

ORDINANCE NO. 10, 2016 SERIES

AN ORDINANCE AMENDING FRANKFORT CODE OF ORDINANCES
CHAPTER 52, SECTION 52.48, DISCHARGES; SPECIAL REQUIREMENTS

BE IT ORDAINED BY THE CITY OF FRANKFORT, KENTUCKY, Frankfort Code of Ordinances Section 52.48 is hereby amended to read as follows:

§ 52.48 DISCHARGES; SPECIAL REQUIREMENTS.

(A) *Discharge of unpolluted waters into sewer.*

(1) No person(s) shall discharge or cause to be discharged through any leak, defect or connection any unpolluted waters such as storm water, ground water, roof runoff, subsurface drainage or cooling water to any sanitary sewer, building sewer, building drain or building plumbing. The Sewer Director or his or her 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 the water to the building sewer.

(2) The waters shall not be removed through the dual use of sanitary drain sump or a sump pump to building sanitary sewer.

(3) Discharge of the waters by a manual switch-over from sanitary sewer to storm drainage will not be an acceptable method of separation. In case both storm and sanitary sewage is present, separate drainage or pumping system shall be included.

(4) Stormwater, groundwater and all other unpolluted drainage may be discharged to the sewers as are used as storm sewers (combined sewers), if no separate storm sewer is available, and if approved by the Sewer Director, however no new combined sewers will be permitted. Any new construction which contributes storm inflow to an existing combined sewer must design the new construction to minimize or delay the inflow by means of retention ponds, holding tanks, metered detention ponds or other approved measures. Any new building connected to a combined sewer shall be constructed with separate domestic waste and inflow lines so that the inflow line can be disconnected if a separate storm sewer becomes available.

(5) The owner(s) of any building sewers having the connections, leaks or defects shall bear all costs incidental to removal of the sources.

(B) *Substances which interfere.* No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW.

(1) (a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to POTW or to the operation of POTW. At no time, shall a waste stream exhibit a closed cup flashpoint of less than 140°F (60°C) using the test methods specified in Title 40 C.F.R. Part 261.21.

(b) Prohibited materials or discharges include but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which have a closed cup flashpoint of 140°F (60°C) or less, and any substance which the city, the state or EPA has notified the user is a fire hazard or a hazard to the sanitary sewer system.

(2) Solid or viscous substances in quantities or of a size which may be capable of causing obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residue from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

(3) Any wastewater having a pH less than 6.0, or higher than 9.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the city.

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

(5) Any pollutants(s), which, either alone or by interaction with other substances, produce toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(6) Any substances which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act, any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the sludge management method being used.

(7) Any substance which will cause the POTW to violate its NPDES/KPDES permit, sludge disposal permit or the receiving water quality standards.

(8) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW that will result in a treatment plant influent temperature which exceeds 40°C (104°F).

(9) Any slug load or pollutants, including oxygen demanding pollutants, released at a flow or concentration that will cause interference with the POTW's operation.

(10) The discharge of petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through at the POTW.

(11) Any trucked or hauled pollutants, except at discharge points designated by the Sewer.

(C) Pollutant discharge limits.

(1) General conditions. The following described substances, materials, waters or waste shall be limited in discharge to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property or constitute a nuisance. The Sewer Director may set additional limitations or limitations more stringent than those established in the regulations below if, in his or her opinion, the more severe limitations are necessary to meet the above objectives. In forming his or her opinion as to the acceptability, the Sewer Director shall give consideration to the factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant and other pertinent factors.

(2) Dilution of wastewater discharge. 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 the city or the commonwealth.

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

(4) Special industrial pretreatment requirement.

(a) Pursuant to the requirements imposed on publicly owned wastewater treatment works by the Federal Water Pollution Control Act Amendments of 1972 and later amendments, all pretreatment standards promulgated by the U.S. EPA under Title 40 C.F.R. Sub. N and Title 40 C.F.R. Part 403 for new and existing industrial discharges to public sewer systems are hereby made a part of this subchapter. Any industrial waste discharge which violates these EPA pretreatment standards shall be in violation of this subchapter.

(b) Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his or her expense.

(c) Any person who transports septic tank contents, seepage pit or cesspool contents, liquid industrial waste or other batch liquid waste and wishes to discharge the waste to the public sewer system shall first obtain permission for the discharge from the Sewer Director. All persons receiving the permission shall abide by all applicable provisions of this subchapter and any other special provisions that may be established by the Sewer Director as necessary for the proper operation and maintenance of the sewerage system. Waste haulers who have been granted permission to discharge to the public sewer system shall pay fees for the discharge in accordance with a fee schedule established by the Sewer Director and approved by the city. It shall be illegal to discharge any batch liquid waste into any manhole or other part of the public sewer system, or any building sewer or other facility that discharges to the public sewer system, except at points of discharge designated by the Sewer Director for such purposes.

