

ORDINANCE NO. **BG2014 - 11**

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 23 (WATER AND SEWER) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES AS PROPOSED BY BOWLING GREEN MUNICIPAL UTILITIES (BGMU) AND TO MAKE OTHER ADMINISTRATIVE CHANGES

WHEREAS, Bowling Green Municipal Utilities (BGMU) is proposing amendments to Chapter 23 (Water and Sewer) with the creation of a new Subchapter 23-4 (Water System) where all water-related provisions would reside and modifications to Subchapter 23-3 (Sewer System) for sewer-related provision and the establishment of a Fats, Oils and Grease (FOG) Management Policy; and,

WHEREAS, BGMU also proposes amendments to add enabling provisions for cross-connection control, fire lines and metering, powers of inspection, and prohibitions and limitation on use of the potable water system within the new subchapter; and,

WHEREAS, it is also recommended to make other administrative changes to Chapter 23; and,

WHEREAS, it is in the best interests of the City to revise Chapter 23 (Water and Sewer) as proposed by BGMU and to make other administrative changes.

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

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

23-1 GENERAL PROVISIONS.

23-1.01 Schedule of Rates; Calculation of Charges; ~~Required Connection; Reconnection.~~

a. The Board of Commissioners shall fix all rates to be charged for the services of the water and sewerage system and revise same from time to time within the discretion of the Board of Commissioners but the rates so fixed shall be sufficient to provide for the operation and maintenance of the utility, an adequate depreciation account, capital improvements and replacement of infrastructure, principal and interest on all bond issues and amortization thereof as provided therein

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and sufficient to satisfy all requirements of the bond issues and a fair and reasonable return to the City based upon the fair value of the used and useful property of the utility and the services rendered by the utility.

b. ~~There shall be and there are established as of July 1, 2009, 2010, 2011 and as of July 1, 2012, and thereafter, monthly rates and charges for the use of and services rendered by the combined and consolidated municipal water works and sewerage system of the City, which shall be paid by the owner or occupant of each and every residential, commercial and industrial establishment or other property, building and structure of any kind, other than water districts, connected with and being served by the combined and consolidated system. The rates and charges shall be computed and billed monthly, and such rates and charges shall be as follows:~~

I. ~~During the period July 1, 2009 through June 30, 2010, the basic rates shall be:~~

	Water Rate		Sewer Rate	
	Inside	Outside	Inside	Outside
	City	City	City	City
Customer Charge:	\$2.89	\$4.05	\$2.72	\$3.81
Volume charge (per ccf/month):				
First 20 ccf	\$1.85	\$2.59	\$2.39	\$3.35
Next 230 ccf	\$1.72	\$2.41	\$2.27	\$3.18
Next 250 ccf	\$1.11	\$1.55	\$1.43	\$2.00
Over 500 ccf	\$0.93	\$1.30	\$1.20	\$1.68

"ccf" means hundred cubic feet, or 748 gallons

II. ~~During the period July 1, 2010 through June 30, 2011, the basic rates shall be:~~

	Water Rate		Sewer Rate	
	Inside	Outside	Inside	Outside
	City	City	City	City
Customer Charge:	\$2.99	\$4.19	\$2.82	\$3.95
Volume charge (per ccf/month):				
First 20 ccf	\$2.05	\$2.87	\$3.07	\$4.30
Next 230 ccf	\$1.91	\$2.67	\$2.92	\$4.09

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Next 250 ccf	\$1.33	\$1.86	\$2.30	\$3.22
Over 500 ccf	\$1.19	\$1.67	\$2.00	\$2.80

~~"ccf" means hundred cubic feet, or 748 gallons~~

~~III. During the period July 1, 2011 through June 30, 2012, the basic rates shall be:~~

	Water Rate		Sewer Rate	
	Inside	Outside	Inside	Outside
	City	City	City	City
Customer Charge:	\$3.09	\$4.33	\$2.92	\$4.09
Volume charge (per ccf/month):				
First 20 ccf	\$2.26	\$3.16	\$3.07	\$4.30
Next 230 ccf	\$2.10	\$2.94	\$3.07	\$4.30
Next 250 ccf	\$1.58	\$2.21	\$2.76	\$3.86
Over 500 ccf	\$1.58	\$2.21	\$2.46	\$3.44

~~"ccf" means hundred cubic feet, or 748 gallons~~

~~IV. During the period July 1, 2012 through June 30, 2013, the basic rates shall be:~~

	Water Rate		Sewer Rate	
	Inside	Outside	Inside	Outside
	City	City	City	City
Customer Charge:	\$3.20	\$4.48	\$3.02	\$4.23
Volume charge (per ccf/month):				
First 20 ccf	\$2.54	\$3.56	\$3.17	\$4.44
Next 230 ccf	\$2.36	\$3.30	\$3.17	\$4.44
Over 250 ccf	\$2.03	\$2.84	\$3.17	\$4.44

~~"ccf" means hundred cubic feet, or 748 gallons~~

~~cV.~~ A credit or discount against the basic monthly water and sewer rates of 10% of such basic rates shall be allowed to residential customers with respect to the first seven hundred cubic feet (7 ccf) of water and/or sewer used in any month where the aggregate income of the customer and all other members of the household is less than twenty-two thousand dollars (\$22,000) per year. No such discounts shall be allowed unless the customer has made written application therefore and has

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furnished to Bowling Green Municipal Utilities such information as it may require under regulations adopted by it.

~~dVI. For any fiscal year following June 30, 2013, t~~The Bowling Green Municipal Utilities Board may adjust the rates and charges ~~in paragraph IV of Section 23-1.01~~ each year to reflect any increase in the operation and maintenance expenses of the combined and consolidated municipal water and sewer utility. An Annual Cost Adjustment will be determined ~~annually~~ by the Bowling Green Municipal Utilities Board with any such increase not to exceed the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the twelve (12) month period ending December 31st of the most recently audited fiscal year of Bowling Green Municipal Utilities over the previous twelve (12) month period ending December 31st. To the extent that any Annual Cost Adjustment determined by the Bowling Green Municipal Utilities Board is less than the maximum allowed, then any such difference may not be added to any future Annual Cost Adjustment. In no event shall the Annual Cost Adjustment in any year be negative.

1. The Consumer Price Index that shall be utilized for this purpose shall be the “Consumer Price Index for all Urban Consumers (CPI-U), U.S. City Average published by the United States Department of Labor, Bureau of Labor Statistics, Washington, D.C. 2012.”

2. The Annual Cost Adjustment adopted and approved by the Bowling Green Municipal Utilities Board will be applied to the existing water and sewer rates in effect.

Bowling Green Municipal Utilities will file with the Office of City Clerk any new water and sewer rates resulting from any adopted and approved Annual Cost Adjustment no later than two (2) weeks prior to the date in which the new rates will be effective.

23-1.02 Payments, Required Connection; Reconnection.

~~VH.~~ Due dates of monthly bills, late payment charges, minimum deposits, connect fees, reconnect fees, etc., shall be as provided by regulations of Bowling Green Municipal Utilities Board.

