in 40 CFR 403.8(f)(2)(viii)), is a compliance status in which one or more of the following is found:

1. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pre-treatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1);

2. Technical review criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pre-treatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable TRC (TRC=1.4 for BOD, TOC, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

3. Any other violation of a pre-treatment standard or requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) that has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of WWTP and personnel or the general public);

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

5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local

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control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

6. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports (BMR), 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

7. Failure to accurately report noncompliance;

8. Any other violation or group of violations, which may include a violation of Best Management Practices (BMP), which CU determines will adversely affect the operation or implementation of the Pretreatment program.

(b) When any action by the industrial user meets one or more of the criteria for significant non-compliance (SNC) the industrial user shall be designated SNC and reported in the annual pretreatment program reports. CU will publish the list of each SNC industrial user and associated SNC violations in the local newspaper annually.

"SLUG LOAD." Any discharge at a flow rate or concentration which could cause a violation of the discharge standards in §§ 53.016 through 53.018 of this chapter or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge-standard industrial classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

"STORM WATER." Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

"TOTAL SUSPENDED SOLIDS." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering-treatment plant effluent. The discharge from the POTW into waters of the United States.

"USER OR INDUSTRIAL USER." A source of indirect discharge. The source shall not include "DOMESTIC USER" as defined herein.

"WASTEWATER." Liquid and water-earned industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

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"WASTEWATER DISCHARGE PERMIT (INDUSTRIAL WASTEWATER DISCHARGE PERMIT, DISCHARGE PERMIT)." An authorization or equivalent control document issued by Carrollton utilities to users discharging wastewater to the POTW. The permit may contain appropriate pre-treatment standards and requirements as set forth in this chapter.

"WASTEWATER TREATMENT PLANT OR TREATMENT PLANT." That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.  
(Ord. 2018-13, passed 11-26-18)

§ 53.004 ABBREVIATIONS.

The following abbreviations shall have the designated meanings:

ASPP	Accidental spill prevention plan
BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	U.S. Environmental Protection Agency
GPD	Gallons per day
IWA	Industrial Waste Acceptance (note: if Carrollton utilities uses an IWA)
L	Liter
LEL	Lower explosive limit
mg	Milligrams
mg/l	Milligrams per liter
NPDES	National pollutant discharge elimination system
O&M	Operation and Maintenance
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SIC	Standard industrial classifications

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SWDA	Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
TSS	Total suspended solids
USC	United States Code

(Ord. 2018-13, passed 11-26-18)

GENERAL SEWER USE REQUIREMENTS

§ 53.015 PROHIBITED DISCHARGE STANDARDS.

(A) General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

(B) Specific prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flash point of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
- (2) Wastewater having a pH less than 5.0 or more than 10, or otherwise causing corrosive structural damage to the POTW or equipment;
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference.
- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- (5) Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C) unless the approval authority, upon the request of the POTW, approves alternate temperature limits;
- (6) Petroleum oil, non-biodegradable cutting oil, or

products of mineral oil origin, in amounts that will cause interference or pass through.

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(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(8) Trucked or hauled pollutants, except at discharge points designated by Carrollton utilities.

(9) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating Carrollton utilities's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10% from the seasonably established norm for aquatic life;

(10) Wastewater containing any radioactive wastes or isotopes except as specifically approved by Carrollton utilities in compliance with applicable State or Federal regulations;

(11) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by Carrollton utilities;

(12) Any sludges, screenings, or other residues from the pretreatment of industrial wastes or from industrial processes;

(13) Medical wastes, except as specifically authorized by Carrollton utilities;

(14) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

(15) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

(16) Any liquid, solids, or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion meter, at the point of discharge into the system (or at any point in the system), be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter.

(17) Grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes,

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cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(18) Any substance which cause the POTW to violate its NPDES and/or other disposal system permits.

(19) Any wastewater, which is the opinion of Carrollton utilities can cause harm either to the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance, unless allowed under special agreement by Carrollton utilities (except that no special waiver shall be given from categorical pretreatment standards).

(20) The contents of any tank or other vessel owned or used by any person in the business of collecting or pumping sewage, effluent, septic tank waste, or other wastewater unless said person has first obtained testing and approval as may be generally required by Carrollton utilities and paid all fees assessed for the privilege of said discharge.

(21) Any hazardous wastes as defined in rules published by the Commonwealth of Kentucky or in 40 CFR Part 261.

(22) Persistent pesticides and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act (FIFRA).

(23) Sewage sludge, except in accordance with Carrollton utilities's NPDES permit, providing that it specifically allows the discharge to surface waters of sewage sludge pollutants.

(24) (a) Any water or waste which has characteristics based on a 24-hour composite sample, or a shorter period composite sample if more representative which exceed the following:

Maximum allowable Concentration Parameter without Surcharge (mg/l)**	
BOD	250
TSS	250
NH3-N	30

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(b) Any person discharging wastewater exceeding the maximum allowable concentration as noted above, will be subject to a surcharge fee for each pound loading over and above the set limit as follows:

Parameter	Concentration Limit (mg/l)**	Surcharge**
BOD	250	\$0.18 per lb
TSS	250	\$0.16 per lb
NH3-N	30	\$0.15 per lb
<p>**Alternative limits for the surchargeable parameters may be allowed by Carrollton utilities. Additionally, alternative surcharge rates may also be considered for specific SIU's which pay discharge fees on a per load basis. The alternative limits and surcharge rates shall be at the discretion of Carrollton utilities and shall be outlined in the SIU's permit.</p>		

(c) Any other amenable constituents requiring the addition of specific chemicals or treatment modifications 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 these regulations if the appropriate surcharge fee is paid and the discharge does not cause interference or pass through of the POTW.

(d) Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.  
(Ord. 2018-13, passed 11-26-18)

#### § 53.016 FEDERAL CATEGORICAL PRE-TREATMENT STANDARDS.

The national categorical pretreatment standards as amended and promulgated by EPA pursuant to the Act and as found at 40 CFR Chapter I, Subchapter N, Parts 405-471, are hereby incorporated and shall be enforceable under this chapter.  
(Ord. 2018-13, passed 11-26-18)

#### § 53.017 STATE REQUIREMENTS.

State requirements and limitations on discharges to the POTW

shall be met by all users which are subject to such standards in any instance

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in which they are more stringent than Federal requirements and limitations or those in this chapter or in other applicable ordinances.

(Ord. 2018-13, passed 11-26-18)

§ 53.018 LOCAL LIMITS.

(A) The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing pollutant levels in excess of the following daily maximum allowable discharge limits:

Parameter	Limit (mg/l)
Arsenic	0.27
Cadmium	0.005
Chromium, total	2.77
Chromium, hexavalent	0.16
Copper	1.11
Cyanide, Free	0.04
Iron	189
Lead	0.10
Mercury	0.0003
Nickel	0.63
Selenium	0.02
Silver	0.30
Zinc	2.61
Chloride	400

Note:  
 The limit value of 400 mg/l for chloride is the uniform concentration limit for all industries unless Carrollton allocates an alternative mass limit, at its discretion, based on the allowable industrial headworks loading obtained from the most recent local limits evaluation.

