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September 13, 2019

Ms. Gwen R. Pinson, Esq.
Executive Director
Kentucky Public Service Commission
P.O. Box 615
Frankfort, KY 40602-0615

Re: *McCreary County Water District – Revisions to Sewer Service Tariff*

Dear Ms. Pinson:

McCreary County Water District (“McCreary District”) gives notice of proposed revisions to its Rules and Regulations pertaining to sewer service. The proposed revisions are enclosed.

McCreary District recently submitted revised Rules and Regulations pertaining to sewer service, which the Commission permitted to take effect on August 29, 2019.¹ On August 16, 2019, one week after the submission of its revised Rules and Regulations, the Public Service Commission Staff held a conference at the Public Service Commission’s offices with representatives of McCreary District and the Kentucky Division of Water (“KDOW”). At this conference, KDOW’s representatives stated that revised Rules and Regulations did not fully reflect the rules and regulations submitted to KDOW as part of McCreary District’s request for approval of its Pretreatment Program. KDOW’s representatives indicated that McCreary District should revise its proposed Rules and Recommendation to more closely conform to the rules and regulations submitted to KDOW and its failure to do might affect the validity of McCreary District’s current KPDES permit. Although McCreary District originally intended only to adopt and incorporate into its Public Service Commission sewer tariff those rules related to McCreary District’s Pretreatment Program, McCreary District subsequently determined that such action would create several conflicts and inconsistencies and make the Rules and Regulations difficult to administer. Accordingly, McCreary District has revised its Rules and Regulations to closely conform as closely as legally possible to its filing with KDOW.²

McCreary District proposes to replace Original Sheets 3 through 48 of its current tariff with Original Sheet 2.1 through Original Sheet 49, a total of 63 sheets. McCreary District further proposes to add three appendices to its sewer tariff. These appendices contain its

¹ TFS 2019-00447.

² McCreary District has submitted as part of this tariff filing its submission to KDOW for approval of its Pretreatment Program.

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Page 2

Pretreatment Enforcement Response Plan, an Industrial User Permit Application, and an Industrial User Permit.

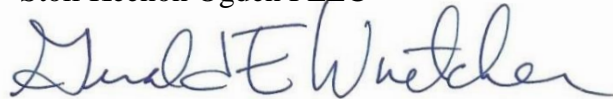
Pursuant to 807 KAR 5:011, Section 11, notice of the proposed tariff revisions was published in *McCreary County Voice* on September 12, 2019 and will be published in the next two consecutive editions of that publication. A copy of the notice has also been posted to McCreary District's website. A copy of the notice is enclosed.

McCreary District proposes that the proposed versions become effective on October 3, 2019, or twenty days from the date of their submission. KRS 278.180 requires that a utility provide the Public Service Commission with notice of any change in its rate schedules at least thirty (30) days prior to its proposed effective date, but permits the Commission to shorten the notice period to twenty (20) days upon a showing of good cause. As the proposed revisions are necessary to maintain its KDEPS permit and avoid any adverse administrative action from KDOW, good cause exists for the shorten notice period.

Please contact me if Commission Staff has any questions regarding the proposed revisions or if additional information is required.

Very truly yours,

Stoll Keenon Ogden PLLC



Gerald E. Wuetcher

GEW

Enclosures

1. Revised Tariff Sheets
2. Notice of Filing
3. McCreary County Water District's Pretreatment Application

AREA McCreary County, Kentucky

PSC KY NO. 2

Original SHEET NO. 2.1

McCreary County Water District

CANCELLING PSC KY NO. _____

_____ SHEET NO. _____

RULES AND REGULATIONS

Purpose and Policy

These Rules and Regulations set forth uniform requirements for Users of the wastewater collection and treatment system for McCreary County Water District (“the District”) and enables the District to comply with all applicable State and Federal laws required by the Clean Water Act (33 USC 1251 *et seq.*) and the General Pretreatment Regulations (40 CFR Part 403) and 401 KAR 5:055.

The objectives of these Rules and Regulations are:

1. To prevent the introduction of pollutants into the District’s wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
2. To prevent the introduction of pollutants into the District’s wastewater system which will pass through the system, inadequately treated into receiving waters so as to cause violations of the McCreary County Water District’s Kentucky Pollutant Discharge Elimination System (KPDES) permit or the atmosphere or otherwise be incompatible with the system;
3. To promote the reuse, recycling and reclamation of wastewaters and sludges from the treatment system;
4. To protect the District personnel who may be affected by sewage, sludge and/or effluent in the course of their employment as well as protecting the general public;
5. To ensure that the District complies with its KPDES permit conditions, sludge permit conditions, including use and disposal requirements, and any other federal or state environmental laws to which the District wastewater system is subject; and,
6. To reduce or eliminate inflow and infiltration of groundwater into the collection system.

These Rules regulate the direct and indirect contribution to the District’s wastewater system through the issuance of permits to certain non-domestic Users and through enforcement of general requirements for other Users, authorizes monitoring and enforcement activities, and requires User reporting.



DATE OF ISSUE September 13, 2019

MONTH / DATE / YEAR

DATE EFFECTIVE October 3, 2019

MONTH / DATE / YEAR

ISSUED BY /s/Randy Kidd

SIGNATURE OF OFFICER

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE

COMMISSION IN CASE NO. _____ DATED _____

AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 3

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 3

RULES AND REGULATIONS

Definitions

“Act” means the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.

“Authorized or Duly Authorized Representative of the User” means

(1) If the User is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the District.



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BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE

COMMISSION IN CASE NO. _____ DATED _____

AREA McCreary County, Kentucky

PSC KY NO. 2

Original SHEET NO. 3.1

McCreary County Water District

CANCELLING PSC KY NO. _____

1 SHEET NO. _____

RULES AND REGULATIONS

“Baseline Monitoring Report” (BMR) means a report submitted by categorical industrial Users within 180 days after the effective date of a categorical pretreatment standard which indicates the compliance status of the User with the applicable categorical standard.

“Best Management Practices” (BMP) means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to implement the prohibitions listed in 40 CFR § 403.5(a)(1) and (b) and includes treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw materials storage.

“Biochemical Oxygen Demand” (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° Celsius expressed in terms of weight and concentration in milligrams per liter (mg/l).

“Building Drain” means that part of the lowest horizontal piping of a drainage system that receives the discharge from inside the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

“Building Sewer” means the extension from the building drain to the District’s sewer.

“Cabinet” means the Kentucky Energy and Environment Cabinet or its authorized representative.

“Categorical Industrial User” means an industrial User subject to categorical pretreatment standards.

“Categorical Pretreatment Standards” means any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with Section 307 (b) and (c) of the Act that applies to a specific category of industrial Users.

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BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE

COMMISSION IN CASE NO. _____ DATED _____

AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 4

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 4

RULES AND REGULATIONS

“Combined Sewer” means any conduit designed to carry both sanitary sewage and storm water or surface water.

“Combined Wastestream Formula” means the procedure for calculating alternative discharge limits at industrial facilities where a regulated wastestream is combined with other non-regulated wastestreams prior to treatment (40 CFR § 403.6).

“Compatible Pollutant” means BOD or chemical oxygen demand, suspended solids and fecal coliform bacteria; plus any additional pollutants identified in the District’s NPDES/KPDES permit, where the District’s sewer works are designed and used to treat such pollutants to ensure compliance with the District’s NPDES/KPDES permit.

“Cooling Water” means the water discharge from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

“Daily Maximum Limit” means the maximum allowable value for any single sampling observation in a given day.

“Direct Discharge” means the discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Kentucky.

“Discharger” means any person who discharges or causes a discharge to the District’s sewers.

“District” means McCreary County Water District.

“District’s Treatment Plant” means that portion of the District’s treatment works designed to provide treatment to wastewater.

“District’s Treatment Works” means a treatment works as defined by 33 U.S.C. § 1292 that the District owns, and includes any sewers that convey wastewater to the District’s treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment.

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AREA McCreary County, Kentucky

PSC KY NO. 2

Original SHEET NO. 4.1

McCreary County Water District

CANCELLING PSC KY NO. _____

1 SHEET NO. _____

RULES AND REGULATIONS

“Domestic Wastewater” means the water-carried wastes produced from non-commercial or non-industrial activities and which result from normal human living processes.

“Effluent” means the liquid overflow of any facility designed to treat, convey or retain wastewater.

“Environmental Protection Agency” or EPA means the U.S. Environmental Protection Agency (T)
or, where appropriate, the Regional Water Management Division Director, the Regional (T)
Administrator, or other duly authorized official of said agency. (T)

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AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 5

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 5

RULES AND REGULATIONS

“Equipment” means all movable, non-fixed items necessary to the wastewater treatment process.

“Existing Source” means any source of discharge that is not a New Source.

“Flow Proportional Composite Sample” means combination of individual samples proportional to the flow of the wastestream at the time of sampling.

“Garbage” means the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

“Grab Sample” means a sample which is taken from a wastestream on a one-time basis with no regard to the flow of the wastestream and over a period not to exceed fifteen (15) minutes. (T)

“Holding Tank Waste” means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

“Incompatible Pollutant” means all pollutants other than compatible pollutants.

“Indirect Discharge” means the discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act, including holding tank waste, discharged into the District’s system.

“Industrial User” (IU) means a source of Indirect Discharge that does not constitute a “discharge of pollutants” under regulations issued pursuant to Section 402 of the Act.

“Industrial User Permit” means a permit issued to industrial Users which authorizes discharges to the District’s sewers.

“Industrial Wastes” means the wastewater from industrial or commercial processes as distinct from domestic or sanitary wastes.

“Interceptor. A device designed and installed to separate and retain deleterious, hazardous or undesirable matter from normal wastes which permits normal sewage or liquid wastes to discharge into the sewer or drainage system by gravity. Interceptor as defined herein is commonly referred to as a grease, oil, or sand trap. (T)

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COMMISSION IN CASE NO. _____ DATED _____

AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 6

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 6

RULES AND REGULATIONS

“Interference” means a discharge which, alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the District’s sewage works, its treatment processes or operations, or its sludge processes, use or disposal; or is a cause of a violation of any requirement of the District’s NPDES/KPDES permit including an increase in the magnitude or duration of a violation or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act. (T)

“Kentucky Pollutant Discharge Elimination System Permit” means a permit issued by the Commonwealth of Kentucky under Section 402 of the Act. (T)

“Local Limit(s)” means specific discharge limit(s) developed and enforced by the District upon industrial and commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR § 403.5(a)(1) and (b). (T)

“Medical Waste” means isolation waste, infectious agents, human blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes. (T)

“Monthly Average Limit” means the maximum allowable value for the average of all observations obtained during one month. (T)

“National Categorical Pretreatment Standard or Pretreatment Standard” means any Environmental Protection Agency regulation containing pollutant discharge limits applicable to a specific category of industrial Users and promulgated in accordance with Section 307(b) and (c) of the Act and includes the prohibitive discharge limits established pursuant to 40 CFR § 403.5. (T)

“National Pollutant Discharge Elimination System Permit” means a permit issued pursuant to (T)

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COMMISSION IN CASE NO. _____ DATED _____

AREA McCreary County, Kentucky

PSC KY NO. 2

Original SHEET NO. 6.1

McCreary County Water District

CANCELLING PSC KY NO. _____

1 SHEET NO. _____

RULES AND REGULATIONS

Section 402 of the Act.

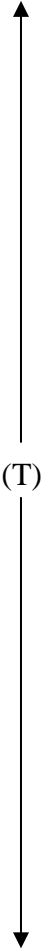
“Natural Outlet” means any outlet, including storm sewers, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

“New Source” means

(1) Any building, structure, facility, or installation from which there is or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

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

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has (a) Begun, or caused to begin, as part of a continuous onsite construction program (i) any placement, assembly, or installation of facilities or equipment; or (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a



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BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE

COMMISSION IN CASE NO. _____ DATED _____

AREA McCreary County, Kentucky

PSC KY NO. 2

Original SHEET NO. 6.2

McCreary County Water District

CANCELLING PSC KY NO. _____

1 SHEET NO. _____

RULES AND REGULATIONS

reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

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AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 7

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 7

RULES AND REGULATIONS

“Ninety (90) day compliance report” means the report required by 40 CFR § 403.12(d) from a categorical industrial User within 90 days following the date for final compliance with applicable categorical standards that documents and certifies the compliance status of the User.