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a. All owners and occupants of houses, apartments, hotels, motels, manufacturing or commercial establishments, or buildings of any kind situated upon lots abutting upon any street, alley or easement within or without the City accessible to the sanitary sewerage system shall connect therewith under such regulations as the City has heretofore established or may hereafter establish by ordinance, and failure to do so is hereby declared to be unlawful and to constitute a nuisance injurious to the health of the residents of the City.

b. Water and sewer services once discontinued to the customer for failure to pay for the services may be reinstated before the account is paid in full and a reconnecting charge is paid for in full. The reconnecting charges shall be determined by the General Manager and approved by the Bowling Green Municipal Utilities Board.

23-2 BOWLING GREEN MUNICIPAL UTILITIES BOARD.

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23-2.02 Creation and Responsibility of Bowling Green Municipal Utilities Board and Disposition of Surplus Funds.

a. Pursuant to KRS 96.500-96.900, 96.350-96.510 and the declaratory judgment entered by Warren Circuit Court, Division II, in Civil Action No. 18099 on 3 March 1976, there is hereby created the Bowling Green Municipal Utilities Board (hereinafter "Board") by merging into it all of the authority and responsibilities heretofore delegated to the former Electric Plant Board and the Water and Sewer Commission.

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23-2.05 Officers.

~~Within ten (10) days after appointment and qualification of the members, t~~The Board shall hold a meeting and elect its Chairman and its Secretary-Treasurer, but neither officer shall be paid any extra compensation above their salary as members of the Board.

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~~23-2.07 Street Lighting System Transferred; Payment; City Power Rate.~~

~~There shall be transferred to the Board all the street lighting system, white-way system and poles, lines and fixtures connected therewith, and the Board shall pay to the City the sum of ten thousand (\$10,000.00) dollars with interest at the rate of four (4) percent per annum, payable semiannually, on July 1, and January 1, of each year, which sum shall be paid at the rate of one thousand (\$1,000.00) dollars on July 1, 1944, and on July 1, of each and every year thereafter for nine (9) consecutive years, with interest upon the unpaid principal from January 1, 1944; all such payments to be made to the Treasurer of the sinking fund of the City, who shall hold and apply such receipts upon the payment of the nineteen thousand five hundred (\$19,500.00) dollar bond issue of the City, dated July 1, 1935, and designated as water and light refunding bonds. Until the date of availability of water producing electricity energy, the Board shall charge the City for power used at the present power rate, which is the interim rate; and further shall charge the City during such interim period, only for street lamp renewals, and after the expiration of the interim rate shall charge the City for power at the Tennessee Valley Authority rates. The electric distribution system now being transferred and delivered to the Board consists of all the electric properties owned by the City, other than those purchased from the Associated Gas and Electric Company on June 11, 1942.~~

23-2.078 Removal of Members.

Any regular member of the Board may be removed from office for cause, inefficiency, neglect of duty, misfeasance, nonfeasance, or malfeasance in office. Charges for removal of any member may be preferred by the Mayor, any member of the Board of Commissioners or by any citizen of the City. When charges are preferred against any member, notice shall be served upon the member of the time and place of the hearing trial on such charges and the hearing trial shall be held by the Board of Commissioners not less than three (3) days nor more than ten (10) days after the service of

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such notice upon the member. All rules of evidence recognized by courts of the State shall be observed in the hearing ~~trial~~ on such charges. A verdict shall be rendered by a majority of the members of the Board of Commissioners voting thereon. There shall be no appeal from the decision of the Board of Commissioners on such hearing ~~trial~~. The members appointed pursuant to this Chapter shall accept the provisions of same and the rules set forth herein shall govern.

23-2.089 Political Activities Prohibited by Members and Employees.

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23-2.940 Rules and Bylaws.

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23-2.104 Annual Independent Audit.

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23-2.112 Deposit of Collections and Investment Policy.

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23-2.123 City's Liability for Salaries and Other Obligations.

The City shall not be liable for the payment of any salaries or compensation to any of the members of the Board or for the payment of any salary, compensation or expenses of any employed by the Board, pursuant to KRS 96.750. Likewise, the City shall in no way be liable for the payment of any indebtedness or obligations of any nature incurred by the Board. All of these foregoing obligations shall be payable solely out of the revenues obtained by the Board, in accordance with KRS 96.550 to 96.0900.

23-2.134 Insurance.

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23-2.145 General Manager.

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23-2.156 Employees; Purchases and Salaries.

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23-2.167 Rate Schedules, Rules and Regulations.

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~~23-2.18 Board of Commissioners to Fix Water and Sewer Rates.~~

~~The Board of Commissioners shall fix all rates to be charged for the services of the water and sewerage system and revise same from time to time within the discretion of the Board of Commissioners but the rates so fixed shall be sufficient to provide for the operation and maintenance of the utility, and adequate depreciation account, principal and interest on all bond issues and amortization thereof as provided therein and sufficient to satisfy all requirements of the bond issues and a fair and reasonable return to the City based upon the fair value of the used and useful property of the utility and the services rendered by the utility.~~

23-2.179 Billings for All Utilities.

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23-2.1820 Annual Reports; Contents.

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b. Water and Sewer Division.

1i. Water Utility. The Board shall file an annual report with the Board of Commissioners of the operation and condition of the water utility including all receipts and expenditures, balances on hand in various funds, the status of such funds and such a statistical report, with summary of the financial operations of the water utility, as will provide the Board of Commissioners with sufficient and adequate information relative thereto. The Board shall maintain and make available upon request monthly reports of the operation and condition of the water utility.

2ii. Sewer Utility. The Board shall file an annual report with the Board of

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Commissioners of the operation and condition of the sewerage utility including all receipts and expenditures, balances on hand in various funds, the status of such funds and such a statistical report, with summary of the financial operations of the sewerage system, as will provide the Board of Commissioners with sufficient and adequate information relative thereto. The Board shall maintain and make available upon request monthly reports of the operation and condition of the sewer utility.

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23-2.219 Board's Duties Regarding Bond Issues.

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23-2.202 Powers Generally.

The Board shall have all of the authority granted to it under KRS 96.550 through 96.900 and in addition thereto shall have full authority to:

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c. Operate Pipelines, Etc. Construct, own, lease, operate and control any and all works, pipelines, buildings and other facilities across, along or under any street or public highway and over any lands which are now or may be the property of the Commonwealth or of any County or municipality within this Commonwealth. The water and sewer system shall, however, at its own expense, restore any such street or highway in its former condition and state as nearly as may be possible, and shall not use the same in a manner as to impair its usefulness, or to interfere with or obstruct the maintenance thereof. Before exercising these powers, the Board shall obtain a permit, or consent or approval in writing from the City Governing Authority of the municipality or the Fiscal Court or the Department of Highways having appropriate jurisdiction over any and all of such respective streets or public highways.

d. Accept Gifts. Accept gifts, grants of property, real or personal, including money from any person, municipality or federal agency ~~of or~~ both, and to accept voluntary and uncompensated

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services; provided, however, when engineering services are required by any municipality or any board or any appraisers or Board of Appraisers, appointed pursuant to the provisions of this Chapter, to render any services authorized or required or incident to surveys, plans, estimate of cost or the valuation of property or in the preparation of reports authorized by this Chapter, no engineer who is engaged in whole or in part in the business of buying or selling equipment machinery, fixtures, materials, supplies, or the sale or purchase of bonds shall be eligible for employment or for any services whatsoever under the provisions of this Chapter, pursuant to KRS 96.570.