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(B) The above limits apply at the point where the wastewater is discharged to the POTW (end of the pipe). All concentrations for metallic substances are for "total" metal unless indicated otherwise. Carrollton utilities may impose mass limitations in addition to (or in place of) the concentration-based limitations above. Where a user is subject to a categorical pretreatment standard and a local limit for a given pollutant, the more stringent limit or applicable pretreatment standard shall apply.

(Ord. 2018-13, passed 11-26-18; Am. Ord. 2018-15, passed 12-10-18)

§ 53.019 CARROLLTON'S RIGHT OF REVISION.

Carrollton utilities reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

(Ord. 2018-13, passed 11-26-18)

§ 53.020 SPECIAL AGREEMENT.

Carrollton utilities reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a categorical pretreatment standard or federal pretreatment requirement. However, users may request a net/gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from the approval authority in accordance with 40 CFR 403.13.

(Ord. 2018-13, passed 11-26-18)

§ 53.021 DILUTION.

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with an applicable pre-treatment standard or requirement unless expressly authorized by an applicable pre-treatment standard or requirement. Carrollton utilities may impose mass limitations on users which he believes may be using dilution to meet applicable pre-treatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(Ord. 2018-13, passed 11-26-18)

§ 53.022 PRE-TREATMENT FACILITIES.

Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all applicable pre-treatment standards and requirements set out in this chapter within the time limitations specified by the EPA, the

Commonwealth, or Carrollton utilities, whichever is more stringent.  
Any facilities required to pre-treat wastewater to a level acceptable  
to

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Carrollton utilities shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pre-treatment facilities and operating procedures shall be submitted to Carrollton utilities for review and shall be acceptable to Carrollton utilities 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 acceptable discharge to Carrollton utilities under the provisions of this chapter.

(Ord. 2018-13, passed 11-26-18)

§ 53.023 DEADLINE FOR COMPLIANCE WITH APPLICABLE PRE-TREATMENT REQUIREMENTS.

(A) Compliance by existing sources covered by categorical pre-treatment standards shall be within three years of the date the standard is effective unless a shorter compliance time is specified in the appropriate standard. Carrollton utilities shall establish a final compliance deadline date for any existing user not covered by categorical pre-treatment standards or for any categorical user when the local limits for said user are more restrictive than the Federal categorical pre-treatment standards.

(B) New source and new users are required to comply with applicable pre-treatment standards within the shortest feasible time, not to exceed 90 days from the beginning of discharge. New sources and new users shall install, have in operating condition, and shall start up all pollution control equipment required to meet applicable pre-treatment standards before beginning to discharge.

(C) Any wastewater discharge permit issued to a categorical user shall not contain a compliance date beyond any deadline date established in EPA's categorical pre-treatment standards. Any other existing user or a categorical user that must comply with a more stringent local limit which is in non-compliance with any local limits shall be provided with a compliance schedule placed in an industrial wastewater permit to insure compliance within the shortest time feasible.

(Ord. 2018-13, passed 11-26-18)

§ 53.024 ADDITIONAL PRE-TREATMENT.

(A) Whenever deemed necessary, Carrollton utilities may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.

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(B) Each user discharging into the POTW greater than 50,000 gallons per day or greater than 5% of the average daily flow into the POTW, whichever is less, shall install and maintain, on its property and at its expense, a suitable storage and flow-control facility to insure equalization of flow over a 24-hour period unless approved by Carrollton utilities. The facility shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by Carrollton utilities. A wastewater discharge permit may be issued solely for flow equalization.

(C) Grease, oil, and sand interceptors shall be provided when, in the opinion of Carrollton utilities, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand, except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by Carrollton utilities and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at its expense.

(D) Users with the potential to discharge flammable substances maybe required to install and maintain an approved combustible gas detection meter.

(Ord. 2018-13, passed 11-26-18)

§ 53.025 ACCIDENTAL SPILL PREVENTION PLANS.

Carrollton utilities may require any user to develop and implement an accidental spill prevention plan (ASPP) or slug control plan. Where deemed necessary by Carrollton utilities, facilities to prevent accidental discharge or slug discharges of pollutants shall be provided and maintained at the user's cost and expense. An accidental spill prevention plan or slug control plan showing facilities and operating procedures to provide this protection shall be submitted to Carrollton utilities for review and approval before implementation. Carrollton utilities shall determine which user is required to develop a plan and require said plan to be submitted within 60 days after notification by Carrollton utilities. Each user shall implement its ASPP as submitted or as modified after such plan has been reviewed and approved by Carrollton utilities. Review and approval of such plans and operating procedures by Carrollton utilities shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of this chapter.

(A) Any user required to develop and implement an accidental spill prevention or slug discharge control plan shall submit a plan which addresses, at a minimum, the following:

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(1) Description of discharge practices, including non-routine batch discharges;

(2) Description of stored chemicals;

(3) Procedures for immediately notifying the POTW of any accidental or slug discharges. Such notification must also be given for any discharge which would violate any of the standards in §§ 53.015 through 53.018 of this chapter; and

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic chemicals (including solvents), and/or measures and equipment for emergency response.

(B) Users shall notify Carrollton utilities wastewater treatment plant immediately after the occurrence of a slug or accidental discharge of substances regulated by this chapter. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any affected user shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on Carrollton utilities on account thereof under state or Federal law.

(C) Within five days following an accidental discharge, the user shall submit to Carrollton utilities a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

(D) Signs shall be permanently posted in conspicuous places on the user's premises advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedures.

(Ord. 2018-13, passed 11-26-18)

§ 53.026 SEPTIC TANK WASTES AND INDUSTRIAL HAULED WASTEWATER.

Carrollton utilities will not allow industrial hauled

wastewater. Septic tank waste maybe accepted under the following guidelines.

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(A) Septic tank waste may be introduced into the POTW only at a designated receiving structure within the treatment plant area, and at such times as are established by Carrollton utilities. Such wastes shall not violate this section of this chapter or any other requirements established or adopted by Carrollton utilities. Wastewater discharge permits for individual vehicles to use such facilities shall be issued by Carrollton utilities.

(B) Septic tank waste haulers may only discharge loads at locations specifically designated by Carrollton utilities. No load may be discharged without prior consent of Carrollton utilities. Carrollton utilities may collect samples of each hauled load to ensure compliance with applicable pre-treatment standards. Carrollton utilities may require the hauler to provide a waste analysis of any load prior to discharge.

(C) Septic tank waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, sources of waste, and volume and characteristics of waste.