“Noncontact Cooling Water” means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product.

“Pass Through” means a discharge of pollutant which the District’s facilities cannot treat adequately, and therefore exits into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the District’s NPDES/KPDES permit (including an increase in the magnitude or duration of a violation).”

“Periodic Compliance Report” means the report on compliance status that 40 CFR § 403.12(e) requires significant industrial Users to submit at least semiannually to the District.

“Person” means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns and includes all Federal, State, and local governmental entities. (T)
(T)
(T)
(T)

“pH” means a measure of the acidity or alkalinity of a substance, expressed in standard units, and calculated as the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

“pH Violation” means (1) for Users that utilize a continuous pH monitoring system to determine compliance with the pH limitations established under these Rules and Regulations, when a continuous excursion from the range of pH limitations exceeds 15 minutes, provided that the total time during which the pH value was outside the required range of pH limitations does not exceed seven (7) hours and twenty-six (26) minutes in any calendar month or (2) for Users that do not utilize a continuous pH monitoring system to determine compliance with the pH limitations established under these Rules and Regulations, when a grab sample of the final effluent stream indicates that the pH of the wastewater sample was outside the pH limitation range established under these Rules and Regulations

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TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE

COMMISSION IN CASE NO. _____ DATED _____

AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 8

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 8

RULES AND REGULATIONS

“Pollutant” means that any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, medical waste, munitions, chemical, biological material, radioactive material, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, District and agricultural waste discharged into water.

“Pretreatment or Treatment” means the reduction by any means except those prohibited by 40 CFR § 403.6(d) of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the District’s treatment works.

“Pretreatment Requirements” means any substantive or procedural requirement, other than a Pretreatment Standard, related to pretreatment imposed on a User.

“Pretreatment Standards” means prohibited discharge standards, categorical standards, best management practices and local limits.

“Process Wastewater”. Means any water which, during manufacturing or processing, comes into direct contact with or results from the production of or use of any raw material, intermediate product, finished product, by-product, or waste product.

“Production-based Standard” means a discharge limitation expressed in terms of allowable pollutant mass discharge rate per unit of production and applied directly to an industrial User’s manufacturing process.

“Prohibitive Discharge Standard” means any regulation developed under the authority of 307(b) of the Act and 40 CFR § 403.5.

“Properly Shredded Garbage” means the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

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AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 9

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 9

RULES AND REGULATIONS

“Public Sewer” means a common sewer that the District control and includes the main sewer in the street and the service branch to the curb or property line, or a main sewer on private property and the service branch to the extent of the District’s ownership. Nothing in this definition shall expand the District’s current policy of maintenance of service branches.

“Publicly Owned Treatment Works” or “POTW” means a treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the District and includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant and further includes any sewers that convey wastewaters to the District’s treatment works from persons outside of the District’s territory that are Users of the District’s treatment works by agreement. (T)
(T)
(T)
(T)
(T)
(T)
(T)

“Regulated Wastestream” means an industrial process wastestream regulated by a National Categorical Pretreatment Standard.

“Sanitary Sewer” means a sewer that carries liquid and water-carried wastes from residences, commercial buildings industrial plants, and institutions.

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

“Sewer System” means all facilities used for collecting, transporting, pumping, treating and disposing of sewage and sludge.

“Sewer” means a pipe or conduit that carries wastewater or drainage water.

“Significant Industrial User” means (1) all industrial Users subject to Categorical Pretreatment Standards under 40 CFR § 403.6 and 40 CFR Chapter I, Subchapter N; and (B) any noncategorical User that (i) discharges 10,000 gallons per day or more of process wastewater (“process wastewater” excludes sanitary noncontact cooling, and boiler blowdown wastewaters) or (ii) contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant or (iii) has a

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COMMISSION IN CASE NO. _____ DATED _____

AREA McCreary County, Kentucky

PSC KY NO. 2

Original SHEET NO. 9.1

McCreary County Water District

CANCELLING PSC KY NO. _____

1 SHEET NO. _____

RULES AND REGULATIONS

reasonable potential, in the District's or Cabinet's opinion, to adversely affect the District's treatment plant (inhibition, pass through of pollutants, sludge contamination or endangerment of the District's treatment works workers).

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AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 10

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 10

RULES AND REGULATIONS

“Slug Discharge” means. Any discharge of a non-routine episodic nature including, but not limited to, an accidental spill or non-customary batch discharge or any discharge of water or wastewater in which the concentration of any given constituent or quantity of flow exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow rate during normal operation which adversely affects the District’s treatment works or which has a reasonable potential to cause interference or pass-through or in any other way violate the District’s regulations, Local Limits or permit conditions.

“Slug Load” means any pollutant (including Biochemical Oxygen Demand) released in a discharge at a flow rate or concentration which will cause interference with the operation of the treatment works or which exceeds limits set forth in the Industry’s Discharge Permit and which include accidental spills.

“Spill Prevention and Control Plan” means a plan prepared by an industrial User to minimize the likelihood of a spill and to expedite control and cleanup activities should a spill occur.

“Split Sample” means the portion of a collected sample given to the industry or to another agency to verify or compare laboratory results.

“Standard Methods” means the examination and analytical procedures set forth in the recent editions of “Standard Methods for the Examination of Water and Wastewater,” published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation and as set forth in 40 CFR Part 136.

(T)

“State” means Commonwealth of Kentucky.

“Storm Drain or Sewer” means a drain or sewer for conveying water, groundwater, surface water, or unpolluted water from any source.

“Storm Water” means any flow occurring during or following any form of natural precipitation and resulting there from.

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AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 11

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 11

RULES AND REGULATIONS

“Surcharge” means a charge for services in addition to the basic sewer User and debt service charges, for those Users whose contributions contain Biochemical Oxygen Demand (BOD5), Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), Oil & Grease or Ammonia-nitrogen (NH3-N) in concentrations which exceed limits specified herein for such pollutants. Where authorized by the District, payment of a surcharge will authorize the discharge of the referenced pollutants so long as the discharge does not cause pass through or interference.

“Suspended Solids” (TSS) means total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids and that is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater.”

“Time Proportional Composite Sample” means a combination of individual samples with fixed volumes taken at specific time intervals.

“Toxic Organic Management Plan” means a written plan submitted by industrial Users as an alternative to TTO monitoring, which specifies the toxic organic compounds used, the method of disposal used and procedures for assuring that toxic organics do not routinely spill or leak into wastewater discharged to the POTW.

“Toxic Pollutant” means any pollutant or combination of pollutants listed in 40 CFR § 401.15.

“Unpolluted Water” means water of quality equal to or better than the treatment works effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities.

“Unregulated Wastestream” means a wastestream that is not regulated by National Categorical Pretreatment Standards.

“User” means any person that contributes, causes or permits the contribution of wastewater into the District’s sewers or sewage works. (T)

“Wastewater” means the liquid and water-carried wastes from residences, commercial buildings, industrial facilities, mobile sources, treatment facilities and institutions, whether treated or untreated, which are contributed into the District’s wastewater facilities.

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SIGNATURE OF OFFICER

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE
COMMISSION IN CASE NO. _____ DATED _____

AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 12

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 12

RULES AND REGULATIONS

Abbreviations

The following abbreviations shall have the designated meaning:

ASTM	-	American Society for Testing and Materials	
BOD	-	Biochemical Oxygen Demand	(T)
BMR	-	Baseline Monitoring Report	
BOD	-	Biochemical Oxygen Demand	
CFR	-	<i>Code of Federal Regulations</i>	(T)
CIU	-	Categorical Industrial User	
COD	-	Chemical Oxygen Demand	(T)
EPA	-	Environmental Protection Agency	
Gpd	-	gallons per day	(T)
KPDES	-	Kentucky Pollutant Discharge Elimination System	
mg/l	-	Milligrams per liter	
NPDES	-	National Pollutant Discharge Elimination System	
POTW	-	Publicly Owned Treatment Works	
RCRA	-	Resource Conservation and Recovery Act	
SIC	-	Standard Industrial Classification	(T)
SIU	-	Significant Industrial User	
TSS	-	Total Suspended Solids	
TTO	-	Total Toxic Organics	
U.S.C.	-	United States Code	(T)

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PSC KY NO. 2

1st Revised SHEET NO. 13

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 13

RULES AND REGULATIONS

General Service Provisions

1. No customer or User shall discharge any wastewater or other polluted waters into any storm sewer that the District owns, operates or manages except where suitable treatment or management has been provided in accordance with these Rules and Regulations. These Rules and Regulations do not relieve the owner of a discharge to any natural outlet of responsibility for complying with applicable State and Federal Regulations governing such discharge.

2. No User or customer shall discharge any wastewater into the District's sewer system except as authorized by the District in accordance with these Rules and Regulations. The discharge of any wastewater into the District's sewer system by any customer or User shall comply with these Rules and Regulations, and all applicable federal or state law or regulations.

3. No customer or User shall discharge or cause to be discharged, through any leak, defect, or connection any unpolluted waters such as storm water, groundwater, roof runoff or subsurface drainage to any sanitary sewer, building sewer, building drain or building plumbing. The District may at any reasonable time 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 such pipes carrying such water to the building sewer. No sanitary drain sump or sump pump discharge by manual switchover of discharge connection shall have a dual use for removal of such water. The customer or User having such connections, leaks, or defects shall bear all costs incidental to removal of such sources.

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1st Revised SHEET NO. 14

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 14

RULES AND REGULATIONS

Building Sewers and Connections

A. Permits

1. No person shall connect any sewer line or other appurtenances necessary to convey any discharge to the District's facilities without prior submission of its plans to the District and obtaining a building sewer permit from the District. (T)
2. There are two (2) classes of building sewer permits: (a) residential building permit and (b) commercial/industrial building permit. A residential permit shall be issued only to structures that are used or to be used primarily for residential purposes. All other structures must obtain a commercial/industrial permit.
3. The owner of structure shall apply for a permit on a form the District shall furnish. Applicants for service to commercial and industrial establishments shall furnish information about all waste producing activities, wastewater characteristics and constituents. The District may require an applicant for a building permit to supplement its application with any additional information the District deems relevant. Permit and inspection fees shall be assessed by and paid to the District when the application is filed.
4. A User shall promptly notify the District in advance of any introduction of wastewater constituents, a slug and/or accidental discharge or any substantial change in the volume or character of the wastewater constituents being introduced into the District's treatment works. The District may deny or place conditions on any new introduction or change in discharge or deny any slug/accidental discharge based on the information submitted in the notification.
5. No person(s) shall uncover, plug or make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining the District's permission.

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McCreary County Water District

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RULES AND REGULATIONS

B. Prohibited Connections

1. No person shall make connection of roof downspouts, basement wall seepage or floor seepage, exterior foundation drains, areaway drains, or other surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the District's sanitary sewers. Any such connections that already exist on the effective date of these Rules and Regulations shall be completely and permanently disconnected within sixty (60) days of their effective date of these Rules and Regulations. The owner(s) of any building sewers having such connections, leaks or defects shall bear all costs incidental to removal of such sources. Pipes, sumps, and pumps for such sources of ground and surface water shall be separate from wastewater facilities. Removal of such sources of water without presence of separate facilities shall be evidence of drainage to the District's sanitary sewer. Connections are subject to inspection by the District to verify compliance. The District at its discretion or at the time of connection/reconnection may perform periodic inspections.

2. Floor, basement, or crawl space drains that are lower than ground surfaces surrounding the building shall not be connected to the building sanitary sewer. No sanitary inlet that is lower than six (6) inches above the top of the lowest of the two adjacent public sanitary sewer manholes shall be connected by direct drainage to the building sanitary sewer. Building sanitary sewer connections in structures not meeting this criteria will be permitted only if the property owner has:

a. Installed an individual pumping facility at the structure to receive the building sewage. The pumping facility shall include a discharge pipe with a high point which meets the criteria above; or,

b. Installed a minimum of two (2) sewer backflow stops or flaps at least twelve (12) inches apart of such nature and design to provide gravity flow to the sanitary sewer system and to prevent sewage backflow into the property improvement.