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m. Establish, Charge and Collect Utility Fees. The Board shall have the express authority to establish, charge and collect privilege fees from customers connecting to the extended utility lines described in KRS 96.539 for the purpose of making the refunds to the person (including the Board and/or the City where applicable) who have paid for the construction of water or sewer line extensions to unserved customers and areas, and the privilege fees so established shall not require approval by the Board of Commissioners of the City. The Board shall also have the power to continue to charge and collect privilege fees established prior to the effective date of KRS 96.539 (July 15, 1980), under contract or by any rule, regulation or resolution of the Board or its predecessor.

~~23-2.23—Installation, Maintenance and Inspection of Fire Hydrants.~~

~~a.—The Water and Sewer Division is authorized and it shall be responsible for the proper installation, maintenance and inspection of all fire hydrants within its service area including all those presently existing and all those hereafter added by installation. As a part of its inspection responsibility, the Water and Sewer Division shall flush and flow test each fire hydrant and maintain records of the performance of each fire hydrant and also shall conduct all other tests and inspections required by the insurance service office and any State or Federal regulations.~~

~~b.—The City shall reimburse the Water and Sewer Division for its costs in performing its~~

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~~foregoing duties and installation, maintenance and inspection of said fire hydrants.~~

23-2.2~~14~~ Eminent Domain Power and Procedure.

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~~23-2.25 Water Shortage Response.~~

~~a. Whenever the General Manager of BGMU and the Manager or the acting Manager of the Warren County Water District, the public purveyors of potable water in the City of Bowling Green and Warren County, find that a potential shortage of the supply of treated water exists or will exist, upon written certification thereof to the Mayor of the City of Bowling Green and the Judge Executive of Warren County, the Mayor and the Judge Executive may publicly declare a "Water Shortage Advisory." In addition to the declaration, the Mayor and the Judge Executive shall call upon all customers of BGMU and the Warren County Water District to employ voluntary water conservation and to eliminate the waste of all treated water.~~

~~b. Whenever the General Manager of BGMU and the Manager of the Warren County Water District, the public purveyors of potable water in the City and Warren County, find that a condition exists where they will not be able to meet the expected needs of their customers, upon written certification thereof to the Mayor of the City of Bowling Green and the Judge Executive of Warren County, the Mayor and Judge Executive may publicly declare a "Water Shortage Alert." In addition to the declaration, the Mayor and Judge Executive may call upon all customers of BGMU and the Warren County Water District to employ voluntary water conservation and to eliminate the waste of all treated water and to use treated water outside of buildings (such usage to include, but not limited to car washing, driveway washing, filling of swimming pools, use and filling of fountains and watering of lawns, bushes and trees) only in accordance with the following schedule:~~

~~(1) Outside use for addresses ending in an odd number shall be limited to Tuesdays, Thursdays and Saturdays; and~~

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~~(2) Outside use for addresses ending in an even number shall be limited to Wednesdays, Fridays and Sundays.~~

~~c. Whenever the General Manager of BGMU and the Manager of the Warren County Water District find that BGMU and the Water District are unable to meet the expected needs of their customers and that such a condition will exist for some period of time in the future, and upon written certification thereof to the Mayor and Judge Executive of Warren County, the Mayor and Judge Executive may publicly declare a "Water Shortage Emergency." In addition to the declaration, the Mayor and Judge Executive may call upon all customers of BGMU and the Water District to employ voluntary water conservation and to eliminate the waste of all treated water, to eliminate the use of water outside of buildings and to use water only as necessary to maintain minimum standards of hygiene and sanitation and to provide for essential health and public protection purposes.~~

~~d. Whenever the Mayor and Judge Executive have declared a "Water Shortage Alert" or "Water Shortage Emergency" pursuant to paragraph b and c of this Section, they or BGMU and the Warren County Water District may promulgate such administrative regulations governing all water usage in Bowling Green and Warren County by all customers of BGMU and the Water District as may, in the discretion of the Mayor and Judge Executive appear necessary to protect the health and public safety of the residents in Bowling Green and Warren County in a manner consistent with the terms of this Section.~~

~~e. The declaration of a water shortage advisory, water shortage alert or water shortage emergency shall continue until the General Manager of BGMU and the Manager of the Warren County Water District find that the conditions calling for the declaration no longer exist and upon written certification thereof to the Mayor and Judge Executive, the Mayor and Judge Executive may publicly declare the condition no longer existing.~~

~~f. In the event there is a water supply shortage in the service area of either BGMU or~~

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~~Warren County Water District, but not both, then the appropriate member of management of the utility experiencing the shortage shall only make the certifications referred to above to the public official who appoints the members of its governing body and that public official may act alone as provided above.~~

~~g—Any person who violates the provisions of paragraph b of this Section shall be subject to a fine not to exceed two hundred fifty dollars (\$250.00). Any person who violates the provisions of paragraph c of this Section shall be subject to a fine not to exceed two hundred fifty dollars (\$250.00) and up to ninety (90) days imprisonment. Each day in violation of the terms of paragraphs b and c of this Section shall constitute a separate offense.~~

23-3 SEWER SYSTEM.

23-3.01 Definitions.

As used in this Subchapter:

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“Fats, Oils and Grease” (FOG) shall mean organic polar compounds derived from animal and/or plant sources. FOG may be referred to as “grease” or “greases”.

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“Food Service Establishment” (FSE) shall mean any property, establishment, business or facility engaged in preparing, serving, packaging, or making food or beverages available for sale or consumption. FSE’s include, but are not limited to bakeries, cafeterias, cafes, restaurants, hotels, retirement centers, nursing homes, lounges, churches, correctional facilities, schools, hospitals, prisons, grocery stores, markets, mobile food units, or other food preparation or packaging establishments or facilities. Single family residences are not a FSE; however, multi-residential facilities may be considered a FSE at the discretion of BGMU.

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“May” is permissive (see “Shall”, this Subchapter).

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“pH” shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of seven (7) ~~and a hydrogen ion concentration of ten⁻⁷ grams/liter.~~

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“Significant Industrial User” shall mean any user of the public sanitary sewer who:

- a. Has a discharge flow of twenty-five thousand (25,000) gallons or more of wastewater per average work day, excluding domestic wastewater; or
- b. Has a flow or pollutant loading greater than five (5%) percent of the design capacity of the wastewater treatment plant; or
- c. Has in his waste toxic pollutants requiring pretreatment standards prescribed in Section 23-3.05, paragraph c of this Subchapter; or
- d. Is found by the General Manager to have significant impact, either singly or in combination with other contributing users, on the wastewater system, the quality of sludge, the quality of effluent from the wastewater treatment plant or the quality of air emissions from the wastewater treatment plant; or
- e. Is subject to a categorical pretreatment standard(s) under 40 CFR 403.6 and 40 KAR Chapter 1, Subchapter N.