(D) Fees for dumping hauled wastes will be established as part of the user fee system as authorized in § 53.225 of this chapter. (Ord. 2018-13, passed 11-26-18)

#### WASTEWATER DISCHARGE PERMIT

##### § 53.040 WASTEWATER DISCHARGE PERMITTING: EXISTING SIU.

Any SIU that was discharging wastewater into the POTW prior to the effective date of this chapter and that wishes to continue such discharges in the future shall, within 60 days after notification by Carrollton utilities submit a permit application to Carrollton utilities in accordance with § 53.043 of this chapter. (Ord. 2018-13, passed 11-26-18)

##### § 53.041 WASTEWATER DISCHARGE PERMITTING: NEW SOURCE AND NEW USER.

At least 90 days prior to the anticipated start-up, any new source, which is a source that becomes a user subsequent to the proposal of an applicable categorical pre-treatment standard that is later promulgated, and any new user considered by Carrollton utilities to fit the definition of SIU shall apply for a wastewater discharge permit and will be required to submit to Carrollton utilities at least the information listed in divisions (A) through (E) of § 53.043. A new source or new user cannot discharge without first receiving a wastewater discharge permit from Carrollton utilities. New sources and

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new users shall also be required to include in their application information on the method of pre-treatment they intend to use to meet applicable pre-treatment standards. New sources and new users shall give estimates of the information requested in divisions (D) and (E) of § 53.043.

(Ord. 2018-13, passed 11-26-18)

§ 53.042 WASTEWATER DISCHARGE PERMITTING: EXTRAJURISDICTIONAL USERS.

Any existing user who is located beyond Carrollton utilities limits and who is required to obtain a wastewater discharge permit shall submit a wastewater discharge permit application as outlined in § 53.040. New source and new users who are located beyond Carrollton utilities limits and who are required to obtain a wastewater discharge permit shall comply with § 53.041.

(Ord. 2018-13, passed 11-26-18)

§ 53.043 WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS.

(A) All users required to obtain a wastewater discharge permit must submit, at a minimum, the following information. Carrollton utilities shall approve a form to be used as a permit application. Categorical users submitting the following information shall have complied with 40 CFR 403.12(b).

(1) Identifying information. The user shall submit the name and address of the facility including the name of the operator and owners;

(2) Permits. The user shall submit a list of all environmental control permits held by or for the facility;

(3) Description of operations. The user shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such industrial user, including a list of all raw materials and chemicals used or stored at the facility which are or could accidentally or intentionally be discharged to the POTW; number and type of employees; hours of operation; each product produced by type, amount, process or processes, and rate of production; type and amount of raw materials processed (average and maximum per day) and the time and duration of discharges. This description should also include a schematic process diagram which indicates points of discharge to the POTW from the regulated or manufacturing processes; site plans; floor plans; mechanical and plumbing plans; and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation.



(4) Flow measurement.

(a) Categorical user. The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

1. Regulated or manufacturing process streams;  
and

2. Other streams as necessary to allow use of the combined wastestream formula (40 CFR 403.6(e)).

(b) Non-categorical user.

1. The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

2. Total process flow, wastewater treatment plant flow, total plant flow or individual manufacturing process flow as required by Carrollton utilities. Carrollton utilities may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(5) Measurements of pollutants.(a) Categorical user.

1. The user shall identify the applicable pre-treatment standards for each regulated or manufacturing process.

2. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass where required by the categorical pre-treatment standard or as required by Carrollton utilities) of regulated pollutants (including standards contained in §§ 53.015 through 53.018, as appropriate) in the discharge from each regulated or manufacturing process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in §§ 53.095 et seq.

3. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this division.

4. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) for a categorical user, this adjusted limit along with supporting data

shall be submitted as part of the application.

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(b) Non-categorical user.

1. The user shall identify the applicable pre-treatment standards for its wastewater discharge.

2. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration in the discharge (or mass where required by Carrollton utilities) of regulated pollutants contained in §§ 53.015 through 53.018, as appropriate. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in §§ 53.095 et seq.

3. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this division.

4. Where Carrollton utilities developed alternate concentration or mass limits because of dilution, this adjusted limit along with supporting data shall be submitted as part of the application.

(6) Certification. The user shall submit a statement, worded as specified in § 53.044, which has been reviewed by an authorized representative of the user, and certified by a qualified professional, indicating whether the applicable pre-treatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pre-treatment is required for the user to meet the applicable pre-treatment standards and requirements.

(7) Compliance schedule. If additional pre-treatment and/or O&M will be required to meet the applicable pre-treatment standards, the user shall submit the shortest schedule by which the user will provide such additional pre-treatment and/or O&M. The user's schedule shall conform with the requirements of § 53.073. The completion date in this schedule shall not be later than the compliance date established pursuant to § 53.023 of this chapter.

(a) Where user's categorical pre-treatment standard has been modified by a removal allowance (40 CFR 403.7), the combined wastestream formula (40 CFR 403.6(e)), and/or a fundamentally different factors variance (40 CFR 403.13) at the time the user submits the report required by this division, the information required by divisions (F) and (G) of this section shall pertain to the modified limits.

(b) If the categorical pre-treatment standard is

modified by a removal allowance (40 CFR 403.7), the combined

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wastestream formula (40 CFR 403.6(e)), and/or a fundamentally different factors variance (40 CFR 403.13) after the user submits the report required by divisions (F) and (G) of this section, then a report containing modified information shall be submitted by the user within 60 days after the new limit is approved.

(B) The user shall submit any other information as may be deemed necessary by Carrollton utilities to evaluate the wastewater discharge permit application. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. (Ord. 2018-13, passed 11-26-18)

§ 53.044 SIGNATORY AND CERTIFICATION REQUIREMENT.

All wastewater discharge permit applications and user reports must be signed by a responsible officer or manager, or sole proprietor or general partner as applicable or duly authorized representative.

(A) For the purpose of this section, a responsible officer or manager means:

(1) A president, vice-president, secretary, or treasurer of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(2) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. This authorization must be made in writing by the principal executive officer or ranking elected official and submitted to the approval authority prior to or together with the report being submitted of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather

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and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(B) A duly authorized representative is an individual designated by the responsible officer, manager, sole proprietor or general partner in writing. The written authorization must be submitted to Carrollton utilities and also specifies either an individual or a position having the responsibility of the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field Carrollton utilities, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company. If an authorization in this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to Carrollton utilities prior to or together with any reports to be signed by an authorized representative.

(Ord. 2018-13, passed 11-26-18)

§ 53.045 WASTEWATER DISCHARGE PERMIT DECISIONS.

Carrollton utilities will evaluate the data furnished by the user and may require additional information. Within 30 days of receipt of a complete wastewater discharge permit application, Carrollton utilities will determine whether or not to issue a wastewater discharge permit. Upon a determination to issue, the permit shall be issued within 30 days of full evaluation and acceptance of the data furnished. Carrollton utilities may deny any application for a wastewater discharge permit.

(Ord. 2018-13, passed 11-26-18)

§ 53.046 WASTEWATER DISCHARGE PERMIT CONTENTS.

Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by Carrollton utilities to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.



(A) Wastewater discharge permits must contain the following conditions:

(1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;

(2) A statement that the wastewater discharge permit is non-transferable without prior notification to and approval from Carrollton utilities, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(3) Applicable pre-treatment standards and requirements, including any special state requirements;

(4) Self-monitoring, sampling, reporting, notification, submittal of technical reports, compliance schedules, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, state, and local law;

(5) Requirement for 24 hour notification where self-monitoring results indicate noncompliance;

(6) Requirement to report a bypass or upset of a pre-treatment facility;

(7) Requirement to report immediately to Carrollton utilities all discharges, including slug loadings, that could cause problems to the POTW;

(8) Requirement for the STU who reports non-compliance to repeat the sampling and analysis and submit results to Carrollton utilities within 30 days after becoming aware of the violation.

(9) A statement of applicable civil, criminal, and administrative penalties for violation of pre-treatment standards and requirements, and any applicable compliance schedule.

(10) Requirements to control Slug discharges, if determined by the POTW to be necessary.

(11) The industrial user shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number,

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and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user. An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this division need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d), and (e).

(B) Wastewater discharge permits may contain, but need not be limited to, the following conditions:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(2) Requirements for the installation of pre-treatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(3) Requirements for the development and implementation of spill control plans, slug control plans, or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

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

(7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance

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with all applicable Federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit;

(8) Any special agreements the Carrollton utilities chooses to continue or develop between Carrollton utilities and user;

(9) Other conditions as deemed appropriate by Carrollton utilities to ensure compliance with this chapter, and state and Federal laws, rules, and regulations.

(Ord. 2018-13, passed 11-26-18)

§ 53.047 WASTEWATER DISCHARGE PERMIT APPEALS.

Any person, including the user, may petition Carrollton utilities to reconsider the terms of a wastewater discharge permit within 30 days of its issuance.

(A) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(B) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(C) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

(D) If Carrollton utilities fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

(E) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Circuit Court for Carroll County.

(Ord. 2018-13, passed 11-26-18)

§ 53.048 WASTEWATER DISCHARGE PERMIT DURATION.

Wastewater discharge permits shall be issued for a specified time period, not to exceed five years. A wastewater discharge permit may be issued for a period less than five years, at the discretion of Carrollton utilities. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(Ord. 2018-13, passed 11-26-18)

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§ 53.049 WASTEWATER DISCHARGE PERMIT MODIFICATION.

Carrollton utilities may modify the wastewater discharge permit for good cause including, but not limited to, the following:

- (A) To incorporate any new or revised Federal, state, or local pre-treatment standards or requirements;
- (B) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- (C) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (D) Information indicating that the permitted discharge poses a threat to Carrollton utilities's POTW, Carrollton utilities personnel, or the receiving waters;
- (E) Violation of any terms or conditions of the wastewater discharge permit;
- (F) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required report;
- (G) Revision of or a grant of variance from categorical pre-treatment standards pursuant to 40 CFR 403.13;
- (H) To correct typographical or other errors in the wastewater discharge permit; or
- (I) To reflect a transfer of the facility ownership and/or operation to a new owner/operator.  
(Ord. 2018-13, passed 11-26-18)

§ 53.050 WASTEWATER DISCHARGE PERMIT TRANSFER.

Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least 90 days advance notice to Carrollton utilities and Carrollton utilities approves the wastewater discharge permit transfer. The notice to Carrollton utilities must include a written certification by the new owner and/or operator which:

- (A) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;



(B) Identifies the specific date on which the transfer is to occur; and

(C) Assumes full responsibility for complying with the existing wastewater discharge permit beginning on the date of the transfer.

(1) Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable as of the date of facility transfer.

(2) Provided that the notice required above occurred and that there were no significant changes to the manufacturing operation or wastewater discharge, the new owner will be considered an existing user and will be covered by the existing limits and requirements in the previous owner's permit.

(Ord. 2018-13, passed 11-26-18)

§ 53.051 WASTEWATER DISCHARGE PERMIT REVOCATION.

(A) Wastewater discharge permits may be revoked for, but not limited to, the following reasons:

(1) Failure to notify Carrollton utilities of significant changes to the wastewater prior to the changed discharge;

(2) Failure to provide prior notification to Carrollton utilities of changed conditions;

(3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(4) Falsifying self-monitoring reports;

(5) Tampering with monitoring equipment;

(6) Refusing to allow Carrollton utilities timely access to the facility premises and records;

(7) Failure to meet discharge limitations;

(8) Failure to pay fines;

(9) Failure to pay sewer charges;

(10) Failure to meet compliance schedules;

(11) Failure to complete a wastewater survey or the wastewater discharge permit application;

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(12) Failure to provide advance notice of the transfer of a permitted facility; or

(13) If Carrollton utilities has to invoke its emergency provision as cited in § 53.161 of the chapter.

(14) Violation of any pre-treatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.

(B) Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user. (Ord. 2018-13, passed 11-26-18)

#### § 53.052 WASTEWATER DISCHARGE PERMIT RE-ISSUANCE.

A user who is required to have a wastewater discharge permit shall apply for wastewater discharge permit re-issuance by submitting a complete wastewater discharge permit application, in accordance with § 53.034 of this chapter, a minimum of 60 days prior to the expiration of the user's existing wastewater discharge permit. A user whose existing wastewater discharge permit has expired and who has submitted its re-application in the time period specified herein shall be deemed to have an effective wastewater discharge permit until Carrollton utilities issues or denies the new wastewater discharge permit. A user whose existing wastewater discharge permit has expired and who failed to submit its re-application in the time period specified herein will be deemed to be discharging without a wastewater discharge permit. (Ord. 2018-13, passed 11-26-18)

### REPORTING REQUIREMENTS

#### § 53.070 BASELINE MONITORING REPORTS.

(A) Within either 180 days after the effective date of a categorical pre-treatment standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4) (whichever is later) existing categorical users currently discharging to or scheduled to discharge to the POTW, shall be required to submit to Carrollton Utilities a report which contains the information listed in division (B), below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to Carrollton utilities a report which contains the information listed in division (B), below. A new source shall also be



required to report the method of pre-treatment it intends to use to meet applicable categorical standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(B) Users described above shall submit the information set forth below.

(1) Identifying information. The name and address of the facility, including the name of the operator and owner.

(2) Environmental permits. A list of any environmental control permits held by or for the facility.

(3) Description of operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(4) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(5) Measurement of pollutants.

(a) The categorical pretreatment standards applicable to each regulated process.

(b) The results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by Carrollton utilities) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in §§ 53.095 et seq. of this chapter.

(c) Sampling must be performed in accordance with procedures set out in §§ 53.095 et seq. of this chapter.

(6) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pre-treatment standards are being met on a consistent basis, and, if not, whether additional operation and

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maintenance (O&M) and/or additional pre-treatment, is required to meet the pre-treatment standards and requirements.