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McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 16

RULES AND REGULATIONS

C. Design and Installation

1. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway. The sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the District does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.
2. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the District, to meet all requirements of these Rules and Regulations. Permit and inspection fees for new buildings using existing building sewers shall be the same as for new building sewers.
3. Extension of customer service lines from any point on the customer's side of the tap for delivery of waste from any location other than that of the customer in whose name the tap is registered is prohibited.
4. The building sewer shall meet all requirements of the state plumbing code and shall be cast iron soil pipe, ASTM A-74, latest revision; polyvinyl chloride sewer pipe, ASTM C-700, latest revision; or ductile iron pipe, AWWA specification C-151 cement lined. Joints shall be as set out hereinafter. Any part of the building sewer that is located within five feet of a water service pipe shall be constructed with cast iron soil pipe or ductile iron pipe, unless the building sewer is at least one foot deeper in the ground than the water service line. The District may require the use of cast iron soil pipe or ductile iron pipe if the building sewer is exposed to damage or stoppage by tree roots. Cast iron soil pipe or ductile iron pipe shall be used in filled or unstable ground, in areas where the cover over the building sewer is less than three feet, or in areas where the sewer is subject to vehicular or other external loads.

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5. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall conform to the requirements of the local and state building and plumbing codes and the District's rules and regulations. Manholes may be required at all commercial and industrial connections to the District sewer system. The owner of the facility shall be responsible for all costs associated with installation of the manhole(s). (T)

6. The owner shall bear all costs and expenses incidental to the installation and connection of the building sewer and shall indemnify the District for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

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

8. In any building in which any sanitary facility drain is too low to permit gravity flow to the District's sewer, sanitary sewage carried by such drain shall be lifted by an approved means and discharged to the same building sewer. Drain pipe and sump for collection of such sanitary drainage shall be above basement floor or in separately watertight or drained sump or channel and must be inspected and approved by the District prior to connection to the system.

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9. The building sewer shall be connected into the District’s sewer at the easement or property line. Where no property located service branch is available, the District’s authorized agent shall cut a neat hole into the main line of the public sewer and a suitable wye or tee saddle installed to receive the building sewer. The invert of the building sewer at such point of connection with a saddle shall be in the upper quadrant of the main line of the District’s sewer. A neat workmanlike connection, not extending past the inner surface of the District’s sewer, shall be made and the saddle made secure and watertight by encasement in epoxy cement specially prepared for this purpose. A wye and H bend fitting shall be installed at the property line between the District’s sewer and the building sewer. This fitting shall serve the purpose of a cleanout and for applying the smoke test during inspection of the line. After testing, a cast iron or ductile iron riser will be inserted in this fitting and brought flush with the ground surface. A stopper or plug, outfitted with a type joint applicable to the pipe used, shall seal this riser against the intrusion of ground or surface water.

10. All building sanitary sewer lines will be installed to meet or exceed the most current version of the State Plumbing Code. (T)

11. All persons working on District sewers with a cleaning rod must use an approved type rod in cleaning sewer connections to District sewers.

D. Inspection

1. An applicant for the building sewer permit shall notify the District when the building sewer is ready for connection to the District’s sewer. The connection shall be made by District personnel or other authorized representative of the District. The connections shall be made gastight and watertight and verified by proper testing.

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2. All building sewers shall be smoke tested through the wye branch at the District sewer connection, with the District sewer tightly plugged off, after connections at both ends are made and after all pipe is properly bedded and backfilled at least to top of pipe. If backfill has been completed, the smoke test shall be performed within two weeks of completion of backfill. At time of test, any openings into the building drain inside the building shall be water trapped or plugged. Any leakage of smoke from building sewer or building drain and plumbing shall be located at test and repaired to stand repetition of smoke test without leakage. Tests shall be performed at the expense of the property owner in the presence of the authorized District personnel. When smoke testing is completed, the temporary flow line plug shall be removed and a permanent watertight plug shall be placed in branch of test wye-branch and carefully backfilled by hand and tamped to at least six inches above the top of the branch. (T)

Pollutant Discharge Limits

A. General Conditions

The following described substances, materials, waters or wastes shall be limited in discharges to the District's system to concentration or quantities that will not harm the sewers, wastewater treatment process or equipment; will maintain and protect water quality in the receiving stream; and will not otherwise endanger lives, limb, public property, or constitute a nuisance. The District may establish additional or more stringent if such limits are necessary. In determining the acceptability of a discharge, the District shall give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and any other pertinent factor. (T)

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AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 20

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 20

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B. Prohibited Discharges

No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with performance of the POTW. These general prohibitions apply to all Users of the POTW regardless of whether the User is subject to National Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements. (T)

A User shall not contribute the following substances to the POTW: (T)

1. 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 the POTW or to the operation of the District's treatment works. At no time shall the wastewater exhibit a closed cup flashpoint of less than 140°F or 60°C using the test methods specified in 40 CFR § 261.21. (T)

2. Any waters or wastes having a pH lower than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the District's treatment works.

3. Any slug load of pollutants, including oxygen-demanding pollutants (BOD, etc.), released at a flow rate and/or concentration, either individually or by interaction with other pollutants, that will cause interference with the normal operation of the POTW. (T)

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities (e.g., flushable wipes, wood, glass, ashes, unshredded garbage, cinders, paper products of any kind, and milk containers).

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5. Any wastewater having a temperature leaving a facility that exceeds 100°F or that will inhibit biological activity in the POTW treatment plant resulting in interference, and 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). (T)

6. Any pollutant that results in the presence of toxic gases, vapors or fumes within the treatment works in a quantity that may cause acute worker health and safety problems.

7. Any substance that may cause the POTW's effluent or any other product of POTW, such as residues, sludges, or scum, to be unsuitable for reclamation and reuse or to interfere with any reclamation process if the POTW is pursuing a reuse and reclamation program. In no case shall a discharged substance cause the POTW to be in non-compliance 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 District's sludge management method. (T)

8. Any substance which will cause the POTW to violate its NPDES/KPDES Permit and/or sludge disposal system permit.

9. Any trucked or hauled pollutants except at designated discharge points. (T)

10. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the District in compliance with applicable State and Federal regulations.

C. Restricted Discharges

1. Wastewater containing more than 25 milligrams per liter (25 mg/l) of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.

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AREA McCreary County, Kentucky

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2. Wastewater containing floatable oils, fat, or grease, whether emulsified or not, in excess of one hundred milligrams per liter (100 mg/l) or containing substances which may solidify or become viscous at temperatures 32°-150° (0°-65°C).
3. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, motels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
4. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, that injures or interferes with any wastewater treatment process; constitutes a hazard to humans or animals, causes the District to violate the terms of its KPDES permit; prevents the use of acceptable sludge disposal methods; or exceeds a limitation set forth in a Categorical Pretreatment Standard.
5. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water and unpolluted industrial wastewater, unless specifically authorized by the District.
6. Any water or wastes that by interaction with other water or wastes in the District's sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
7. Any wastewater with objectionable color which cannot be removed to an acceptable level within the operation of the wastewater treatment process unless otherwise specifically noted in the Industrial User Permit.
8. Any medical wastes, except as specifically authorized by the District in an Industrial User Permit.

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9. Any wastes containing detergents, surface active agents or other substances which will cause excessive foaming in the District's sewer system.

10. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed to the extent required by the District's NPDES/KPDES permit.

11. Any waste or wastewater classified as a hazardous waste by the RCRA without a 60-day prior notification of such discharge to the District. This notification must include the name of the hazardous waste, the EPA hazardous waste number, type of discharge, volume/mass of discharge and time of occurrence(s). The District may prohibit or place conditions on the discharge(s) at any time. (T)

12. Any water or waste that has characteristics based on a 24-hour composite sample, grab or a shorter period composite sample, if more representative, that exceed the following normal maximum domestic wastewater pollutant concentrations: (T)

<u>Parameter</u>	<u>Maximum Allowable Concentration Without Surcharges</u>
BOD	300 mg/l
TSS	300 mg/l
NH3-N	25 mg/l
Oil & Grease (total)	100 mg/l

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

Any other amenable constituents requiring the addition of specific chemicals for proper treatment will also be subject to surcharge as noted on the Industrial User Permit. Exceedance of the effluent limits specified above shall not be deemed to constitute a violation of a permit condition or these Rules and Regulations if the appropriated surcharge fee is paid and the discharge does not cause interference or pass through of the POTW. (T)

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Original SHEET NO. 24

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13. The following discharge limitations are established for characteristics of any wastewaters to be discharged into the District's sewer system subject to any compliance schedule established by the District. Significant industrial Users (SIUs) must comply with these limitations if they are more stringent than applicable State or Federal regulations. In accordance with 40 CFR Part 403, these limitations are considered pretreatment standards equivalent to the Federal limitations established in 40 CFR Subchapter N. (T)

<u>Parameter</u>	<u>Maximum Daily Concentration (mg/l)</u>
Arsenic	0.15
Antimony	0.09
Cadmium	0.03
Chromium, Total	1.83
Chromium, Hexavalent	0.75
Copper	0.53
Cyanide, Amenable	0.12
Lead	0.10
Mercury	0.001
Molybdenum	6.94
Nickel	0.88
Selenium	0.08
Silver	0.13
Zinc	0.67

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14. The District reserves the right to establish limitations and requirements that are more stringent than those required above or by State or Federal regulations. (T)

15. All Users shall comply with the effluent guidelines and standards set forth in 40 CFR Subchapter N and the general pretreatment regulations set forth in 40 CFR Part 403.

D. Dilution of Wastewater Discharge

No User shall increase the use of process water or attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Categorical Pretreatment Standards, or in any pollutant specific limitation developed by the District or the Cabinet. (T)

E. Grease, Oil, and Sand Interceptor

Grease, oil, and sand interceptors shall be provided when the District determines they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptor shall not be required for private living quarters or dwelling units. All service stations and restaurants shall use such interceptors. All interceptors shall be of type and capacity approved by the District and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) and Users 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 District may require reporting of such information for its review. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by a currently licensed waste disposal firm. Interceptors shall also comply with applicable regulations of the McCreary County Health Department. (T)

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Original SHEET NO. 26

RULES AND REGULATIONS

F. Special Industrial Pretreatment Requirements

1. All Pretreatment Standards promulgated by the U.S. Environmental Protection Agency for new and existing industrial dischargers to public sewer systems are incorporated by reference into these Rules and Regulations. Any industrial waste discharge that violates these EPA Pretreatment Standards shall be in violation of these Rules and Regulations.

2. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, the industrial User shall be solely responsible for the continued maintenance in satisfactory and effective operation of such facilities and at its expense.

3. a. Any person who transports septic tank, seepage pit or cesspool contents, liquid industrial waste or other batch liquid waste and wishes to discharge such waste to the public sewer system shall first have a valid Special Waste Hauler’s Permit. Applications for permits shall be obtained from the District. All applicants for a Special Waste Hauler’s Permit shall complete the application form, pay the permit fee, and be provided a copy of the District’s regulations governing discharge to sewers of liquid wastes from trucks. All persons receiving such permits shall agree, by acceptance of the permit, to abide by all applicable provisions of these Rules and Regulations. (T)

b. Any person holding a valid permit and wishing to discharge to the wastewater treatment plant must also submit to the District a sample of each load prior to discharge. The District may assess a fee to cover cost of the required analysis and may require proof of origin of the hauled waste and analysis of the sample prior to discharge. (T)

c. No person shall discharge any batch liquid waste into any manhole or other part of the District’s sewer system, or any building sewer or other facility that discharges to the District’s sewer system, except at designated points of discharge that the District specifies for such purpose.