“Significant Non-Compliance” shall mean:

- a. Chronic violation of wastewater discharge limits, defined here as those in which sixty-six (66%) percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- b. Technical Review Criteria (TRC) - violations, defined here as those in which thirty-three (33%) percent or more of all the measurements for each pollutant parameter taken during a six-

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month period equal or exceed the product of the daily maximum limit of the average limit multiplied by the applicable TRC (TRC = 1.2 for all pollutants except pH);

c. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the General Manager 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 a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in ~~the POTW's~~ BGMU's exercise of its emergency authority to halt or prevent such a discharge;

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

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

g. Failure to accurately report non-compliance;

h. Any other violation or group of violations which the General Manager determines will adversely affect the operation or implementation of the local pretreatment program.

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23-3.03 Private Wastewater Disposal.

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d. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of the ~~Department of Public Health of the State~~ Commonwealth of Kentucky. No permit shall be issued for any private wastewater disposal system employing subsurface

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soil absorption facilities where the area of the lot is less than twenty thousand (20,000) square feet. No septic tank shall be permitted to discharge to any natural outlet.

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f. At such time as a public sanitary sewer becomes available to a property served by a private disposal system, as provided in paragraph d. of this ~~sub~~Section, a direct connection shall be made to the sewer within ninety (90) days after notice sewer is available, and any septic tanks and similar private wastewater disposal facilities shall be removed or cleaned of sludge and filled with suitable material. The provisions of this ~~paragraph (f)~~ Subsection shall be enforced by the City.

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23-3.04 Building Sewers and Connections.

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b. A building sewer permit as required by ~~Kentucky~~ the State Plumbing Law shall be obtained from the Office of the Plumbing Inspector before constructing any building sewer. The building sewer permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Plumbing Inspector.

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d. 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, court, yard or driveway, then the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. The City or BGMU, however, does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

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f. 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 ~~City Building and~~ Commonwealth of Kentucky Plumbing Code, BGMU's "Water and Sewer System Improvement Specification Manual", or other applicable rules and regulations of the Commonwealth and the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. (American Society of Testing and Materials) and W.P.C.F. (Water Pollution Control Federation) Manual of Practice No. 9 shall apply.

g. In all buildings in which any building drain is too low to permit gravity flow to the public sanitary sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer, in accordance to the specifications outlined in BGMU's "Water and Sewer System Improvement Specification Manual". All such required lifting devices shall be installed, owned and maintained by owner(s) of property being served by the lifting devices.

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i. The connection of the building sewer into the public sanitary sewer shall conform to the requirements of the ~~Building and~~ Commonwealth of Kentucky Plumbing Code, BGMU's "Water and Sewer System Improvement Specification Manual", or other applicable rules and regulations of the Commonwealth or the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing.

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

This Section establishes limitations and prohibitions on the quantity and quality of wastewater which may be lawfully discharged into the publicly owned treatment works. Pretreatment

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of some wastewater discharges may be required to achieve the goals established by this Subsection, the Clean Water Act, or applicable Federal Categorical Pretreatment standards. The specific prohibitions and limitations contained in this Section are subject to change when necessary to enable the General Manager to provide efficient wastewater treatment, protect the public health and environment, and to enable BGMU to meet requirements contained in its NPDES permit.

The ultimate goal to be achieved by adherence to this Section is to protect the ability of BGMU's wastewater treatment plant to provide a satisfactory effluent and the creation of a sludge residue that may be disposed of in the approved method, without violating any applicable law or regulation.

a. It shall be the duty of the General Manager to monitor the treatment works influent for elements which may adversely affect the treatment plant's biological processes and sludge disposal method. Should the influent at the treatment plant reach or exceed the levels established by this Subchapter, the General Manager shall initiate technical studies to determine the cause of the influent violation and shall recommend to the Board such remedial measures as may be considered necessary, including but not limited to, the establishment of new or revised pretreatment levels for the elements causing the violation.

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

1. Oils and Grease.

(a) Oil and grease concentrations or amounts from users violating Federal, State, or City pretreatment standards set forth in paragraph e.1.(b) of this Section.

(b) Wastewater from users containing floatable oil, wax, fats or grease

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concentration of non-hydrocarbon origin of more than one hundred (100) mg/1) milligrams per liter whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees and one hundred fifty (150) degrees Fahrenheit (0 degrees to 65 degrees Celsius) at the point of discharge into the system. Hydrocarbon origin oil and grease concentration shall not exceed fifty (50 mg/1) milligrams per liter.

(c) All FSEs are required to comply with BGMU Fats, Oils and Grease (FOG) Management Policy (see Section 23-3.05(h)).

2. Explosive Mixtures. Liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fires or explosion or be injurious in any other way to the wastewater system or to the operation of the system. Specifically prohibited are substances which exhibit a closed-cup flashpoint of less than one hundred forty (140) degrees Fahrenheit. At no time shall two (2) successive readings at two (2) hour intervals on an explosion hazard meter, at the point of discharge into the wastewater system, be more than five (5%) percent nor any single reading over ten (10%) percent of the Lower Explosive Limit (L.E.L.) of the meter. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides. TTO (accumulative) concentrations shall not exceed two and thirteen hundredths (2.13 mg/1) milligrams per liter.

...

11. Corrosive Wastes. Any waste which will cause corrosion or deterioration of the wastewater system. All wastes discharged to the wastewater system must have a pH value in the range of six (6) to eleven (11) standard units. Prohibited materials include, but are not limited to: acids, concentrated sulfides, chlorides and fluoride compounds, and substances which will react with water to form acidic products.

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12. Heat. Heat in amounts which will inhibit biological activity in the wastewater system resulting in interference, but in no case heat in such quantities that the temperature at the wastewater treatment plant exceeds forty (40) degrees Celsius (104 degrees Fahrenheit) unless BGMU approves alternate temperature limits.

13. Hazardous Waste. Any waste or wastewater classified as a hazardous waste by the Resource Conservation and Recovery Act (RCRA) without, at least, a sixty (60) day prior notification of such discharge to the General Manager of BGMU ~~the POTW~~. This notification must include the name of the waste, EPA hazardous waste number, type of discharge, volume/mass of discharge and time of occurrence. The General Manager may deny or condition this discharge at any time.

f. Limitations on Wastewater Discharges. No person shall discharge or convey, or permit or allow to be discharged or conveyed to the public sanitary sewer any wastewater containing pollutants of such character or quantity that will:

...

7. Result in toxic gases, vapors; or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

g. Septic tank and other holding tank wastewater discharges.