(7) Compliance schedule. If additional pre-treatment and/or O&M will be required to meet the pre-treatment standards, the shortest schedule by which the user will provide such additional pre-treatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pre-treatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 53.073 of this chapter.

(8) Signature and certification. All baseline monitoring reports must be signed and certified in accordance with § 53.044 of this chapter.

(Ord. 2018-13, passed 11-26-18)

§ 53.071 FINAL COMPLIANCE REPORT (INITIAL COMPLIANCE REPORT).

(A) Within 90 days following the date for final compliance of an existing significant industrial user with applicable pre-treatment standards and requirements set forth in this chapter, in Federal categorical standards, or in a wastewater discharge permit, or, in the case of a new source or a new user considered by Carrollton utilities to fit the definition of SIU, within 90 days following commencement of the introduction of wastewater into the POTW, the affected user shall submit to Carrollton utilities a report containing the information outlined in divisions (D) through (F) of § 53.034.

(B) For users subject to equivalent mass or concentration limits established by Carrollton utilities in accordance with procedures established in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long term production rate. For all other users subject to categorical pre-treatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

(Ord. 2018-13, passed 11-26-18)

§ 53.072 PERIODIC COMPLIANCE REPORT.

(A) Any user that is required to have an industrial waste discharge permit and performs self-monitoring shall comply with all applicable requirements under 40 CFR 403.12 and submit to Carrollton utilities during the months of June and December, unless required on other dates or more frequently by Carrollton utilities, a report indicating the nature of the effluent over the previous reporting period. The frequency of monitoring shall be as prescribed within the industrial waste discharge permit. At a minimum, users shall sample

their discharge at least twice per year.

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(B) The report shall include a record of the concentrations (and mass if specified in the wastewater discharge permit) of the pollutants listed in the wastewater discharge permit that were measured and a record of all flow measurements (average and maximum) taken at the designated sampling locations and shall also include any additional information required by this chapter or the wastewater discharge permit. Production data shall be reported if required by the wastewater discharge permit. Both daily maximum and average concentration (or mass, where required) shall be reported. If a user sampled and analyzed more frequently than what was required by Carrollton utilities or by this chapter, using methodologies in 40 CFR Part 136, it must submit all results of sampling and analysis of the discharge during the reporting period.

(C) Any user subject to equivalent mass or concentration limits established by Carrollton utilities or by unit production limits specified in the applicable categorical standards shall report production data as outlined in § 53.071(B).

(D) If Carrollton utilities calculated limits to factor out dilution flows or non-regulated flows, the user will be responsible for providing flows from the regulated process flows, dilution flows and non-regulated flows.

(E) Flows shall be reported on the basis of actual measurement, provided, however, that Carrollton utilities may accept reports of average and maximum flows estimated by verifiable techniques if Carrollton utilities determines that an actual measurement is not feasible.

(F) Discharges sampled shall be representative of the user's daily operations and samples shall be taken in accordance with the requirements specified in §§ 53.095 et seq.

(G) Carrollton utilities may require reporting by users that are not required to have an industrial wastewater discharge permit if information or data is needed to establish a sewer charge, determine the treatability of the effluent, or determine any other factor which is related to the operation and maintenance of the sewer system.

(H) Carrollton utilities may require self-monitoring by the user or, if requested by the user, may agree to perform the periodic compliance monitoring needed to prepare the periodic compliance report required under this section. If Carrollton utilities agrees to perform such periodic compliance monitoring, it may charge the user for such monitoring, based upon the costs incurred by Carrollton utilities for the sampling and analyses. Any such charges shall be added to the

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normal sewer charge and shall be payable as part of the sewer bills. Carrollton utilities is under no obligation to perform periodic compliance monitoring for a user.  
(Ord. 2018-13, passed 11-26-18)

§ 53.073 COMPLIANCE SCHEDULES FOR MEETING APPLICABLE PRE-TREATMENT STANDARDS.

(A) 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 pre-treatment required for the user to meet the applicable pre-treatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(B) No increment referred to in division (A) of this section shall exceed nine months.

(C) 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 Carrollton utilities including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports.  
(Ord. 2018-13, passed 11-26-18)

§ 53.074 NOTIFICATION OF SIGNIFICANT PRODUCTION CHANGES.

Any user operating under a wastewater discharge permit incorporating equivalent mass or concentration limits shall notify Carrollton utilities within two business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not providing a notice of such anticipated change will be required to comply with the existing limits contained in its wastewater discharge permit.  
(Ord. 2018-13, passed 11-26-18)

§ 53.075 HAZARDOUS WASTE NOTIFICATION.

(A) Any user that is discharging more than 15 kilograms of hazardous wastes as defined in 40 CFR 261 (listed or characteristic wastes) in a calendar month or any facility discharging any amount of acutely hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) is required to provide a one-time notification in writing to Carrollton utilities, to the EPA Region 10 Office of Air, Waste,

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Director, and to the Kentucky Hazardous Waste Division. Any existing user exempt from this notification shall comply with the requirements contained herein within 30 days of becoming aware of a discharge of 15 kilograms of hazardous wastes in a calendar month or any discharge of acutely hazardous wastes to Carrollton utilities sewer system.

(B) Such notification shall include:

(1) The name of the hazardous waste as set forth in 40 CFR Part 261;

(2) The EPA hazardous waste number; and

(3) The type of discharge (continuous, batch, or other);

(4) If an industrial user discharges more than 100 kilograms of such waste per calendar month to the sewer system, the notification shall also contain the following information to the extent it is known or readily available to the industrial user:

(a) An identification of the hazardous constituents contained in the wastes;

(b) An estimation of the mass and concentration of such constituents in the wastestreams discharged during that calendar month; and

(c) An estimation of the mass of constituents in the wastestreams expected to be discharged during the following 12 months.

(C) These notification requirements do not apply to pollutants already reported under the self-monitoring requirements.

(D) Whenever the EPA publishes final rules identifying additional hazardous wastes or new characteristics of hazardous waste, a user shall notify Carrollton utilities of the discharge of such a substance within 90 days of the effective date of such regulations.

(E) In the case of any notification made under this division, an industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(Ord. 2018-13, passed 11-26-18)

Any user shall notify the Control Authority immediately of all discharges that could cause problems to the POTW, including any slug

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loads, as defined in § 53.003. The notification shall include the concentration and volume and corrective action. Steps being taken to reduce any adverse impact should also be noted during the notification. Any user who discharges a slug load of pollutants shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on Carrollton utilities under state or Federal law.

(Ord. 2018-13, passed 11-26-18)

§ 53.077 NON-COMPLIANCE REPORTING.

If sampling performed by a user indicates a violation, the user shall notify the Control Authority within 24 hours of becoming aware of the violation. Within five days following such discharge, the user shall submit a detailed written report describing the cause(s) 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 might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter. The user shall also repeat the sampling and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation. Where the Control Authority has performed the sampling and analysis in lieu of the industrial user, the Control Authority must performed the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis. Re-sampling is not required if:

(A) The Control Authority performs sampling at the industrial user at a frequency of at least once per month; or

(B) The Control Authority performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the Control Authority receives the results of this sampling.