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SIGNATURE OF OFFICER

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE
COMMISSION IN CASE NO. _____ DATED _____

AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 27

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d. Any liquid waste hauler discharging to the District's sewer system without proper authorization or discharging wastewater not authorized in the permit shall be subject to immediate revocation of discharge privileges and further subject to the penalties set forth in these Rules and Regulations.

e. Compliance with these Rules and Regulations does not relieve a waste hauler from its responsibility to comply with the regulations of any other local, state or federal agency. (T)

G. Protection from Accidental and Slug Discharges

1. An SIU shall provide protection from accidental and/or slug discharges of prohibited materials or other substances regulated by these Rules and Regulations which adversely affects the POTW. Facilities to prevent accidental and/or slug discharges of prohibited materials shall be provided and maintained at the owner or User's own expense. Every two (2) years, the District shall determine whether each industrial User must develop or update a plan to control slug discharges. If the District determines that a slug control plan or revision is necessary, the plan shall contain the following: (T)

- a. Description of discharge practices
- b. Description of stored chemicals
- c. Procedures for notifying the District
- d. Prevention procedures for spills

In the event of a possible or actual accidental or slug discharges, the User to immediately notify the District by telephone of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. (T)

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2. Written Notice. Within five (5) days following an accidental discharge by an SIU, the User shall submit to the District a detailed written report describing the cause of the discharge and the measures the SIU will take to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the District, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed under these Rules and Regulations or other applicable state or federal law or regulation. (T)

3. Notice to Employees. SIUs shall permanently post in a prominent place at its facilities a notice advising employees whom to call in the event of a dangerous discharge. SIUs shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (T)

H. State Requirements

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

J. District's Right of Revision

The District reserves the right to establish more stringent limitations or requirements on discharges to the POTW if deemed necessary. (T)

J. National Categorical Pretreatment Standards (T)

Upon the promulgation of the National Categorical Pretreatment Standards for a specific industrial subcategory, the National Standard, if more stringent than limitations imposed under these Rules and Regulations for sources in that subcategory, shall immediately supersede the limitations imposed by these Rules and Regulations. (T)

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Pretreatment Program Administration

A. Industrial User Permits

1. All significant industrial Users proposing to connect to or to contribute to the POTW shall obtain an Industrial User Permit before making any connection or contribution. (T)

2. Users required to obtain an Industrial User Permit shall complete and file with the District an application in the form prescribed by the District and accompanied by a permit fee. New Users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. Existing permit holders shall apply no later than sixty (60) days prior to expiration of permit. In support of its application, a User shall submit the following: (T)

a. Name, address, and location if different from the address;

b. Applicable SIC number(s) according to the Standard Industrial Classification Manual, United States Bureau of the Budget, 1987, as amended; (T)

c. Wastewater constituents and characteristics as determined by an analytical laboratory acceptable to the District; sampling and analysis shall be performed in accordance with procedures set forth in 40 CFR Part 136;

d. Time and duration of contribution;

e. Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variation if any;

f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;

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g. Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged;

h. Where known, the nature and concentration of any pollutants in the discharge which are limited by the District, State or Federal Pretreatment Standards, and a statement regarding whether the pretreatment standards are being met on a consistent basis and if not, whether additional pretreatment is required for the User to meet applicable Pretreatment Standards;

i. If additional pretreatment will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:

(1) The schedule must be acceptable to the District.

(2) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards.

(3) Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the District including, as a minimum, whether it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established.

(T)

(T)

j. Each product produced by type, amount, process or processes, and the rate of production;

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k. Type and amount of raw materials processed (average and maximum per day);

l. Number of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

m. Any other information the District deems necessary to evaluate the permit application.

n. A copy of the applicant's written environmental control program, comparable document, or policy. (T)

3. The District shall evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, it may issue an Industrial User Permit subject to terms and conditions provided herein.

B. Permit Modifications

Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard(s), the Industrial User Permit of Users subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. Where a User, subject to National Categorical Pretreatment Standards, has not previously submitted an application for an Industrial User Permit as required, the User shall apply for an Industrial User Permit within 90 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, a User with an existing Industrial User Permit shall submit to the District within 90 days after the promulgation of an applicable National Categorical Pretreatment Standard, the information required by these Rules and Regulations. (T)

(T)
(T)

C. Permit Conditions

Industrial User Permits shall be expressly subject to all provisions of these Rules and Regulations District. Permits may contain the following: (T)

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1. The unit surcharges or schedule of other charges and fees for the wastewater to be discharged to the District's sewers;
2. Limits on the average and/or maximum wastewater constituents and characteristics;
3. Limits on average and/or maximum rate and time of discharge or requirements for flow regulations and equalization;
4. Requirements for installation and maintenance of inspection and sampling facilities;
5. Specifications for monitoring programs which may include sampling location; frequency of sampling; number, type and standards for tests; and reporting schedule;
6. Compliance schedules;
7. Requirements for submission of technical reports or discharge reports;
8. Requirements for maintaining and retaining, for a minimum of three years, all plant records relating to pretreatment and/or wastewater discharge as specified by the District, and affording District access thereto as required by 40 CFR § 403.12(o)(2);
9. Requirements for notification of the District of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
10. Requirements for notification of slug discharges;
11. The permit shall require the User to reimburse the District for all expenses related to monitoring, sampling and testing performed at the District's direction and deemed necessary by the District to verify the User's compliance with its permit; and,

(T)

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12. Any other conditions the District deems appropriate to ensure compliance with these Rules and Regulations and state and federal regulations.

D. Alternative Discharge Limits

1. Where an effluent from a categorical industrial process(es) is mixed prior to treatment with wastewater other than that generated by the regulated process, the District may derive alternative discharge limits for the discharge permit. These alternative limits shall be applied to the mixed effluent and shall be calculated using the Combined Wastestream Formula.

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

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

4. Where the District's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the District may apply to the Cabinet for modification of specific limits in the federal pretreatment standards. The District may modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR § 403.7 are fulfilled and prior Cabinet approval is obtained.

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E. Permit Duration

Permits shall be issued for a specified time period not to exceed one year. A permit may be issued for a period less than a year or may be stated to expire on a specific date. A User shall apply for permit reissuance a minimum of 60 days prior to the expiration of its existing permit. The District may modify a permit's terms and conditions of the permit during the term of the permit as limitations or requirements are modified or as circumstances require. The District shall inform a User of any proposed change in its permit at least 30 days prior to the effective date of change. Any change or new condition in the permit shall include a reasonable time schedule for compliance. (T)

F. Permit Transfer

Industrial User Permits are issued to a specific User for a specific operation. No Industrial User Permit may be assigned, transferred or sold to another owner, User, premises, or a new or changed operation without thirty (30) days' prior written notice to the District and provision of a copy of the existing permit to the assignee, transferee or acquiring party. The District may deny the transfer of the permit for reasonable cause but shall state its reasons in writing to the transferee and transferor within 30 days of receipt of the transferor's written notice. (T)

G. Compliance Data Reporting

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards or, in the case of a new User, following commencement of the introduction of wastewater into the POTW, a User subject to National Categorical Pretreatment Standards and Requirements shall submit to the District a report indicating the nature and concentration of all pollutants in the discharge from the regulated process that are limited by Categorical Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User's facility which are limited by such Categorical Pretreatment Standards or Requirements. In its report, the User shall state whether the applicable Categorical Pretreatment Standards or Requirements are being met on a consistent basis, and if not, what (T)

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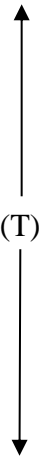
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additional pretreatment and times schedule is necessary to bring the User into compliance with the applicable Categorical Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the User.

H. Periodic Compliance Reports

1. All SIUs shall submit to the District every six (6) months, unless required more frequently by the Industrial User Permit, a report indicating the nature and concentration of pollutants in the effluent which are limited by Pretreatment Standards or the discharge permit. If the Pretreatment Standard or discharge permit requires compliance with a Best Management Practice, the report shall also include sufficient information to determine the SIU's compliance status. The District may require the report include a record of all daily flows during the reporting period that exceeded the average daily flow. Upon consideration of such relevant factors as local high or low flow rates, holidays, and budget cycles, the District may agree to revise the time period for the SIU's submission of the reports. The District may conduct the monitoring required by the SIU's Industrial User Permit in lieu of the SIU doing so. In that instance, the SIU shall not be required to monitor or report to the District the results of the District's monitoring. However, all monitoring results that the SIU obtains shall be submitted to the District in accordance with 40 CFR § 403.8.



2. All analyses shall be performed by a laboratory certified by the Kentucky Division of Water and acceptable to the District. Analytical procedures shall be in accordance with procedures contained in 40 CFR Part 136 and 40 CFR Part 261 or with any other test procedures approved by the U.S. EPA Administrator. Sampling shall be performed in accordance with the techniques approved by the U.S. EPA Administrator. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report.

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3. If 40 CFR Part 136 does not include a sampling or analytical technique for the pollutant(s) in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the U.S. EPA Administrator.

4. At least ninety (90) days prior to initiation of discharge to the sanitary sewer, a categorical industrial User shall submit a Baseline Monitoring Report (BMR) to the District. Submission of the Permit Application required by the District shall satisfy this requirement. At a minimum, the BMR or Permit Application shall contain:

a. Production Data: a process description, SIC code number, raw materials used, chemicals used, final product, pretreatment industrial category (if applicable), and a schematic which indicates points of discharge to the sewer system.

b. Identifying information to include name, address of facility, owner(s), contact person and any other permits held by the facility.

c. Wastewater characteristics: total plant flow, types of discharges, average and maximum flows from each process.

d. Nature/Concentration of pollutants: analytical results for all pollutants regulated by these Rules and Regulations and/or any applicable federal pretreatment standard and sample type and location. All analyses must conform to 40 CFR Part 136.

e. Information concerning any pretreatment equipment used to treat the facility's discharge.

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5. New Sources shall give estimates of the information requested in sections (c) and (d) above, but at no time shall a New Source commence discharge(s) to the District's sewer system of substances that do not meet provisions of these Rules and Regulations. All New Sources must comply with all provisions of these Rules and Regulations, State and federal pretreatment regulations prior to commencement of discharge to the District's sewer system. (T)

I. Permit Violations

1. All SIUs must notify the District within 24 hours of first becoming aware of a permit violation. This notification shall include the date of violation, the parameter violated and the amount in exceedance. (T)

2. The SIU shall immediately repeat the sampling and analysis of the parameter(s) in question and submit the results to the District within thirty (30) days after becoming aware of the violation. However, the User is not required to take this action if the District performs the sampling within the same time period for the same parameter(s) in question. (T)

3. Compliance with the terms of an Industrial User Permit shall be deemed in compliance with these Rules and Regulations. (T)

J. Monitoring

1. The District shall require SIUs to provide and operate, at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage system. The monitoring facility should normally be situated on the User's premises, but the District may, when such a location is impractical or causes undue hardship on the User, allow the facility to be constructed in a public right-of-way. The District shall review and approve the location, plans, and specifications for such monitoring facilities and may require them to be constructed to provide for the separate monitoring and sampling of industrial waste and sanitary sewage flows. (T)

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

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

4. All sampling analyses done in accordance with approved U.S. EPA procedures by the industrial User during a reporting period, as required by the User's Industrial User Permit or by the District, shall be submitted to the District. (T)

5. An industrial User shall not change the sampling point or monitoring facilities used in required sampling without the District's prior approval.

K. Inspection and Sampling

1. The District may inspect any User's facilities to ascertain the User's compliance with these Rules and Regulations. Authorized District personnel shall be permitted ready access at all reasonable times to a User's premises for the purposes of inspection, sampling, copying records, records examination or the performance of any duty reasonably related to the enforcement of these Rules and Regulations. (T)

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2. The User shall permit the District, the Cabinet and the EPA to install on its property such devices necessary for sampling, inspection, compliance monitoring or metering operations. If a User has security measures in force which would require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security personnel to permit District, Cabinet and EPA personnel upon presentation of suitable identification to enter without unreasonable delay for the purposes of performing their specific responsibilities. (T)

L. Pretreatment

All SIUs shall provide necessary wastewater treatment as required to comply with these Rules and Regulations and achieve compliance with any applicable National Categorical Pretreatment Standards within the time limitations as specified by the National Pretreatment Regulations. The District may require the development of a compliance schedule for installation of pretreatment technology or equipment by any industrial User that cannot meet discharge limits required by these Rules and Regulations. A User shall provide, operate, and maintain at its own expense any facility necessary to pretreat wastewater to the level required by these Rules and Regulations. Prior to the construction of any pre-treatment facility, the User shall submit to the District detailed plans showing the pretreatment facilities and operating procedures for its review and approval. Review of such plans and operating procedures does not relieve the User from responsibility for modifying its facility to produce an effluent that complies with these Rules and Regulations. Prior to any change in its pretreatment facilities or method of operation, a User shall obtain the District's approval for such change. (T) (T) (T)

M. Annual Publication

The District shall annually publish in a newspaper of general circulation that provides meaningful public notice a list of industrial Users which were in significant non-compliance with any Pretreatment Requirements or Standards. The notification shall also summarize any enforcement actions taken against the User(s) during the same twelve (12) months.