1. No person owning vacuum or "septic tank" pump trucks or other liquid wastewater transport trucks shall discharge directly or indirectly such wastewater into the wastewater system, unless such person shall first have applied for and received a nontransferable Septic Tank Discharge Permit from the General Manager for each vehicle. All applicants for Septic Tank Discharge Permit shall complete such forms as required by the General Manager, pay appropriate fees to include treatment fees reviewed at least annually, and agree in writing to abide by the provisions of this Subchapter and any special conditions or regulations established by the Health Officer and General

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Manager. The owners of such vehicles shall display the permit number for each vehicle used for such purposes. Such permits shall be valid for the specified period the permit is purchased but in no case longer than one (1) year from the date of issuance, provided that such permit shall be subject to revocation by the General Manager for violation of any provision of this Subchapter or reasonable regulation established by the City or BGMU. Such permits shall be limited to the discharge of domestic wastewater containing no industrial wastewater. The General Manager shall designate the locations and times where such trucks may be discharged and may refuse to accept any truckload of wastewater where in his absolute discretion it appears that the wastewater could cause interference with the effective operation of the wastewater system.

2. No person shall discharge any other holding tank wastewater into the wastewater system unless he shall have applied for and have been issued a permit by the General Manager. A permit may consist of a written letter of approval from the General Manager prior to batch discharge. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each location of discharge. This permit shall include the time of day the discharge is to occur, the volume of discharge, and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable charges or fees therefore, and shall comply with the conditions of the permit issued by the General Manager. No permit, however, will be required to discharge domestic wastewater from a recreational vehicle holding tank providing such discharge is made into an approved facility designed to receive such wastewater.

3. All grease pumpers/haulers shall meet grease waste pumping, record keeping, and other requirements of the BGMU FOG Management Policy.

h. ~~Grease, Oil and Sand~~ Fats, Oil, Grease (and Sand) Interceptors and Traps.

1. ~~Establishments involved in the preparation of food for commercial or public purposes shall provide grease interceptors or traps. Grease, oil and sand interceptors or traps shall be~~

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~~provided by others when necessary for the proper handling of liquid wastes containing grease in excessive amounts, sand and other harmful ingredients, except that such interceptors or traps will not be required for private living quarters or dwelling units.~~ All FSEs are required to comply with BGMU FOG Management Policy. Grease interceptors must be approved, designed, installed and maintained in accordance with the BGMU standards as set forth in BGMU FOG Management Policy. Failure to meet the requirements of the BGMU FOG Management Policy will result in enforcement action, which may include fines, penalties and compliance schedule requirements. If BGMU employees are required to remediate and/or to clean out the wastewater collection lines as a result of a partial blockage or stoppage due to a defective or clogged grease interceptor or grease trap, the property owner and/or user shall be further required to pay the costs of BGMU labor and materials required to clean out the wastewater lines.

2. ~~All interceptors or traps shall be of type and capacity approved by the Health Officer, the Plumbing Inspector and a BGMU representative, and shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, gastight, watertight and equipped with easily removable covers.~~ All existing FSEs shall be required to submit plans and install a grease interceptor in accordance with the BGMU FOG Management Policy within ninety (90) days after notification by BGMU, at the owner's expense, if and when BGMU determines that a potential fats, oils and grease problem exists which is capable of causing interference, damage or operational problems to structures or equipment in the wastewater system. BGMU shall retain the right to inspect and approve installation of the grease interceptor at the FSE.

3. ~~For new or remodeled (food handling) establishments, all wastewater drain piping from food processing equipment; sinks for washing of food equipment and utensils; mop sinks;~~

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~~dishwashers; hand sinks and floor drains in food processing or food preparation areas, shall be separated from other wastewater piping and connected to an approved exterior-type grease trap prior to discharge into the public sanitary sewer. Minimum capacity for an exterior-type grease trap is five hundred (500) gallons, based upon rectangular dimensions that will support a liquid (depths) of at least three (3) feet and six (6) inches. The type, capacity, configuration and components of all grease control equipment (interceptors or traps) shall be in accordance with the BGMU FOG Management Policy. Grease control equipment shall be approved by the Health Officer, the Plumbing Inspector and a BGMU representative, and shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, gastight, watertight and equipped with easily removable covers. BGMU approval of grease control equipment shall be given prior to Health Department transmittal of general facility plumbing plans to Frankfort for State approval.~~

4. ~~Existing food handling establishments must within two (2) years of written notification, install grease trap(s) on all wastewater drain piping, except floor drains, as listed above. Floor or flush mounted, under the fixture units such as Zurn model Z-1170 or Z-1170-LT series grease trap(s) or approved equal will be permitted. Capacity will be determined upon the size, number and types of fixtures utilized by the grease trap. Minimum single fixture grease trap capacity requirements will be fifty (50) pounds with dishwashers and twenty (20) pounds without. Any FSE upgrading an existing FSE, or a FSE which experiences a change of ownership, whether by sale of substantially all of the assets, or by transfer of stock, ownership units, partnership interests or otherwise, or for all other FSEs effective June 1, 2019, shall be required to install and maintain a grease interceptor in accordance with the BGMU FOG Management Policy.~~

5. ~~All grease, oil and sand interceptors or traps shall be maintained by the user in~~

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~~continuously efficient operation at all times at his expense. All FOG and sand interceptors and traps shall be maintained in continuously efficient operation at all times at the expense of the user. Grease interceptor and grease trap maintenance requirements are provided in the BGMU FOG Management Policy.~~

6. New multi-unit facilities (strip malls, strip centers, etc.) shall install grease interceptors in accordance with the BGMU FOG Management Policy. New multi-unit facilities must have two (2) separate wastewater line connections at each unit within the multi-unit facility. One (1) wastewater line will be for sanitary wastewater and one (1) wastewater line will be for the kitchen area, or potential kitchen area, of each unit. New multi-unit facility owners shall contact BGMU prior to conducting private plumbing work at the multi-unit facility site.

76. Approval of proposed facilities or equipment by the Health Officer or BGMU, does not, in any way, guarantee that these facilities or equipment will function in the manner described by their constructor or manufacturer; nor shall it relieve a person of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose.

i. Surcharges.