(Ord. 2018-13, passed 11-26-18)

§ 53.078 NOTIFICATION OF CHANGED DISCHARGE.

All users shall promptly notify the Control Authority and the POTW if the POTW is not the Control Authority in advance of any substantial change in the volume or character of pollutants in their discharge, including significant manufacturing process changes, pre-treatment modifications, and the listed or characteristic hazardous wastes for which the user has submitted initial notification under 40 CFR 403.12(p).

(Ord. 2018-13, passed 11-26-18)

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§ 53.079 REPORTS FROM UNPERMITTED USERS.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to Carrollton utilities as Carrollton utilities may require.

(Ord. 2018-13, passed 11-26-18)

53.080 RECORD KEEPING.

Users subject to the reporting requirements of this chapter shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses including documentation associated with best management practices. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or POTW, or where the user has been specifically notified of a longer retention period by Carrollton utilities.

(Ord. 2018-13, passed 11-26-18)

## SAMPLING AND ANALYTICAL REQUIREMENTS

§ 53.095 SAMPLING REQUIREMENTS FOR USERS.

(A) Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the industrial user file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during the 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory. Composite samples for other parameters unaffected by compositing procedures as documented in approved EPA methodologies may be authorized by the Control Authority, as appropriate.



(B) For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Control Authority may authorize a lower minimum. For the reports required by 40 CFR 403.12(e) and (h), the Control Authority shall require the number of grab samples necessary to assess and assure compliance by industrial users with applicable pre-treatment standards and requirements.

(C) Samples shall be taken immediately downstream from pre-treatment facilities if such exist, immediately downstream from the regulated or manufacturing process if no pre-treatment exists, or at a location determined by Carrollton utilities and specified in the user's wastewater discharge permit. For categorical users, if other wastewaters are mixed with the regulated wastewater prior to pre-treatment, the user shall measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with the applicable categorical pre-treatment standards. For other SIU's, for which Carrollton utilities has adjusted its local limits to factor out dilution flows, the user shall measure the flows and concentrations necessary to evaluate compliance with the adjusted pre-treatment standard(s).

(D) All sample results shall indicate the time, date and place of sampling, and methods of analysis and shall certify that the wastestream sampled is representative of normal work cycles and expected pollutant discharges from the user. If a user sampled and analyzed more frequently than what was required in its wastewater discharge permit, using methodologies in 40 CFR Part 136, it must submit all results of sampling and analysis of the discharge as part of its self-monitoring report.

(Ord. 2018-13, passed 11-26-18)

#### § 53.096 ANALYTICAL REQUIREMENTS.

All pollutant analyses, including sampling techniques, shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

(Ord. 2018-13, passed 11-26-18)



§ 53.097 CITY MONITORING OF USER'S WASTEWATER.

Carrollton utilities will follow the same procedures as outlined in §§ 53.095 and 53.096.

(Ord. 2018-13, passed 11-26-18)

## COMPLIANCE MONITORING

§ 53.110 INSPECTION AND SAMPLING.

Carrollton utilities shall have the right to enter the facilities of any user to ascertain whether the purpose of this chapter and any wastewater discharge permit or order issued hereunder is being met and whether the user is complying with all requirements thereof. Users shall allow Carrollton utilities ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

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

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

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

(D) Unreasonable delays in allowing Carrollton utilities access to the user's premises shall be a violation of this chapter.

(Ord. 2018-13, passed 11-26-18)

§ 53.111 MONITORING FACILITIES.

(A) Each user shall provide and operate at its own expense a monitoring facility to allow inspection, sampling, and flow measurements of each sewer discharge to Carrollton utilities. Each monitoring facility shall be situated on the user's premises, except, where such a location would be impractical or cause undue hardship on the user, Carrollton utilities may concur with the facility being

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constructed in the public street or sidewalk area, providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. Carrollton utilities, whenever applicable, may require the construction and maintenance of sampling facilities at other locations (for example, at the end of a manufacturing line or a wastewater treatment system).

(B) There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, including the sampling and measuring equipment, shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(C) Carrollton utilities may require the user to install monitoring equipment as necessary. All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy.

(Ord. 2018-13, passed 11-26-18)

#### § 53.112 SEARCH WARRANTS.

If Carrollton utilities has been refused access to a building, structure or property, or any part thereof and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect as part of a routine inspection program of Carrollton utilities designed to verify compliance with this chapter or any wastewater discharge permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then Carrollton utilities shall seek issuance of a search and/or seizure warrant from the Carroll County Circuit Court. Such warrant shall be served at reasonable hours by Carrollton utilities in the company of a uniformed police officer of the city.

(Ord. 2018-13, passed 11-26-18)

#### § 53.113 VANDALISM.

No person shall willfully or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in this chapter.

(Ord. 2018-13, passed 11-26-18)



## CONFIDENTIAL INFORMATION

§ 53.125 CONFIDENTIAL INFORMATION REGULATIONS.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from Carrollton utility inspection and sampling activities shall be available to the public without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of Carrollton utilities that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. When requested and demonstrated by the user furnishing a report that such information should be held confidential, 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 immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.  
(Ord. 2018-13, passed 11-26-18)

## PUBLICATION OF USERS IN SIGNIFICANT NON-COMPLIANCE

§ 53.140 PUBLICATION OF USERS IN SIGNIFICANT NON-COMPLIANCE.

Carrollton utilities shall publish annually, in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of the users which, during the previous 12 months, were in significant non-compliance with applicable pre-treatment standards and requirements. For the purposes of this provision, an industrial user is in significant non-compliance if its violation meets one or more of the following criteria:

(A) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pre-treatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1);

(B) Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pre-treatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1)

multiplied by the TRC (TRC=1.4 for BOD, TSS, fats, oils and grease,  
and 1.2 for all other pollutants except pH);

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(C) Any other discharge violation of a pre-treatment standard or requirement as defined by 40 CFR 403.3(1) (daily maximum, longer-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(D) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in Carrollton utilities's exercise of its emergency authority to halt or prevent such a discharge;

(E) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pre-treatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report non-compliance; or

(H) Any other violation or group of violations, which may include a violation of best management practices, which the POTW determines will adversely affect the operation or implementation of the local pre-treatment program.  
(Ord. 2018-13, passed 11-26-18)

#### ADMINISTRATIVE ENFORCEMENT REMEDIES

#### § 53.155 NOTIFICATION OF VIOLATION.

When Carrollton utilities finds that a user has violated (or continues to violate) any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, Carrollton utilities may serve upon that user a written notice of violation (via certified letter). Within 14 days of the receipt 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 by the user to Carrollton utilities. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority

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of Carrollton utilities to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(Ord. 2018-13, passed 11-26-18)

§ 53.156 CONSENT ORDERS.