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N. Significant Non-Compliance

A User is in significant non-compliance when it commits or meets one or more of the following conditions:

1. Causes imminent endangerment to human health or the environment or results in the exercise of emergency authority;
2. Involves failure to report noncompliance accurately;
3. Results in a chronic violation defined here as sixty-six percent (66%) or more of all measurements taken during a six (6) month period that exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
4. Results in a Technical Review Criteria (TRC) Violation defined here as thirty-three percent (33%) or more of all measurements for each pollutant parameter taken during a six (6) month period that equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, and O&G and 1.2 for all other pollutants except pH).
5. Any violation of a pretreatment effluent limit that the District determines has caused, alone or in combination with other discharges, interference or pass through or has endangered the health of District personnel or the public;
6. Any discharge causing imminent endangerment to human health/welfare or to the environment or resulting in the District's use of its emergency authority to halt or prevent such a discharge;
7. Violations of Compliance Schedule Milestones, failure to comply with schedule milestones for starting or completing construction or attaining final compliance by ninety (90) days or

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more after the schedule date;

1. Failure to provide required reports within thirty (30) days of the due date; or,
2. Any violation or group of violations, which may include violation(s) of Best Management Practices, which the Manager/Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

O. Confidential Information

1. Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests in writing and is able to demonstrate to the satisfaction of the District that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under KRS 61.878. Any such request must be asserted at the time of the submission of the information or data.

2. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for public inspection but shall be made immediately available upon request to governmental agencies for uses related to these Rules and Regulations, the NPDES/KPDES Permit, Sludge Disposal System Permit or the Pretreatment Programs upon request. Such portions of a report shall be available for use by the State or any State agency in any judicial or administrative involving the person furnishing the report.

3. Wastewater constituents and characteristics shall not be recognized as confidential information and shall be available to the public without restriction.

4. All documents that a User provides to the District shall be subject to the provisions of KRS 61.870-.884.



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P. Certification Requirements

1. All applications, reports or information submitted to the District shall be signed and certified by an official whom the User has designated in writing to the District as its authorized official for such purposes. The District shall accept no document from the User until such written designation has been provided.
2. All permit applications shall be signed for a corporation by a principal executive officer no lower than the level of vice-president; for a partnership by a general partner; and for sole proprietorship by the proprietor.
3. All other documents, including correspondence, reports and self-monitoring reports, shall be signed by a person permitted under these Rules and Regulations to sign a permit application or his duly authorized representative. A person is a duly authorized representative only if the authorization is made in writing and specifies an individual or a position having managerial responsibility over facility or activity in question (e.g., plant manager, superintendent or equivalent position).
4. Any person signing a document under this section shall make the following written certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

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MONTH / DATE / YEAR

DATE EFFECTIVE October 3, 2019

MONTH / DATE / YEAR

ISSUED BY /s/Randy Kidd

SIGNATURE OF OFFICER

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE

COMMISSION IN CASE NO. _____ DATED _____

AREA McCreary County, Kentucky

PSC KY NO. 2

Original SHEET NO. 41.2

McCreary County Water District

CANCELLING PSC KY NO. _____

_____ SHEET NO. _____

RULES AND REGULATIONS

Q. Recordkeeping

(T)
(T)
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(T)

Users subject to the reporting requirements of these Rules and Regulations shall retain and make available upon request to the EPA and the Cabinet for inspection and copying, all records of information obtained pursuant to any monitoring activities required by the Rules, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with all Best Management Practices required by Pretreatment Standards or the User's discharge permit. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the District, or where the User has been specifically notified of a longer retention period by the District.

DATE OF ISSUE September 13, 2019
MONTH / DATE / YEAR

DATE EFFECTIVE October 3, 2019
MONTH / DATE / YEAR

ISSUED BY /s/Randy Kidd
SIGNATURE OF OFFICER

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE
COMMISSION IN CASE NO. _____ DATED _____

AREA McCreary County, Kentucky

PSC KY NO. 2

Original SHEET NO. 41.3

McCreary County Water District

CANCELLING PSC KY NO. _____

_____ SHEET NO. _____

RULES AND REGULATIONS

Powers and Authority of Inspectors

A. Right to Enter Premises

The User shall permit all duly authorized employees and representatives of the District and authorized representatives of applicable Federal and State regulatory agencies bearing proper credentials and identification to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to discharges to District's sewer system in accordance with these Rules and Regulations.

B. Right to Obtain Information Regarding Discharge

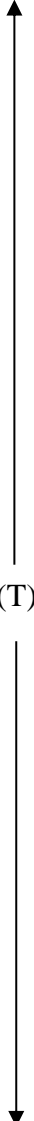
The District's duly authorized employees and representatives of the State and EPA are authorized to obtain information including, but not limited to, copying of records concerning character, strength and quantity of industrial wastes which have a direct bearing on the kind and source of discharge to the District's sewer system.

C. Access to Easements

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

D. Safety

While performing the necessary work on private properties referred to in Section C above, all duly authorized employees of the District shall observe all safety rules applicable to the premises established by the property owner. The District shall secure the property owner against loss or damage to its property by District employees and against liability claims and



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ISSUED BY /s/Randy Kidd

SIGNATURE OF OFFICER

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE

COMMISSION IN CASE NO. _____ DATED _____

AREA McCreary County, Kentucky

PSC KY NO. 2

Original SHEET NO. 41.4

McCreary County Water District

CANCELLING PSC KY NO. _____

_____ SHEET NO. _____

RULES AND REGULATIONS

demands for personal injury or property damage asserted against the property owner and (T)
growing out of the gauging and sampling operation, except as such may be caused by (T)
negligence or failure of the property owner to maintain safe conditions as required by these (T)
Rules and Regulations. (T)

DATE OF ISSUE September 13, 2019
MONTH / DATE / YEAR

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ISSUED BY /s/Randy Kidd
SIGNATURE OF OFFICER

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE
COMMISSION IN CASE NO. _____ DATED _____

AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 42

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 42

RULES AND REGULATIONS

Enforcement of Pretreatment Requirements

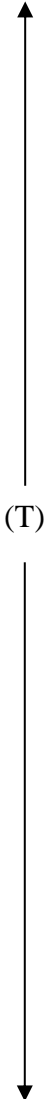
A. General

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

Any User notified of a suspension of the wastewater treatment service and/or the Industrial User Permit shall immediately stop or eliminate the contribution. If the User fails to comply voluntarily with the suspension order, the District shall take such steps as necessary, including immediate severance of the sewer connection and water service to prevent or minimize damage to the District's system or endangerment to any individuals. The District shall reinstate the Industrial User Permit and the wastewater treatment service upon proof of the elimination of the non-complying discharge. The User shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the District within fifteen (15) days of the date of occurrence.

B. Notice of Violation

When the District finds that a User has violated, or continues to violate any provision of these Rules and Regulations, Industrial User Permit, or any order issued hereunder, or any other Pretreatment Standard or Requirement, the District may serve upon that User a written Notice of Violation stating the nature of the violation(s). Within ten (10) days of the receipt of such notice, the User shall submit a written explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, to the District. Submission of this plan does not relieve the User of liability for any violation occurring before or after receipt of the notice of the violation.



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ISSUED BY /s/Randy Kidd

SIGNATURE OF OFFICER

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE

COMMISSION IN CASE NO. _____ DATED _____

AREA McCreary County, Kentucky

PSC KY NO. 2

Original SHEET NO. 42.1

McCreary County Water District

CANCELLING PSC KY NO. _____

_____ SHEET NO. _____

RULES AND REGULATIONS

If the violation persists or the User's explanation or plan is inadequate, the District's response shall be more formal and commitments (or schedules as appropriate) for compliance will be established in an enforceable document. The selected enforcement response will correspond to the nature and seriousness of the violation. Enforcement responses will be escalated if compliance is not achieved expeditiously after the initial action. A violation that is a significant non-compliance under these Rules and Regulations will require a formal enforcement action.

Guidance for the assessment and implementation of enforcement actions for an SIU's violations of the District's Pretreatment Program is set forth in the District's Enforcement Response Plan, which the Kentucky Division of Water has reviewed and approved and is appended and incorporated by reference into these Rules and Regulations.

Nothing in this Section shall limit the District's authority to take any action, including emergency actions or other enforcement action, without first issuing a notice of violation.



C. Administrative Orders

The District may order to appear before it any User who after receiving a Notice of Violation continues to discharge in violation of these Rules and Regulations or other pretreatment standards or requirements or is determined to be a chronic or persistent violator or a significant violator. At such proceeding, the District may direct such User to follow a schedule and compliance actions and assess a penalty. Any assessed penalty shall be based upon the type and severity of violations, duration of violation, number of violations, severity of impact on the POTW, impact on human health, the User's economic benefit from violation, history of violations, and good faith of the User, and shall be a non-arbitrary but appropriate amount.

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ISSUED BY /s/Randy Kidd

SIGNATURE OF OFFICER

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE

COMMISSION IN CASE NO. _____ DATED _____

AREA McCreary County, Kentucky

PSC KY NO. 2

Original SHEET NO. 42.2

McCreary County Water District

CANCELLING PSC KY NO. _____

_____ SHEET NO. _____

RULES AND REGULATIONS

1. Consent Orders

The District may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the Industrial User responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order.

2. Compliance Orders

When the District finds that an Industrial User has violated or continues to violate these Rules and Regulations, a permit or order issued hereunder, it may issue an order to the Industrial User responsible for the discharge directing that, following a specified time period, the discontinuance of sewer service unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. The District may also order other requirements reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and best management practices.

3. Cease and Desist Orders

When the District finds that an Industrial User has violated or continues to violate these Rules and Regulations or any permit or order issued hereunder, it may issue an order to the Industrial User directing it to cease and desist all such violations and direct the Industrial User to immediately comply with all requirements and to take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.



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ISSUED BY /s/Randy Kidd

SIGNATURE OF OFFICER

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE

COMMISSION IN CASE NO. _____ DATED _____

AREA McCreary County, Kentucky

PSC KY NO. 2

Original SHEET NO. 42.3

McCreary County Water District

CANCELLING PSC KY NO. _____

_____ SHEET NO. _____

RULES AND REGULATIONS

4. Show Cause Hearing

a. The District may order a User who causes or contributes to violations of these Rules and Regulations, wastewater discharge permit or order issued hereunder, to appear before it and show cause why a proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place of a hearing regarding the violation, the reasons for such action, the proposed enforcement action, and directing the User to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least 10 days before the hearing. Service may be made on any agent or officer of the Industrial User. Immediate enforcement action may be pursued regards of whether a duly notified Industrial User or its representative appears.

b. The District may itself conduct the hearing and take the evidence, or designate a representative to: (1) issue, in the District's name notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing; (2) take the evidence; and (3) transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the DISTRICT for action thereon.

c. At any hearing held pursuant to these Rules and Regulations, testimony may be taken under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

d. Within a reasonable time after receiving all evidence, the District shall notify the subject of the show cause hearing in writing of its decision. It may issue an order to the User responsible for the violating discharge directing that, following a specified time period, the sewer service will be discontinued unless adequate treatment facilities, devices, or other related appurtenances are properly operated. It shall issue all orders and directives necessary for the



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SIGNATURE OF OFFICER

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE

COMMISSION IN CASE NO. _____ DATED _____

AREA McCreary County, Kentucky

PSC KY NO. 2

Original SHEET NO. 42.4

McCreary County Water District

CANCELLING PSC KY NO. _____

_____ SHEET NO. _____

RULES AND REGULATIONS

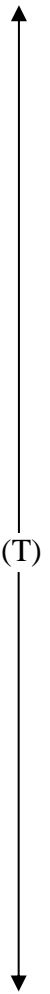
the correction and remedy of all violations and shall state whether the assessment of any penalty is appropriate and if so, the amount of such penalty.

D. Penalties

The District may assess a penalty of not more than \$5,000 per violation per day against any Industrial User or Special Waste Hauler who has violated or continues to violate these Rules and Regulations, or any industrial permit or order issued pursuant to these Rules and Regulations. Each day on which noncompliance occurs shall be deemed a separate and distinct violation. Assessed penalties will be added to the Industrial User's or Special Waste Hauler's next scheduled bill for sewer service. Any assessed penalty shall be based upon the type and severity of violations, duration of violation, number of violations, severity of impact on the POTW, impact on human health, the User's economic benefit from violation, history of violations, and good faith of the User, and shall be a non-arbitrary but appropriate amount.