1. There shall be a surcharge for high ammonia nitrogen ($\text{NH}_3\text{-N}$), for high biochemical oxygen demand (BOD_5), for high chemical oxygen demand (COD), and for high total suspended solids (TSS) levels in wastewater discharged into the public sanitary sewer by a nonresidential user. The surcharge rates shall be based upon actual costs for treatment of BOD and TSS, and estimates for the cost of treating COD based upon a BOD/COD ratio of 0.67 (2/3). The cost of treating $\text{NH}_3\text{-N}$ shall be determined by multiplying the BOD_5 surcharge rate by 4.67, the multiple of oxygen needed to treat an ammonia ion as compared to BOD. The rates may be adjusted annually but shall be reviewed and adjusted if necessary at least biannually and will be based upon the following formulae:

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$$\text{Cost/lb. BOD}_5 = (\text{Fractional WWTP BOD}_5 \text{ load}) \times \frac{(\text{Total annual O \& M cost of wastewater system})}{(\text{Annual total lbs BOD}_5 \text{ plus TSS to WWTP})}$$

$$\text{Fractional WWTP BOD}_5 \text{ load} = \frac{(\text{Total average lbs. BOD}_5 \text{ to WWTP})}{(\text{Total average lbs./day BOD}_5 \text{ plus TSS to WWTP})}$$

$$\text{Cost/lb. TSS} = (\text{Fractional WWTP TSS load}) \times \frac{(\text{Total annual O \& M cost of wastewater system})}{(\text{Annual total lbs. BOD}_5 \text{ plus TSS to WWTP})}$$

$$\text{Fractional WWTP TSS load} = (1 - \text{Fractional WWTP BOD}_5 \text{ load})$$

$$\text{Cost/lb. COD} = (\text{Cost/lb. BOD}) \times (.67)$$

$$\text{Cost/lb. NH}_3\text{-N} = (\text{Cost/lb. BOD}) \times (4.67)$$

Surcharges for waste strengths above the following discharge values may be assessed:

BOD₅ above 300 mg/L (or COD above 450 mg/L)

TSS above 300 mg/L

NH₃-N above 25 mg/L

2. Sewer surcharges shall be based upon the average of the analysis of at least two (2) samples taken during any one (1) month and shall remain in effect for a minimum of one (1) month. Sewer surcharges will be billed with the regular sewer service bill and the General Manager shall have such remedies for the collection of such costs as he has for the collection of sewer service charges.

...

j. Dilution of Wastewater. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or for any other pollutant-specific limitation developed by BGMU or the Commonwealth of Kentucky.

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23-3.06 Control of Prohibited Wastes.

a. Regulatory Actions. If wastewaters containing any substances described in Section 23-3.05 are discharged or proposed to be discharged into the wastewater system of BGMU or to any wastewater system tributary thereto, the General Manager may take any action necessary to:

...

3. Require pretreatment, including storage, facilities, or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate this Section.

...

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

g. Reporting of Possible or Actual Accidental or Intentional Discharge. If, for any reason a facility sustains or suspects it may have sustained an accidental or intentional sludge discharge of prohibited materials or other wastes regulated by this Section, the facility responsible for such discharge shall cease or contain such discharge immediately, and immediately notify the General Manager so that corrective action may be taken to protect the wastewater system. In addition, a written report, addressed to the General Manager, detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge, and corrective action taken to prevent

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future discharges, shall be filed by the responsible facility within five (5) days of the occurrence of the noncomplying discharge.

23-3.07 Significant Industrial Users: Reporting and Monitoring.

a. Reports.

...

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

...

c. Inspection, Sampling and Analysis.

...

6. Sample Collection Methods. The User must collect wastewater samples using the twenty-four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the General Manager. Where time-proportional composite sampling or grab sampling is authorized, the samples must be representative of the discharge. Using Protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols ~~phenols~~, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

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7. Use of Grab Samples. For sampling required in support of baseline monitoring and 90-day compliance reports a minimum of four (4) grab samples must be used for pH, cyanide, total ~~phenols~~ ~~phenols~~, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the ~~POTW~~ BGMU may authorize a ~~power~~ lower minimum. The Significant Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Regulations.

...

d. Public Access to Information; Exceptions.

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

...

e. Permit to Discharge.

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

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discharge; a statement of applicable penalties for violation of the Pretreatment Standards and Regulations; requirements to control slug discharges; and language detailing any grants by ~~the POTW~~ BGMU General Manager authorizing waivers from monitoring.

...

6. Upon receipt of the permit fee prescribed in BGMU's schedule of charges and fees; and of all required information, the application shall be processed and, upon approval, be signed by the General Manager and one (1) copy returned to the applicant.

...

16. The General Manager may revoke a permit for Industrial Wastewater Discharge on a finding that the discharger has violated any provisions of this Chapter. No revocation shall be ordered until a meeting on the question has been held by the Board. At this meeting, the discharger may appear personally or through counsel and present evidence in his/~~her~~ own behalf. Notice of the meeting shall be given to the discharger at least fifteen (15) days prior to the date of the meeting.

...

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

Any Significant Industrial User who meets the criteria for Significant Non-Compliance shall submit a compliance schedule outlining the steps which the Significant Industrial User plans to take to achieve compliance. This compliance schedule shall include milestone dates. The Significant Industrial User shall submit reports within fourteen (14) days past each milestone date. These reports will confirm the completion of the schedules plan for the milestone date. If the Significant Industrial User has not met the expectations of the compliance schedule the Significant

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Industrial User will explain why and how the Significant Industrial User will accelerate activities to meet the final compliance milestone date. Within fourteen (14) days past the final compliance milestone date the Significant Industrial User will submit a report with a statement, indicating that the Significant Industrial User is consistently meeting the conditions of this Subchapter and the Significant Industrial User will provide sufficient analytical data to support this statement.

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

...

23-3.09 Enforcement and Abatement.

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

All violations of requirements of this Subchapter must be reviewed and responded to by the General Manager or his representative. In general, the General Manager shall notify the Significant Industrial User when a violation occurs. For all violations, the General Manager shall receive an explanation and, as appropriate, a plan from the Significant Industrial User to correct the violation within a specific time period. If the violation(s) persist or the explanation and/or plan are not adequate,

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the General Manager's response shall be more formal and commitments or schedules, as appropriate, for compliance will be established in an enforceable document. The enforcement response selected will be related to the seriousness of the violation. Enforcement responses will be escalated if compliance is not achieved expeditiously after the initial action. A significant violation will require a formal enforcement action. The full scale of enforcement actions will be detailed in BGMU's Pretreatment Program Enforcement Response Plan.

b. Enforcement Action.

...

2. Formal Notice. These actions include the following:

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

(b) Administrative Order/Fines. Any person who, after receiving a Notice of Violation, and continue to discharge in violation of this Chapter or of the pretreatment standard or requirements or is determined to be a chronic or persistent violator, shall be ordered to appear before the General Manager. At said appearance, a compliance schedule will be given to the violating user and an administrative fine assessed. The fine shall be determined on a case-by-case basis which shall consider the type, severity, duration and number of violations, severity of impact on the POTW, impact on human health, the Significant Industrial User's economic benefit from the violation, past history of the Significant Industrial User, and good-faith efforts made by the Significant Industrial User. The fine shall be a non-arbitrary but appropriate amount as defined in Section 23-3.10 in this Subchapter. *The administrative order may take any of the following four (4) forms:*

...

(4) Show Cause Hearing. The General Manager may issue to any

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Significant Industrial User who causes or contributes to violations of this Chapter, discharge permit or order issued hereunder, an order to appear and show cause why more severe enforcement action should not be taken. A notice shall be served on the Significant Industrial User specifying the time and place of the hearing to be held by the General Manager regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the Significant Industrial User to show cause before the General Manager why more severe enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of the facility. Whether or not a duly notified Significant Industrial User or its representative appears, immediate enforcement action may be ~~pursued~~ pursued. BGMU itself may conduct the hearing and take evidence or may designate a representative to:

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

(ii) Take the evidence.