Carrollton utilities may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for non-compliance. Such documents will include specific action to be taken by the user to correct the non-compliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to §§ 153.158 and 153.159 of this chapter and shall be judicially enforceable. Use of a consent order shall not be a bar against, or pre-requisite for, taking any other action against the user.

(Ord. 2018-13, passed 11-26-18)

§ 53.157 SHOW CAUSE HEARING.

Carrollton utilities may order, via a certified letter, a user which has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pre-treatment standard or requirement, to appear before Carrollton utilities and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or pre-requisite for, taking any other action against the user.

(Ord. 2018-13, passed 11-26-18)

§ 53.158 COMPLIANCE ORDERS.

When Carrollton utilities finds that a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pre-treatment standard or requirement, Carrollton utilities may issue an order to the user responsible for the discharge directing that the user come into compliance within a time specified in the order. If the user does not come into compliance within the time specified in the order, sewer service maybe discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and

properly

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operated. Compliance orders may also contain other requirements to address the non-compliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Ord. 2018-13, passed 11-26-18)

§ 53.159 CEASE AND DESIST ORDERS.

(A) When Carrollton utilities finds that a user has violated (or continues to violate) any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pre-treatment standard or requirement, or that the user's past violations are likely to recur, Carrollton utilities may issue an order to the user directing it to cease and desist all such violations and directing the user to:

(1) Immediately comply with all requirements; and

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

(B) Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Ord. 2018-13, passed 11-26-18)

§ 53.160 ADMINISTRATIVE FINES.

(A) When the city finds that a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pre-treatment standard or requirement, Carrollton utilities may fine such user in an amount not to exceed \$1,000. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.

(B) Unpaid charges, fines, and penalties shall, after 30 calendar days, be assessed an additional penalty of 50% of the unpaid balance, and interest shall accrue thereafter at a rate of 12% per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

(C) Users desiring to dispute such fines must file a written request for the city to reconsider the fine along with full payment

of the fine amount within 30 days of being notified of the fine.  
Where a

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request has merit, the city shall convene a hearing on the matter within 30 days of receiving the request from the user. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The city may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(D) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Ord. 2018-13, passed 11-26-18)

§ 53.161 EMERGENCY SUSPENSIONS.

(A) Carrollton utilities may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. Carrollton utilities may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW or which presents or may present an endangerment to the environment.

(1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, Carrollton utilities shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. Carrollton utilities shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of Carrollton utilities that the period of endangerment has passed, unless the termination proceedings in § 53.162 of this chapter are initiated against the user.

(2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to Carrollton Utilities prior to the date of any show cause or termination hearing under §§ 53.157 and 53.162 of this chapter.

(B) Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(Ord. 2018-13, passed 11-26-18)

§ 53.162 TERMINATION OF DISCHARGE (NON-EMERGENCY).

In addition to the provisions in § 53.051 of this chapter, any user that violates the following conditions is subject to discharge termination:

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(A) Violation of wastewater discharge permit conditions;

(B) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(C) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;

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

(E) Violation of the pretreatment standards in §§ 53.015 et seq. of this chapter. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under § 53.157 of this chapter why the proposed action should not be taken. Exercise of this option by the city shall not be a bar to, or a prerequisite for, taking any other action against the user. (Ord. 2018-13, passed 11-26-18)

#### JUDICIAL ENFORCEMENT REMEDIES

##### § 53.175 INJUNCTIVE RELIEF.

When the city finds that a user has violated (or continues to violate) any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pre-treatment standard or requirement, the city may petition the Carroll County Circuit Court through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. The city may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(Ord. 2018-13, passed 11-26-18)

##### § 53.176 CIVIL PENALTIES.

(A) A user which has violated or continues to violate any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the city for a maximum civil penalty of \$1,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

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(B) The city may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by Carrollton utilities.

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

(D) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(Ord. 2018-13, passed 11-26-18)

#### § 53.177 REMEDIES NON-EXCLUSIVE.

The remedial provisions of this chapter are not exclusive remedies. The city reserves the right to take any, all, or any combination of these actions against a non-compliant user. Enforcement in response to pretreatment violations will generally be in accordance with Carrollton utilities' enforcement response plan. However, the city reserves the right to take other action against any user when the circumstances warrant. Further, the city is empowered to take more than one enforcement action against any non-compliant user. These actions may be taken concurrently.

(Ord. 2018-13, passed 11-26-18)

#### SUPPLEMENTAL ENFORCEMENT ACTION

#### § 53.190 PERFORMANCE BONDS.

Carrollton utilities may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this chapter, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement unless such user first files a satisfactory bond, payable to Carrollton utilities, in a sum not to exceed a value determined by Carrollton utilities to be necessary to achieve consistent compliance.

(Ord. 2018-13, passed 11-26-18)

#### § 53.191 LIABILITY INSURANCE.

Carrollton utilities may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this chapter, a previous wastewater discharge

permit or order issued hereunder, or any other pre-treatment standard  
or

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requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.  
(Ord. 2018-13, passed 11-26-18)

§ 53.192 WATER SUPPLY SEVERANCE.

Whenever a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.  
(Ord. 2018-13, passed 11-26-18)

§ 53.193 PUBLIC NUISANCES.

A violation of any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by Carrollton utilities. Any person(s) creating a public nuisance shall be subject to the provisions of Carrollton City Code Ch. 52 governing such nuisances, including reimbursing Carrollton utilities for any costs incurred in removing, abating, or remedying said nuisance.  
(Ord. 2018-13, passed 11-26-18)

§ 53.194 CONTRACTOR LISTING.

Users which have not achieved compliance with applicable pre-treatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the city. Existing contracts for the sale of goods or services to the city held by a user found to be in significant non-compliance with pre-treatment standards or requirements may be terminated at the discretion of the city.  
(Ord. 2018-13, passed 11-26-18)

AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

§ 53.205 UPSET.

(A) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary non-compliance with applicable pre-treatment standards because of factors beyond the reasonable control of the user. An upset does not include

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non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(B) An upset shall constitute an affirmative defense to an action brought for non-compliance with applicable pre-treatment standards if the requirements of division (C) of this section are met.

(C) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the user can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(3) The user has submitted the following information to the POTW and treatment plant operator within 24-hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):

(a) A description of the indirect discharge and cause of non-compliance; and

(b) The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue.

(D) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.

(E) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(F) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for non-compliance with applicable pre-treatment standards.

(G) Users shall control production of all discharges to the extent necessary to maintain compliance with applicable pre-treatment standards upon reduction, loss, or failure of their treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(Ord. 2018-13, passed 11-26-18)

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§ 53.206 PROHIBITED DISCHARGE STANDARDS.

A user shall have an affirmative defense to an enforcement action brought against it for non-compliance with the prohibitions in § 53.015(A) and (B)(3) through (7) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(A) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(B) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.  
(Ord. 2018-13, passed 11-26-18)

§ 53.207 BYPASS.