A User assessed a penalty may submit a written request for reconsideration of the penalty within ten (10) business days of its receipt of notice of the District's decision. In its requests, the User shall state the reasons for reconsideration and shall identify all legal or factual errors upon which its request for reconsideration is based. The District shall respond to such request within fifteen (15) days of its receipt of the request and shall either deny the request, modify the amount of the penalty assessed, or set a date for a hearing on the request.

An Industrial User or Special Waste Hauler assessed a penalty under these Rules and Regulations shall have waived its right to bring a complaint pursuant to KRS 278.260 for Public Service Commission review of the assessed penalty if it does not file a complaint with the Public Service Commission within 90 days of the District's initial assessment of the penalty or the District's decision upon the User's timely request for reconsideration, whichever is later.



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DATE EFFECTIVE October 3, 2019

MONTH / DATE / YEAR

ISSUED BY /s/Randy Kidd

SIGNATURE OF OFFICER

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE

COMMISSION IN CASE NO. _____ DATED _____

AREA McCreary County, Kentucky

PSC KY NO. 2

Original SHEET NO. 42.5

McCreary County Water District

CANCELLING PSC KY NO. _____

_____ SHEET NO. _____

RULES AND REGULATIONS

E. Recovery of Expenses for Enforcement Proceedings

In addition to any penalties, the District may assess an Industrial User or Special Waste Hauler the cost of any administrative enforcement proceedings conducted under these Rules and Regulations, including reasonable court reporter's fees, and other expenses associated with the enforcement activities, including sampling and monitoring expenses. It may also assess such User any attorney fees or costs incurred to enforce its orders and collect assessed penalties.

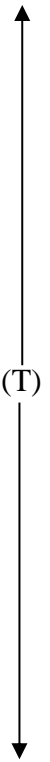
F. Revocation of Permit

The District may terminate an Industrial User's authority to discharge sewage into the District sewer system for any violation of these Rules and Regulations or a wastewater permit order issued under these Rules. Such termination may be immediate and without notice if necessary to protect the POTW and may include termination of the Industrial User's water service.

An Industrial User who fails to perform any of the following actions shall also be subject to the termination of its permit: (1) factually report the wastewater constituents and characteristics of its discharge; (2) report significant changes in operations, or wastewater constituents and characteristics; (3) refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or, (4) comply with the conditions of the permit.

G. Requiring Performance Bonds or Liability Insurance

The District may decline to reissue a permit to any Industrial User that has failed to comply with the provisions of these Rules and Regulations or any previous permit unless (1) such user first files with it a satisfactory bond, payable to the District, in a sum not to exceed a value determined by the District to be necessary to achieve consistent compliance; or (2) submits proof that it has obtained financial assurances sufficient to restore or repair the potential damage caused by an unauthorized discharge.



DATE OF ISSUE September 13, 2019

MONTH / DATE / YEAR

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ISSUED BY /s/Randy Kidd

SIGNATURE OF OFFICER

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE

COMMISSION IN CASE NO. _____ DATED _____

AREA McCreary County, Kentucky

PSC KY NO. 2

Original SHEET NO. 42.6

McCreary County Water District

CANCELLING PSC KY NO. _____

_____ SHEET NO. _____

RULES AND REGULATIONS

H. Applicability of Other Enforcement Remedies

In the event of a conflict between a provision in this Section, "Enforcement of Pretreatment Requirements," and other provisions in these Rules and Regulations when applied to an Industrial User or Special Waste Hauler, the provisions of this section shall control and be followed.

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DATE OF ISSUE September 13, 2019

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DATE EFFECTIVE October 3, 2019

MONTH / DATE / YEAR

ISSUED BY /s/Randy Kidd

SIGNATURE OF OFFICER

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE

COMMISSION IN CASE NO. _____ DATED _____

AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 43

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 43

RULES AND REGULATIONS

Enforcement Remedies Applicable to All Customers

(T)

A. Suspension or Discontinuance of Service for Failure to Comply with Rules

1. The District may suspend or discontinue wastewater treatment service and water service to any User failing to comply with these Rules and Regulations. Prior to any suspension or discontinuance of service, the District shall serve upon a user found to be violating any provisions of these Rules and Regulations with written notice stating the nature of the violation(s). The User shall immediately remedy the violation or shall submit a written explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, to the District. Submission of this plan does not relieve the user of potential liability for any violation occurring before or after receipt of the notice of the violation. If no plan of corrective action is submitted or the submitted plan is deemed inadequate or fails to cure the violation, the District may proceed to discontinue the user's water and wastewater service after providing the User at least ten (10) days written notice of such intention. Such notice shall be mailed or delivered to the user's last known address.

(T)

2. If a condition, including an actual or threatened discharge, presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the District's treatment works or causes the treatment works to violate any condition of its NPDES/KPDES Permit, the District may immediately discontinue water and wastewater service without notice, but shall immediately notify the user of the reasons for the discontinuance or refusal and the corrective action required before service may be restored.

B. Destruction of POTW

(T)

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the POTW. Any person(s) violating this provision shall be subject to criminal prosecution under applicable state and federal laws.

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DATE OF ISSUE September 13, 2019
MONTH / DATE / YEAR

DATE EFFECTIVE October 3, 2019
MONTH / DATE / YEAR

ISSUED BY /s/Randy Kidd
SIGNATURE OF OFFICER

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE

COMMISSION IN CASE NO. _____ DATED _____

AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 44

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 44

RULES AND REGULATIONS

C. Legal Action

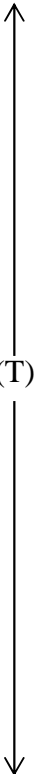
If any person discharges sewage, industrial wastes or other wastes into the District's wastewater disposal system contrary to the provisions of these Rules and Regulations, Federal or State Pretreatment Requirements or any order of the District, the District may commence an action for appropriate legal and/or equitable relief in the appropriate Court in addition to pursuing any criminal remedies that may be available.

D. Injunctive Relief

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

E. Liability

Any user failing to comply with these Rules and Regulations, discharge permit or other orders issued hereunder shall become liable to the District for any expense, loss or damage occasioned by the District by reason of such violation, including the cost to repair or restore the District's facilities to good operating condition and any civil penalty, fine or judgment imposed on the District as a result of the User's failure to comply.



DATE OF ISSUE September 13, 2019

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DATE EFFECTIVE October 3, 2019

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ISSUED BY /s/Randy Kidd

SIGNATURE OF OFFICER

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE

COMMISSION IN CASE NO. _____ DATED _____

AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 45

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 45

RULES AND REGULATIONS

Miscellaneous Provisions

1. Application for Service. A person desiring sewer service from the District shall execute a sewer user agreement before service is provided. Any change in the identity of the contracting Customer at a premise requires a new application. The District may after reasonable notice discontinue the water supply until such new application has been made and accepted, but the former applicant or customer of sewer shall remain liable for sewer services furnished to said premises until he has given notice in writing to the District to discontinue the supply. It is the Customer's responsibility to notify the Company if the identity of the person responsible for paying for service changes.
2. Right of Access. The District shall at all reasonable hours have access to meters, service connections, and other property owned by it and located on customer's premises for purposes of installation, maintenance, meter reading, operation, replacement, or removal of its property. The District may require an applicant for service to provide an easement for District facilities necessary to provide service to the applicant.
3. Relocation of Sewer Facilities. The District may, at the request of the customer or applicant for service, relocate or change District-owned equipment or facilities. Customer or Applicant shall reimburse the District for such changes at actual costs, including appropriate overhead costs.
4. Billing and Collection. All billing for service will be rendered on water usage as measured by a District water meter or sewage meter. Charges and fees for the provision of sewer service furnished by the District will be reflected on the monthly bills that the District issues for water service. The terms and conditions for water meters, monitoring of usage, and adjustment of bills are found in the District's tariff for water service on file with the Kentucky Public Service Commission.

DATE OF ISSUE September 13, 2019

MONTH / DATE / YEAR

DATE EFFECTIVE October 3, 2019

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ISSUED BY /s/Randy Kidd

SIGNATURE OF OFFICER

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE

COMMISSION IN CASE NO. _____ DATED _____

AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 46

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 46

RULES AND REGULATIONS

5. Liability of the District.

a. The District shall not in any way or under any circumstances be held liable or responsible to any person or persons for any loss or damage resulting from the sewer service, due to any cause whatsoever. The District will undertake to use reasonable care and diligence to prevent and avoid interruptions and fluctuations in the service, but does not guarantee that interruption will not occur.

b. The District will make every effort to maintain the sewer collection system that is required for reasonable service, but does not guarantee to furnish service at all times.

c. The District is not be responsible for accidents or damages resulting from the discontinuance of service, nor by reason of the breaking of any main, sewer pipe, fixture or appliance whether owned by the District or Customer. No person shall be entitled to damages nor have any portion of a payment refunded for any interruption of service. The District will exercise every care in this matter. If such circumstances require the District to interrupt service, it will make reasonable efforts to notify the Customers.

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d. The District shall not be considered in any manner an insurer of property or persons. The District agrees to furnish such sewer service as shall then be available and not other or greater, and it shall be free and exempt from any and all claims for damages on account of any injury to property or persons for any other cause whatsoever.

6. Customer Responsibility for District Property. Equipment furnished by the District shall be and remain the District's property. An applicant for service shall provide space for and exercise reasonable care to protect the District's property on the applicant's premises. In the event of loss or damage to the District's property arising from customer neglect, the cost of the necessary repairs or replacement shall be assessed to the customer.

DATE OF ISSUE September 13, 2019

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SIGNATURE OF OFFICER

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE

COMMISSION IN CASE NO. _____ DATED _____

AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 47

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 47

RULES AND REGULATIONS

7. Notice of Trouble. Customer shall immediately notify the District of any unsatisfactory service or of any defects, trouble or accidents affecting the provision of sewer service.

8. Customer’s Electrical Connection. Where a grinder pump station has been installed to provide sewer service for a customer, the customer is responsible for the cost of installing the electrical connection from the customer’s electric meter to the pump station, including disconnect box, wire and conduit. The electrical connection must be installed by an electrician and the installations must be inspected by an authorized electrical inspector. The customer and his contractors shall hold the District harmless from any loss or damage that may directly or indirectly result from the installation.

9. Damage to District’s Facilities or Sewage Works. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is part of the District’s Sewage Works. Any person violating this provision shall be subject to immediate discontinuance of water and sewer service.

10. Point of Delivery. Unless otherwise set forth in these Rules, the point of delivery is the District-designated point on the customer premises whether the District’s sewer pump station or manhole is connected to the customer’s service line. The customer is responsible for the maintenance and repair of all sewer lines and facilities located beyond the point of delivery.

11. Discontinuance of Service. District may refuse to provide service to an applicant for service or terminate service to an existing customer for any grounds set forth in 807 KAR 5:006.

12. Termination of Contract by Customer. A customer that has fulfilled his contract obligation and wishes to terminate service must provide at least three (3) days written notice of his request to terminate service. Notice to terminate service prior to the expiration of the contract term will not relieve the customer of any minimum or guaranteed payment required by any contract or rate.

DATE OF ISSUE September 13, 2019
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ISSUED BY /s/Randy Kidd
SIGNATURE OF OFFICER

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE

COMMISSION IN CASE NO. _____ DATED _____

AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 48

McCreary County Water District

CANCELLING PSC KY NO. 2


Original SHEET NO. 48

RULES AND REGULATIONS

13. Deposits. The District currently does not collect or require a cash deposit or other guarantee to secure payment of bills.

14. Approval of Rules and Regulations. These Rules and Regulations are subject to the approval of the Public Service Commission of Kentucky, or its successor, and if any part thereof should be adjudged to be in violation of any rule or order made by the Commission, then that particular part shall be ineffective but without in any way affecting the other portions thereof.