...

23-4 WATER SYSTEM.

23-4.01 Definitions.

As used in this Subchapter:

“Act” shall mean the Safe Drinking Water Act of 1974, P.L. 93-523 (42USC & 300f, et seq.).

“BGMU” shall mean the Bowling Green Municipal Utilities of Bowling Green, Kentucky.

“Building” shall mean a structure having walls and a roof designed and used for the housing, shelter, enclosure or support of persons, animals or property.

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“City” shall mean the City of Bowling Green, Kentucky.

“Cross Connection” shall mean a physical connection or arrangement between two (2) otherwise separate systems, one (1) of which contains potable water and the other being either water of unknown or questionable safety, or steam, gas or chemicals, whereby there may be flow from one (1) system to the other, the direction of flow depending on the pressure differential between the two (2) systems.

“Easement” shall mean an acquired legal right for the specific use of land owned by others.

“General Manager” shall mean the General Manager of the Bowling Green Municipal Utilities (BGMU) of Bowling Green, Kentucky, or his authorized deputy, agent or representative.

“Health Officer” shall mean any duly authorized agent of the Bowling Green-Warren County Health Department.

“May” is permissive (see “Shall”, this Subchapter).

“Person” shall mean any individual, firm, company, association, society, corporation or group.

“pH” shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution. Neutral water, for example, has a pH value of seven (7).

“Plumbing Inspector” shall mean the individual assigned by the Commonwealth of Kentucky Department of Natural Resources and Environmental Protection Cabinet to enforce the plumbing laws and codes of the Commonwealth of Kentucky within BGMU of Bowling Green, Kentucky.

“Shall” is mandatory.

“Suspended Solids” shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids, and that is removable by standard methods of

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laboratory filtering.

“TTO” shall mean Total Toxic Organics.

“Total Solids” shall mean solids in water, wastewater or other liquids; includes suspended and dissolved solids; all material remaining as residue after water has been evaporated.

“User” shall mean any person, entity or organization that is connected to and uses water from BGMU.

“Water Distribution System” shall mean the structures, equipment and processes owned and maintained by BGMU, or any public or private utility that purchases water from the BGMU system.

“Water Treatment Plant” (WTP) shall mean an arrangement of devices and structures for treatment and pumping of potable water.

“Watercourse” shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

23-4.02 Water Shortage Response.

a. Whenever the General Manager of BGMU and the Manager or the acting Manager of the Warren County Water District (WCWD), the public purveyors of potable water in the City of Bowling Green and Warren County, find that a potential shortage of the supply of treated water exists or will exist, upon written certification thereof to the Mayor of the City of Bowling Green and the Judge Executive of Warren County, the Mayor and the Judge Executive may publicly declare a “Water Shortage Advisory” pursuant to KRS Chapter 39A. In addition to the declaration, the Mayor and the Judge Executive shall call upon all customers of BGMU and the WCDW to employ voluntary water conservation and to eliminate the waste of all treated water.

b. Whenever the General Manager of BGMU and the Manager of the WCDW, the public purveyors of potable water in the City and Warren County, find that a condition exists where

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they will not be able to meet the expected needs of their customers, upon written certification thereof to the Mayor and the Judge Executive, the Mayor and Judge Executive may publicly declare a “Water Shortage Alert”. In addition to the declaration, the Mayor and Judge Executive may call upon all customers of BGMU and the WCDW to employ voluntary water conservation and to eliminate the waste of all treated water and to use treated water outside of buildings (such usage to include but not limited to car washing, driveway washing, filling of swimming pools, use and filling of fountains and watering of lawns, bushes and trees) only in accordance with the following schedule:

1. Outside use for addresses ending in an odd number shall be limited to Tuesdays, Thursdays and Saturdays; and,

2. Outside use for addresses ending in an even number shall be limited to Wednesdays, Fridays and Sundays.

BGMU shall also be authorized to implement a twenty (20%) percent Water Shortage Alert surcharge on all water used in excess of the user’s six (6) month average usage immediately preceding the month of the Water Shortage Alert.

c. Whenever the General Manager of BGMU and the Manager of the WCWD find that BGMU and the WCWD are unable to meet the expected needs of their customers and that such a condition will exist for some period of time in the future, and upon written certification thereof to the Mayor and Judge Executive, the Mayor and Judge Executive may publicly declare a “Water Shortage Emergency”. In addition to the declaration, the Mayor and Judge Executive may call upon all customers of BGMU and the WCWD to employ voluntary water conservation and to eliminate the waste of all treated water, to eliminate the use of water outside of buildings and to use water only as necessary to maintain minimum standards of hygiene and sanitation and to provide for essential health and public protection purposes. BGMU shall also be authorized to implement a fifty (50%) percent Water Shortage Emergency surcharge on all water used in excess of the user’s six (6) month average

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usage immediately preceding the Water Shortage Emergency.

d. Whenever the General Manager of BGMU and the Manager of WCWD find that BGMU and WCWD are unable to meet the expected needs of their customers and that such a condition will exist for some period of time in the future, and upon written certification thereof to the Mayor and the Judge Executive, the Mayor and the Judge Executive shall publicly declare a “Water Shortage Rationing”. In addition to the declaration, the Mayor and the Judge Executive shall call upon all customers of BGMU and WCWD to employ the use of water conservation and to eliminate the waste of all treated water, to eliminate the use of water outside of buildings and to use water only as necessary to maintain minimum standards of hygiene and sanitation and to provide for essential health and public protection purposes. The Mayor and the Judge Executive shall authorize BGMU and WCWD to implement water rationing procedures as defined in BGMU’s Drought Response Plan. Rationing shall be administered commensurate with the length and severity of the drought. BGMU shall also be authorized to implement a one hundred (100%) percent Water Shortage Rationing surcharge on all water used in excess of the user’s six (6) month average immediately preceding the Water Shortage Rationing.

e. Whenever the Mayor and Judge Executive have declared a “Water Shortage Alert”, “Water Shortage Emergency” or “Water Shortage Rationing” pursuant to this Section, they or BGMU and WCWD, with the approval of the Mayor and the Judge Executive, may promulgate such administrative regulations governing all water usage in Bowling Green and Warren County by all customers of BGMU and the WCWD as may, in the discretion of the Mayor and Judge Executive appear necessary to protect the health and public safety of the residents in Bowling Green and Warren County in a manner consistent with the terms of this Section.

f. The declaration of a “Water Shortage Advisory”, “Water Shortage Alert”, “Water Shortage Emergency” or “Water Shortage Rationing” shall continue until the General Manager of

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BGMU and the Manager of the WCWD find that the conditions calling for the declaration no longer exist and upon written certification thereof to the Mayor and Judge Executive, the Mayor and Judge Executive may publicly declare the condition no longer existing.

g. In the event there is a water supply shortage in the service area of either BGMU or WCWD, but not both, then the appropriate member of management of the utility experiencing the shortage shall only make the certifications referred to above to the public official who appoints the members of its governing body and that public official may act alone as provided above.

h. Any person who violates the provisions of a "Water Shortage Alert" shall be subject to a fine not to exceed two hundred fifty (\$250.00) dollars. Any person who violates the provisions of a "Water Shortage Emergency" shall be subject to a fine not to exceed two hundred fifty (\$250.00) dollars and up to ninety (90) days imprisonment. Any person who violates the provisions of a "Water Shortage Rationing" shall be subject to a fine not to exceed five hundred (\$500.00) dollars and up to ninety (90) days imprisonment. Each day in violation of the terms of this Section shall constitute a separate offense.