(A) Definitions. For the purposes of this section:

(1) "BYPASS." The intentional diversion of wastestreams from any portion of a user's treatment facility.

(2) "SEVERE PROPERTY DAMAGE." Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(B) A user may allow any bypass to occur which does not cause applicable pre-treatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of divisions (C) and (D) of this section.

(C) Notice of bypass.

(1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW at least ten days before the date of the bypass, if possible.

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(2) A user shall submit oral notice to Carrollton utilities of an unanticipated bypass that exceeds applicable pre-treatment standards within 24-hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within 24-hours.

(D) Bypass conditions.

(1) Bypass is prohibited, and the POTW may take an enforcement action against a user for a bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The user submitted notices as required under division (C) of this section.

(2) The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in division (D)(1) of this section. (Ord. 2018-13, passed 11-26-18)

MISCELLANEOUS PROVISIONS

§ 53.220 PRE-TREATMENT CHARGES AND FEES.

The city may adopt reasonable fees for reimbursement of costs of setting up and operating the city's pre-treatment program which may include:

(A) Fees for wastewater discharge permit applications including the cost of processing such applications;

(B) Fees for monitoring, inspection, and surveillance procedures

including the cost of collection and analyzing a user's discharge,  
and reviewing monitoring reports submitted by users;

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(C) Fees for reviewing and responding to accidental discharge procedures and construction;

(D) Fees for filing appeals; and

(E) Other fees as the city may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the city.

(Ord. 2018-13, passed 11-26-18)

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CHAPTER 54: WATER

Section

- 54.01 System established
- 54.02 Connections
- 54.03 Breaking seals on meters
- 54.04 Water rates
  
- 54.99 Penalty

§ 54.01 SYSTEM ESTABLISHED.

There is hereby established a city waterworks system.  
( '78 Code, § 12-73)

§ 54.02 CONNECTIONS.

(A) No person shall make any connection to the city's waterworks system without a permit issued by the Utilities Commission. The person shall pay a fee for the permit as shall be established by the Utilities Commission. ( '78 Code, § 12-74)

(B) All water connections shall be made in conformity with the rules and regulations of the Utilities Commission. ( '78 Code, § 12-75)

Penalty, see § 54.99

§ 54.03 BREAKING SEALS ON METERS.

(A) It shall be unlawful for any person to turn on or break the seal of any meter without proper authorization from the city.

(B) It shall be unlawful for any person to suffer or permit a violation of division (A) to occur on any premises under his control. ( '78 Code, § 12-3) Penalty, see § 54.99

§ 54.04 WATER RATES.

The following water rates are hereby established for the different classifications of system users as described below.



(A) Water rates. Effective February 1, 2019.

<u>Usage</u>	<u>Classification</u>		
	<u>In-Town Rate</u>	<u>Out-of-Town Rate</u>	<u>Gen. Butler Extension<sup>(2)</sup></u>
First 1,000 gal.	Minimum (see below)	Minimum (see below)	Minimum (see below)
Next 4,000 gal.	\$4.57 per 1,000 gal.	\$6.05 per 1,000 gal.	\$7.95 per 1,000 gal.
Next 20,000 gal.	\$4.10 per 1,000 gal.	\$5.46 per 1,000 gal.	\$7.36 per 1,000 gal.
Next 35,000 gal.	\$3.65 per 1,000 gal.	\$4.84 per 1,000 gal.	\$6.74 per 1,000 gal.
Next 40,000 gal.	\$3.19 per 1,000 gal.	\$4.22 per 1,000 gal.	\$6.12 per 1,000 gal.
Over 100,000 gal.	\$3.00 per 1,000 gal.	\$3.96 per 1,000 gal.	\$5.86 per 1,000 gal.
Wholesale rate <sup>(1)</sup>	\$2.14 per 1,000 gal.		

(1) Requirement: wholesale customer must maintain an average annual consumption above 100,000 gallons per month, to be eligible for the wholesale rate.

(2) Rate applies to General Butler State Park and all other customers served by the General Butler Booster Station and Tank, including but not limited to, Deer Run Subdivision and Riverwood Subdivision.

<u>Minimum Charges:</u>			
<u>Meter Size</u>	<u>In-Town Rate</u>	<u>Out-of-Town Rate</u>	<u>Gen. Butler Extension<sup>(2)</sup></u>
5/8 or 3/4 inch	\$13.76	\$17.93	\$19.83
1 inch	\$15.29	\$19.86	\$21.76
1.25 or 1.5 inch	\$16.43	\$21.33	\$23.23
2 inch	\$20.42	\$26.54	\$28.44
3 inch	\$26.96	\$35.03	\$36.93

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<u>Meter Size</u>	<u>In-Town Rate</u>	<u>Out-of-Town Rate</u>	<u>Gen. Butler Extension<sup>(2)</sup></u>
4 inch	\$36.20	\$47.06	\$48.96
6 inch	\$59.72	\$77.79	\$79.69

<sup>(2)</sup> Rate applies to General Butler State Park and all other customers served by the General Butler Booster Station and Tank, including but not limited to, Deer Run Subdivision and Riverwood Subdivision.

(B) Water service installation charges.

<u>Meter Size</u>	<u>Charge</u>
5/8 or 3/4 inch meter	At cost
1 inch meter	At cost
2 inch or larger	\$ cost plus 10%

(C) Fire protection charges.

<u>Sprinkler Systems (size of line)</u>	<u>Charge</u>
2 inch service line into building	\$22.29 per month
4 inch service line into building	\$30.92 per month
6 inch service line into building	\$39.58 per month
8 inch or larger service line into building	\$137.99 per month
<u>Fire Hydrants</u>	
Maintained by Carrollton Utilities	\$120.03 per year
Maintained by customer	\$96.04 per year

(Ord. 03-17, passed 7-22-03; Am. Ord. 04-04, passed 3-23-04; Am. Ord. 04-14, passed 7-20-04; Am. Ord. 05-10, passed 7-26-05; Am. Ord. 06-13, passed 5-23-06; Am. Ord. 07-30, passed 7-26-07; Am. Ord. 08-07, passed 6-9-08; Am. Ord. 09-10, passed 6-22-09; Am. Ord. 2010-08, passed 7-12-10; Am. Ord. 2011-20, passed 5-9-11; Am. Ord. 2011-29, passed 11-14-11; Am. Ord. 2012-24, passed 6-25-12; Am. Ord. 2013-11, passed 6-10-13; Am. Ord. 2014-14, passed 6-23-14; Am. Ord. 2015-11, passed 6-8-15; Am. Ord. 2016-09, passed 5-23-16; Am. Ord. 2017-14, passed 6-12-17; Am. Ord. 2019-02, passed 1-28-19)





§ 54.99 PENALTY.

Whoever violates any provisions of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500 or imprisoned for not more than 30 days, or both, for each offense.