15. Format


MESSAGES

CARRT B004 84
 STEARNS KY 42647-0384

OFFICE HOURS
 MONDAY-FRIDAY
 8:00 A.M. - 4:30 P.M.
 PHONE
 (606) 376-2540
 CLOSED SATURDAY, SUNDAY AND HOLIDAYS
 NIGHT DEPOSITORY BOX LOCATED AT OFFICE
PAY BILL ONLINE:
WWW.MCCREARYWATER.COM

PREVIOUS READING	CURRENT READING	CONSUMPTION	CODE	AMOUNT
05/29/19	06/28/19	1 UNIT		
			WT	20.35
				19.35
				.61

ACTUAL READING
 DUE DATE: 08/10/19
 PAY AFTER DUE DATE
 PAY BY DUE DATE: 40.31

PLEASE MAIL YOUR PAYMENT IN THE ENVELOPE PROVIDED


MAKE CHECKS PAYABLE TO:
 McCREARY COUNTY WATER DISTRICT
 P.O. Box 488
 Whitley City, KY 42653

AMOUNT ENCLOSED \$

DO NOT WRITE BELOW THIS LINE - RETURN THIS PORTION WITH PAYMENT IN ENVELOPE PROVIDED

DO NOT WRITE IN THE AREA BELOW

1



DATE OF ISSUE September 13, 2019
MONTH / DATE / YEAR

DATE EFFECTIVE October 3, 2019
MONTH / DATE / YEAR

ISSUED BY /s/Randy Kidd
SIGNATURE OF OFFICER

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE
COMMISSION IN CASE NO. _____ DATED _____

AREA McCreary County, Kentucky

PSC KY NO. 2

Original SHEET NO. 49

McCreary County Water District

CANCELLING PSC KY NO. _____

_____ SHEET NO. _____

RULES AND REGULATIONS

- 16. Referenced Publications and Forms (T)
 - A. Pretreatment Enforcement Response Plan (Appendix A) (T)
 - B. Industrial User Permit Application (Appendix B) (T)
 - C. Industrial User Permit (Application C) (T)

DATE OF ISSUE September 13, 2019

MONTH / DATE / YEAR

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ISSUED BY /s/Randy Kidd

SIGNATURE OF OFFICER

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE

COMMISSION IN CASE NO. _____ DATED _____

APPENDIX A

PRETREATMENT PROGRAM ENFORCEMENT RESPONSE PLAN

**McCreary County Water
District
Enforcement Response Plan**

**McCreary County Wastewater Treatment Plant
Whitley City, Kentucky
McCreary County**

March 2019

Enforcement Response Plan

MCWD Pretreatment Program

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MCCREARY COUNTY WATER DISTRICT PRETREATMENT PROGRAM ENFORCEMENT RESPONSE PLAN

I. Introduction

Final regulatory changes to the National Pretreatment Program outlined in 40 CFR 403 became effective on August 23, 1990. These changes required all Publicly-Owned Treatment Works (POTW) with approved Pretreatment Programs to develop and implement an Enforcement Response Plan (ERP).

The ERP provides guidelines for POTW personnel in determining appropriate enforcement actions for Significant Industrial Users (SIUs) in response to violations encountered during implementation of the District's Pretreatment Program. The legal authority for enforcement is specified in the MCWD's Sewer Use Tariff which incorporates local, state and federal regulations as specified in 40 CFR 403 and 401 KAR 5:057.

This ERP describes how the McCreary County Water District, hereinafter referred to as "The District", will investigate instances of noncompliance by SIUs, the types of enforcement actions that the District may take in response to all anticipated types of violations and the time periods within which these enforcement actions will be taken and followed up. It reflects the District's primary responsibility to enforce all applicable Pretreatment Program standards and requirements.

This plan also includes a general discussion of the criteria to be used in determining a proper response to various program violations and non-compliance

situations. In addition, a tabular guide is included in this plan in order to outline the District's responses to various pretreatment program violations. This tabular guide, the Enforcement Response Guide (ERG), will list each enforcement action available to the District's designated Pretreatment Coordinator for a given violation and the primary District representative responsible for conducting each individual enforcement action.

II. Personnel

Oversight of the District's Pretreatment Program administrative implementation will be the responsibility of the District's Manager/Superintendent. The District Manager/Superintendent and his/her designated Pretreatment Coordinator have designated daily administrative and implementation responsibilities to the District. The Manager/Superintendent has full authority to implement and enforce the MCWD Pretreatment Program and this Enforcement Response Plan. An organizational chart is provided in Figure I of this ERP.

The Manager/Superintendent's main duties include, but are not limited to, the day-to-day supervision and implementation of the MCWD Pretreatment Program. The Manager/Superintendent is the representative of the District in all tasks assigned.

To fulfill these duties, the Manager/Superintendent is assisted by the Pretreatment Coordinator and other District personnel that are assigned specific duties, including implementation of various aspects of the Pretreatment Program and ERP. The Manager/Superintendent has the full responsibility for administering the District's Pretreatment Program.

The Pretreatment Coordinator or his/her designee is responsible for the

supervision of industrial monitoring and sample collection events conducted by the District, review of industrial user reports, data assimilation, tracking of violations, identification of significant noncompliance (SNC) and industrial user inspections among other implementation tasks. The Pretreatment Coordinator is authorized to initiate specific enforcement proceedings, including civil and criminal proceedings, as needed to protect the WWTP, the environment and the health and welfare of the general public.

In addition, WWTP personnel are available at the WWTP to assist the Pretreatment Coordinator as needed. Duties by these personnel include sampling, field collection, equipment inspection and maintenance and laboratory analysis. WWTP personnel are also available to assist in emergency situations as conditions may require.

A consulting engineer specializing in Pretreatment Program administration may be named by and/or utilized by the Manager/Superintendent to assist in the evaluation of and compliance with environmental regulations. The consulting engineer will also provide technical expertise in the areas of SNC, special investigations, sampling procedures and industrial or WWTP pretreatment equipment needed to achieve compliance.

The Manager/Superintendent may utilize the attorney for the District for any legal services needed in enforcement proceedings. The District's attorney advises the Manager/Superintendent on proper legal actions and orchestrates any judicial actions deemed necessary by the Manager/Superintendent.

III. Violation Identification

Violations of the Pretreatment Program are identified from various sources of

information gathered by implementation of the program. Such sources include, but are not limited to, on-site inspections of significant industrial users (SIUs), District compliance monitoring of an SIU's discharge, and data submitted from SIU self-monitoring reports. Utilization of these sources is discussed below.

On-site Inspections - At least once each year, the Pretreatment Coordinator and/or his designee will conduct an unscheduled pretreatment inspection at each SIU to ascertain if all requirements of the Industrial User Permit and the MCWD Sewer Use Tariff are being met. Scheduled inspections, inspections to verify compliance schedule milestone achievement and inspections conducted as part of the permit application process may also be conducted by the Pretreatment Coordinator and/or his designee.

During the annual inspections, all production areas of the facility, all areas that produce process wastewater, storage areas for chemicals and hazardous materials and/or wastes, any pretreatment systems and the industrial wastewater at the point of discharge will be observed and inspected. An evaluation of the need for a slug discharge control plan will also be conducted.

The inspector(s) may also review and/or copy all industrial pretreatment records, examine any new production processes and equipment, examine and inspect any new and/or existing pretreatment equipment, observe industrial self-monitoring techniques, inspect the condition of the SIU's sampling equipment, and obtain samples for District compliance monitoring.

The Pretreatment Coordinator may provide the SIU with a 24-hour notice prior to the inspection, however this is not required. The inspector will

look for violations throughout the inspection and note all findings on a report form to be filed for future reference.

District Compliance Monitoring - The District will sample all significant industrial users (SIUs) at least once every six (6) months for all pollutants regulated with discharge limits by the MCWD Sewer Use Tariff. At that time, District representatives will also conduct sampling for pollutants regulated by any applicable federal categorical standards. In addition, during this compliance sampling event, the District may, at the Pretreatment Coordinator's discretion, also monitor for pollutants not regulated by local and/or federal regulations but are considered pollutants of concern for the WWTP. Compliance monitoring may be conducted for these additional pollutants based upon findings of WWTP sampling, the pretreatment inspections, industrial permit application and/or other information.

All monitoring and analyses will be conducted in accordance with 40 CFR Part 136 and Part 261 and will be properly documented through the use of Chain-of-Custody forms in case future legal action is required.

Industrial Self-Monitoring - An SIU may be required to self-monitor its process discharge(s) as outlined in its Industrial User Permit. If self-monitoring is not required, the District will conduct all required monitoring. In either case, no SIU shall be monitored less frequently than once every six (6) months for pollutants of concern. Any monitoring conducted by the industrial user at the approved monitoring point at a frequency greater than that required by the Industrial User Permit must also be submitted to the Pretreatment Coordinator. Sampling must be conducted at the

approved monitoring point outlined in the SIU's Industrial User Permit. All industrial self-monitoring and analyses must be conducted in accordance with 40 CFR 136 and 261.

The analytical results from self-monitoring are required to be properly signed and certified by an authorized representative of the industrial facility and submitted to the Pretreatment Coordinator by the 20th day of the month following the month in which the monitoring occurs. Each Industrial User Permit describes in detail the requirements for sampling frequency, methods, reporting, record-keeping, effluent discharge limitations and other restrictions applicable to each individual industry. Figure II outlines the review process for industrial user self-monitoring reports.

The Industrial User Permit is a reflection of the MCWD Sewer Use Tariff and the requirements noted therein. The Pretreatment Coordinator and other pretreatment personnel should be familiar with the requirements of each of the Industrial User Permits and have a general working knowledge of the Sewer Use Tariff and this ERP.

Demand Monitoring - Monitoring under emergency conditions, in response to identified violations or for litigation purposes may also be conducted, as the Pretreatment Coordinator deems necessary. Proper sampling techniques and analytical procedures will be observed throughout the monitoring event and chain-of-custody forms and other records will be properly maintained at all times. All WWTP personnel assigned to assist the Pretreatment Coordinator will be trained in the proper procedures for emergency sampling.

The Pretreatment Coordinator shall be contacted as soon as possible and

informed of any emergency situations. At that time, the Pretreatment Coordinator shall oversee the monitoring of the emergency condition while it exists. During sampling for litigation purposes, the Pretreatment Coordinator shall coordinate all efforts as needed. If necessary, the Pretreatment Coordinator may seek the advice of the District attorney and/or the consulting engineer to ensure that the evidence needed for prosecution and/or civil action is properly obtained. The services of an outside laboratory may be obtained in order to demonstrate that unbiased data has been collected.

IV. Sewer Use Tariff

The District has approved a Sewer Use Tariff and amendments that comply with all state and federal pretreatment regulations and guidelines. The MCWD Sewer Use Tariff is the authority by which the Manager/Superintendent and the Pretreatment Coordinator implement the Pretreatment Program and this ERP. All policies outlined in this ERP are in accordance with the requirements and regulations contained in the MCWD Sewer Use Tariff and its amendments.

V. Violation Categorization

The Enforcement Response Guide (ERG) included in this document provides a systematic method to determine appropriate responses to specific violations and non-compliant situations. The Manager/Superintendent and the Pretreatment Coordinator shall use this guide to conduct equitable enforcement actions for various anticipated violations. The ERG is included in Appendix A of this document.

Although the ERG is to be utilized to help determine specific responses to various types of violations, the Pretreatment Coordinator must first evaluate

important aspects surrounding the violations. The criteria that should be considered prior to enforcement are as follows:

1. **Magnitude of the Violation(s)** - Generally, an isolated instance of noncompliance can be met with an informal enforcement response. More serious violations such as those that could threaten public health or damage the WWTP must be responded to with more severity. All instances of significant noncompliance (SNC) should be responded to with an enforceable order that requires a return to compliance by a specific deadline. An SIU is defined as being in Significant Noncompliance (SNC) when it meets one or more of the following criteria, as defined in the MCWD Sewer Use Tariff and 40 CFR 403:

- a. **Chronic Violations** of wastewater discharge limits, defined herein as when sixty-six percent (66%) or more of all measurements for a pollutant parameter taken during a rolling 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 herein as those in which thirty-three percent (33%) or more of all measurements for a pollutant parameter taken during a rolling six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and equals 1.2 for all other pollutants except pH.);
- c. Failure to report noncompliance accurately or in a timely manner;
- d. Any violation of a pretreatment effluent limit (daily maximum or

longer term average) and/or Best Management Practice (BMP) that the Pretreatment Coordinator determines has caused, alone or in combination with other discharges, interference or pass-through or has endangered the health of the WWTP personnel or the general public;

- e. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment or has resulted in the Pretreatment Coordinator's use of his/her emergency authority under 40 CFR 403 to halt or prevent such a discharge;
- f. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting or completing construction or attaining final compliance;
- g. Failure to provide required reports within thirty (30) days of the due date; and,
- h. Any violation or group of violations, including Best Management Practices, which the Pretreatment Coordinator determines will adversely affect the administration or implementation of the local pretreatment program.