23-4.03 Cross-Connection Control.

BGMU shall implement cross-connection control measures as specified in BGMU's "Policy on Cross-Connection Control". BGMU shall be authorized to install (or contract for installation) appropriate Cross-Connection Control devices as specified in the "Policy on Cross-Connection Control". These devices shall be approved by BGMU so as to prevent cross-connections that could contaminate the public water supply. The cost for all cross-connection control devices and their installation shall be borne by the owner and/or entity (customer) connected to the public water supply. BGMU shall administer the "Policy on Cross-Connection Control" according to the requirements of Kentucky Administrative Regulations 401KAR 8:020, and other regulations as may be appropriate.

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23-4.04 Installation, Maintenance and Inspection of Fire Hydrants.

a. The Water and Sewer Division is authorized and it shall be responsible for the proper installation, maintenance and inspection of all fire hydrants within its service area including all those presently existing and all those hereafter added by installation. As a part of its inspection responsibility, the Water and Sewer Division shall flush and flow test each fire hydrant and maintain records of the performance of each fire hydrant and also shall conduct all other tests and inspections required by the insurance service office and any State or Federal regulations.

b. The City may reimburse the Water and Sewer Division for its costs in performing its foregoing duties and installation, maintenance and inspection of said fire hydrants.

23-4.05 Fire Lines and Metering Policy.

The City of Bowling Green encourages the use of fire sprinklers/suppression systems in all commercial, industrial and multi-family residential buildings and facilities. Each facility served by a fire sprinkler system shall be required to have a backflow prevention device, as specified in Section 23-4.03. Each facility that is separately served with/by a fire line connection from a BGMU water main shall be equipped with a flow metering device as specified in BGMU's "Policy on Fire Line Connection and Metering". The cost for all backflow prevention and metering devices and their installation shall be borne by the entity (customer) connected to the public water supply.

23-4.06 Power of Authority of Inspectors.

a. The General Manager and other duly authorized employees of BGMU bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurements, sampling and testing in accordance with the provisions of this Chapter. The General Manager, or his representative, shall have the authority to inquire into any processes including fire suppression, metallurgical, chemical, oil, refining, ceramic, paper, medical facilities, nursing homes, mortuaries or other industries that could present a risk for cross-connections. While

(Ordinance No. BG2014 - 11)

performing the necessary work on private properties referred to in Sections 23-4.03 and 23-4.05 above, the General Manager or duly authorized employees of BGMU shall observe all safety rules established by the owner which are applicable to the premises.

b. The General Manager and other duly authorized employees of BGMU bearing proper credentials and identification shall be permitted to enter all private properties through which BGMU holds negotiated and/or prescriptive easements for the purposes of, but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the water system lying within the easement. All entry and subsequent work on the easement, if any, shall be done in full accordance with the terms of the duly negotiated and/or prescriptive easements pertaining to the private property involved.

23-4.07 Prohibitions and Limitations on use of the Public Potable Water System.

This Section establishes limitations and prohibitions on the access and use of the public potable water system. These limitations and prohibitions are required to meet standards established in the Safe Drinking Water Act, as well as to meet the requirements of Homeland Security. The specific prohibitions and limitations contained in this Section are subject to change when necessary to enable the General Manager to authorize efficient water treatment, protect the integrity of the water treatment plant and the potable water distribution system, and to protect the public health and environment.

The ultimate goal to be achieved by adherence to this Section is to protect the ability of the BGMU water treatment system to produce a safe and satisfactory public supply of water and deliver this water to its customers without violating any applicable State or Federal regulation.

a. No person shall maliciously, willfully, or negligently break, damage, uncover, deface or tamper with any structure, appurtenance or equipment, which is a part of the potable water treatment plant, the potable water distribution system or any attached portion of the system, including but not limited to: tanks, pumping stations, valves, meters and hydrants.

(Ordinance No. BG2014 - 11)

b. No person without the permission of the General Manager or Water/Wastewater Systems Manager shall be allowed onto the premises of the potable water treatment plant or on the grounds of any portion of the potable water distribution system.

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

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

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on May 20, 2014, and given final reading on June 3, 2014, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: June 3, 2014

APPROVED: Bruce Wilkinson
Mayor, Chairman of Board of Commissioners

ATTEST: Kate Shaolin
City Clerk

SPONSORED BY: Kevin D. DeFebbo, City Manager, 05/14/2014, 9:00 a.m.

To: City Commissioners
Bruce Wilkerson, Mayor
Joe Denning
Melinda Hill
Bill Waltrip
Rick Williams
City Management
Kevin DeFebbo, City Manager
Gene Harmon
Katie Schaller
From: Mark Iverson, General Manager *Mi*
Date: May 15, 2014
RE: Proposed changes to Chapter 23

For your consideration, please find attached changes to Chapter 23 of the Code of Ordinances that were presented to and approved by the BGMU Board of Directors. They are seeking the Commission's approval for these changes.

The proposed changes can be summarized as follows:

1. Creating a new sub-chapter (23-4) where all water-related ordinance provisions would "reside". To that end, existing language for fire hydrant installation, maintenance and inspection (currently at 23-2.23), and water shortage response (currently at 23-2.25) would move to this new sub-chapter. The water shortage response language is modified slightly, in response to our new water withdrawal permit with the Kentucky Division of Water, to allow rate "surcharges" for customers whose consumption in periods of drought exceed the 6-month average usage for their property.
2. Adding new enabling ordinance provisions for cross-connection control, fire lines and metering, powers of inspection, and prohibitions and limitations on use of the potable water system within this new "water" sub-chapter.
3. Modifications and additions to the sewer sub-chapter (23-3) whereby BGMU establishes a Fats, Oils and Grease (FOG) Management Policy – a more comprehensive approach to grease-control than currently allowed and administered. Not surprisingly, grease is a big problem for BGMU in particular, and the wastewater industry as a whole.
4. Miscellaneous corrections for consistency and clarification.

Most of what is presented for consideration is driven by regulations emanating from Federal law, more specifically The Safe Drinking Water Act and the Clean Water Act. These regulations are administered by the Kentucky Division of Water, with oversight by the US Environmental Protection Agency.

Thank you in advance for your consideration of these changes. Please feel free to contact us if you have any questions or concerns.