(d) Any liquid waste hauler illegally discharging to the public sewer system shall be subject to immediate revocation of discharge privileges, if granted, and further subject to the penalties and enforcement actions prescribed in § 52.53. Nothing in this subchapter shall relieve waste haulers of the responsibility for compliance with County Health Department, state or federal regulations.

(5) Protection from accidental and/or slug discharges.

(a) Each significant industrial user shall provide protection from accidental and/or slug discharges of prohibited materials or other substances regulated by this subchapter. Facilities to prevent accidental and slug discharges of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Once every two years, the Sewer Director will determine whether each significant industrial user needs to develop a plan to control slug discharges. If the Sewer Director decides that a slug control plan is needed, the plan shall contain the following:

1. Description of discharge practices;
2. Description of stored chemicals;
3. Procedures for notifying the POTW; and
4. Prevention procedures for spills.

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

(c) Within five days following an accidental and/or slug discharge, the user shall submit to the Sewer Director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. The 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 the notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article, the enforcement response plan or other applicable law or regulation.

(d) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer the dangerous discharges to occur are advised of the emergency notification procedures.

(6) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standard for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this subchapter for sources in the

subcategory, shall immediately supersede the limitations imposed under this subchapter. The city shall notify all affected users of the applicable reporting requirements under Title 40 C.F.R. Part 403.12.

(7) Restricted discharges. The following discharges in or to the city sewer system are prohibited.

(a) Wastewater containing more than 100 milligrams per liter of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin;

(b) Wastewater from industrial plants, commercial business or other nondomestic connections containing floatable oils, fat or grease, whether emulsified or not, in amounts that would not interfere or inhibit the biological treatment processes;

(c) Any garbage that has not been properly shredded (garbage grinders may be connected to sanitary sewers from homes, motels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers);

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interactions with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitations set forth in a federal pretreatment standard (a toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act);

(e) Any radioactive wastes or isotopes of a half-life or concentration as may exceed limits established by the Sewer Director in compliance with applicable state and/or federal regulations;

(f) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes;

(g) Any wastewater with objectionable color not removable in the POTW, but in no case, wastewater with a color at the introduction into the POTW that exceeds 300 ADMI units;

(h) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to the degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving stream of the POTW;

(i) Any water or waste which has characteristics based on a 24-hour composite sample, grab or a shorter period composite sample if more representative, which exceed the following normal maximum domestic wastewater parameter concentrations (discharges greater than these concentrations may be subject to penalties contained in the enforcement response plan for the city, in addition to surcharge);

<i>Parameter</i>	<i>Daily Maximum Allowable Concentration Without Surcharge (mg/l)</i>
BOD	200
TSS	200

(j) The city has received authority through U.S. EPA and state statutes to enforce the requirements of Title 40 C.F.R. Sub. N and Title 40 C.F.R. Part 403. All users shall comply with the requirements of those regulations as well as with all articles of this subchapter.

(k) Any waste or wastewater classified as a hazardous waste by the Resource Conservation and Recovery Act (RCRA) without, at least, a 60-day prior notification of the discharge to the Sewer Director of the POTW. This notification must include the names of the waste, EPA hazardous waste number, type of discharge, volume/mass of discharge and time of occurrence. The Sewer Director may deny or condition this discharge at any time.

(l) The following limitations are established for characteristics of any wastewater to be discharged into the municipal sewer system.

<i>Max. Daily Concentration (mg/l)</i>	<i>Parameter</i>
0.70 1.21	Arsenic
0.11 0.06	Cadmium
2.50	Total Chromium
0.22 1.53	Copper
1.00 0.84	Lead
0.005	Mercury
0.68 1.02	Nickel
0.77 0.42	Silver
1.00 1.62	Zinc
0.89 0.79	Cyanide
0.003	PCB s
<u>0.95</u>	<u>Chromium, Hexavalent</u>
<u>0.79</u>	<u>Cyanide</u>

1.29	<u>Molybdenum</u>
0.48	<u>Selenium</u>
100.00	Oil and grease
less than 6.0 or greater than 9.0	pH

(8) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this subchapter.

(9) City's right of revision. The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in this chapter.

(10) Written notice. Within five days following an accidental discharge, the user shall submit to the city a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. The 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 notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.

(11) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer a dangerous discharge to occur are advised of the emergency notification procedure.

First Reading on the 20 day of June, 2016.
Final adoption on the 25 day of July, 2016.

S/William I. May, Jr.
T/Mayor

Attest:

S/Chermie Maxwell
T/City Clerk

SUMMARY:

The Kentucky Division of Water reviewed the re-evaluation of the local limits for the City of Frankfort's industrial pretreatment program. The revisions proposed to the local limits based upon the evaluation and the Division of Water review have been determined to provide adequate protection of water quality, wastewater treatment plant operations, and sludge quality. Accordingly, the revised local limits were approved by the Division of Water and are required to be adopted for use by the City of Frankfort Sewer Department.

S/ Robert C. Moore
T/City Solicitor

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