2. **Duration of the Violation** - Violations, regardless of severity, which continue for more than three (3) consecutive calendar quarters should be subject to a formal enforcement action. The U.S. EPA recommends issuance of administrative orders for chronic violations. If the SIU fails to comply with the administrative order, administrative penalties or judicial

action should be initiated. If prolonged violations result in serious harm to the WWTP, termination of service should be considered.

3. **Effect on Receiving Stream** - Any violation which results in environmental harm should be met with a severe enforcement response. Environmental harm should be evaluated whenever an SIU is shown to discharge pollutants into the sanitary sewer system which are known to pass through the WWTP, cause a violation of the WWTP's KPDES permit and/or have a toxic effect on the receiving stream (i.e., whole-effluent toxicity test (WET) failure, fish kill, etc.). The result of the discharge should dictate the severity of the enforcement response, including payment for damages and/or penalties accrued by the District.
4. **Effect on the POTW** - Violation(s) causing harm to the WWTP may range from the increased cost of treatment to the actual destruction of equipment, including harm to WWTP personnel. Response to the violation(s) should be determined based on the seriousness of the harm caused and the cost to the District.
5. **Compliance History of the SIU** - A pattern of recurring violations may indicate inadequate pretreatment equipment at the industrial facility or a casual approach to operation and maintenance of said equipment. SIUs exhibiting sporadic but recurring instances of significant noncompliance should be addressed with an appropriately severe response.
6. **Economic Benefit to SIU** - The economic benefit received by the SIU for not installing pretreatment equipment as necessary to ensure that consistent compliance is achieved should be considered when selecting an enforcement response.

7. **Good Faith of the SIU** - An SIU's efforts to remedy violations, coupled with actions which support the SIU's intention to cease all violations, should be considered in the enforcement response initiated. However, good faith does not automatically eliminate the necessity of an enforcement action and should be considered along with other criteria.

VI. **Compliance Tracking**

The Pretreatment Coordinator, or his designee, will review all compliance monitoring and self-monitoring reports for each SIU. These reports will be examined for timely submittal, completeness of sampling for all required parameters and for violations of permit limits. The Pretreatment Coordinator, or his designee, will track the compliance status of each SIU by reviewing all discharge data at the end of each quarter on a rolling six-month basis to determine if the SIU meets the definition of SNC. Compliance schedule milestones and other due dates for reports will also be tracked monthly.

VII. **Enforcement Response**

The Pretreatment Coordinator will be responsible for classifying the significance of an SIU's violation(s) using the criteria discussed previously in this document. Upon making this classification, the Pretreatment Coordinator will use the ERG to determine the most appropriate response to be used in addressing the noncompliance. Those responses available to the Pretreatment Coordinator through the MCWD Sewer Use Tariff are as follows:

- A. **Letter of Violation (LOV)** - A letter may be issued to an SIU when an excursion of a pretreatment standard or requirement occurs that is not classified as SNC. It is any official communication from the District to the

noncompliant SIU that informs the SIU that a pretreatment violation has been recorded. The LOV is an appropriate initial response to violations not categorized as significant noncompliance and may be the only response necessary in cases where the violations are isolated and/or minor.

- B. Notice of Violation (NOV)-** An NOV may be issued when any excursion of a pretreatment standard or requirement occurs. It is any official communication from the District to the noncompliant SIU that informs the SIU that a pretreatment violation has been recorded. The NOV is an appropriate initial response to violations not categorized as significant noncompliance and may be the only response necessary in cases where the violations are isolated and/or minor.

The NOV provides the SIU with an opportunity to correct noncompliance on its own initiative. The NOV also can act as a short-term compliance schedule by requiring certain corrective actions by the SIU within a certain period of time. The NOV documents the District's initial attempts to resolve the noncompliance and, should circumstances require a more stringent approach, the NOV establishes a basis for escalation of enforcement actions according to the ERP and not in an arbitrary manner. The Pretreatment Coordinator shall issue the NOV to the SIU in noncompliance within fifteen (15) days of becoming aware of a violation. The NOV will either be electronically mailed, hand-delivered or sent by certified mail (return receipt requested). A sample NOV is shown in Appendix B of this document.

- B. Administrative Penalty -** An administrative penalty is a monetary

penalty assessed by the Manager/Superintendent for violations of pretreatment standards and requirements that result in SNC. Administrative penalties may be issued at the Manager/Superintendent's discretion and the amount of the fine may be determined on a case-by-case basis. Administrative penalties differ from civil penalties since they do not require court intervention unless the SIU contests the action or refuses to pay the penalty.

Administrative penalties are punitive in nature and may not be related to a specific cost incurred by the District. Legal authority for administrative penalties has been established in the MCWD Sewer Use Tariff, as well as federal and state regulations.

The Manager/Superintendent has the authority to assess penalties at any time. Such penalties are appropriate when: (1) the SIU remains in SNC after receiving repeated NOVs from the District and has made no attempt to remedy the situation; (2) when the SIU violates the terms of an Administrative Order, and (3) when the violations have the potential to harm the WWTP and/or the receiving stream, public health and safety. The initial amount of the penalty, as with other enforcement responses, shall depend on the classification of the violation's severity. Escalation of the penalty up to the maximum allowed by the Tariff may take place if the SNC is not addressed to the Manager/Superintendent's satisfaction.

NOVs, Administrative Orders and show-cause hearings may all be utilized as mechanisms for issuing administrative penalties as follows:

NOV - An NOV may be issued notifying the SIU that a violation or continued violations have occurred and that a penalty is being assessed. The NOV shall identify the specific

violations and include a provision explaining that full payment of the penalty is due to the District within a specified period of time.

Administrative Order - A formal order may be issued specifying actions that must be taken to correct certain noncompliant conditions and assessing an administrative penalty as part of the order.

Show-Cause Hearing - A formal or informal meeting may be called between the District and the SIU in violation. Assessment of an administrative penalty may be one result of such a meeting. The show-cause hearing may also be used to give an SIU the opportunity to appeal the penalty or may be used to determine the proper penalty to be issued.

C. **Administrative Orders** - An Administrative Order (AO) is an enforceable document which directs an SIU to undertake certain actions or to cease specified activities in order to facilitate a return to compliance. AO's can be of the types listed below:

- **Cease and Desist Order** - This order directs the noncompliant SIU to cease or terminate all illegal, unauthorized and/or noncompliant discharges immediately. This order should be used in cases where the discharge could cause, or is causing, interference or pass-through of the POTW.

A Cease and Desist Order may be issued immediately upon discovery of a violation or following a show-cause hearing. In an emergency, the Cease and Desist Order may be verbal and delivered by telephone and followed by a written order (hand-

delivered or certified mail). If the SIU fails to comply with the order, the Manager/Superintendent or his designee may take action to stop the discharge by terminating water service or blocking the SIU's discharge point. An example of a Cease and Desist Order is shown in Appendix B.

- **Consent Order** - The Consent Order is an agreement between the District and the SIU in noncompliance. Three elements are present in the order: (1) a compliance schedule agreed to by both parties; (2) stipulated penalties or remedial actions; and, (3) signatures of both District and SIU representatives. A Consent Order is appropriate when the SIU assumes responsibility for its noncompliance and is willing to correct its cause(s). However, depending upon the specific terms of the order, signing may or may not be an admission of guilt for purposes of civil litigation and/or criminal prosecution. The Consent Order should specifically be used to prohibit future violations and provide for corrective actions on the part of the industry. An example of a Consent Order is included in Appendix B.
- **Compliance Order** - A Compliance Order directs the SIU to achieve or return to compliance by a specified date. This order is most appropriate when noncompliance can be resolved without major construction, repair or process changes. It may be issued to require an SIU to develop best management practices, waste minimization, spill prevention programs or slug control plans. The milestones set in the Compliance Order must be tracked by the Pretreatment Coordinator to determine if escalated enforcement

actions are needed. An example of a Compliance Order is included in Appendix B.

- **Show-Cause Order** - An order to show cause directs the SIU to appear before the Manager/Superintendent and/or the District's Chairman and explain its noncompliance and show cause as to why more severe enforcement actions should not be taken against the SIU. This order may be issued after informal contacts, NOVs or other orders have failed to resolve the noncompliance. The show-cause hearing can be conducted by the MCWD Chairman, the Manager/Superintendent or the District's Attorney and may be either formal or informal and open or closed to the public.

The Pretreatment Coordinator may follow up the hearing by issuing a Compliance Order, Consent Order, a compliance schedule, an administrative penalty or may refer the case to the District's Attorney for civil litigation and/or criminal prosecution. An example of a Show-Cause Order is included in Appendix B.

- D. **Civil Litigation** - Civil litigation is the formal process of filing a lawsuit against an SIU to secure court-ordered action to correct noncompliance and to secure penalties for violations including the recovery of costs to the District for the noncompliance. This process is normally pursued when the required corrective action has not been taken by the SIU, the penalty to be assessed exceeds that which the Manager/Superintendent can assess administratively or when the SIU is recalcitrant and unwilling to cooperate.

Civil litigation includes enforcement measures that require involvement or

approval by the court system, such as injunctive relief and settlement agreements. The Federal Pretreatment Regulations require the District to have legal authority to seek and assess civil penalties in at least the amount of \$5,000 per day for each violation by an SIU. The regulations also require the District to have legal authority to seek injunctive relief for noncompliance by SIUs.

Both of these requirements have been fulfilled in the MCWD Sewer Use Tariff. The Manager/Superintendent or his/her designee shall initiate civil litigation through the District's Attorney. All data gathered for such a purpose shall be properly collected and documented. A general outline of the civil litigation process is shown in Figure III.

- E. Criminal Prosecution** - Criminal prosecution is the formal process of charging individuals and/or organizations with violations of Tariff provisions that are punishable, upon conviction, by penalties and/or imprisonment. The MCWD Sewer Use Tariff authorizes criminal prosecution for Tariff violations when they are willful or negligent and may be appropriate in cases of repeated violations or when less formal efforts to restore compliance have failed. Criminal prosecution may be brought prior to, concurrently with, or subsequent to civil litigation.

The Manager/Superintendent shall initiate criminal prosecution through and at the direction of the District's Attorney. All data gathered for such prosecution shall be properly collected and documented. A general outline of the criminal prosecution process is shown in Figure IV.

- F. Termination of Service** - Under the MCWD Sewer Use Tariff, the Manager/Superintendent has the authority to immediately and effectively

halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of the general public, WWTP personnel, or to the environment, or which threatens to interfere with the WWTP's operation. The Manager/Superintendent or his designee may terminate sewer and/or water service to any user in violation of the MCWD Sewer Use Tariff.

There are three methods that will be used to terminate sewer service: (1) physically sever (or plug) the SIU's connection to the sewer; (2) halt the discharge by revoking the Industrial User Permit; and, (3) issue a Cease and Desist Order. All of these methods of termination require notice to the SIU and are outlined in the MCWD Sewer Use Tariff. Advance notice is intended to fulfill the legal due process requirements associated with service termination and enables the SIU to halt production in time to avoid backflow, spills and other harm to the SIU's facility.

The Manager/Superintendent or his/her designee will initiate termination as necessary, depending on specific circumstances, but will work closely with the District's attorney as further litigation is needed.

VIII. Abbreviations

AO	-	Administrative Order
CD	-	Cease & Desist Order
CO	-	Compliance Order
CIU	-	Categorical Industrial User
DC	-	MCWD Chairman
ERP	-	Enforcement Response Plan
ERG	-	Enforcement Response Guide
LOV	-	Letter of Violation
M/S	-	MCWD Manager/Superintendent
NOV	-	Notice of Violation
POTW	-	Publicly Owned Treatment Works
PC	-	Pretreatment Coordinator
SIU	-	Significant Industrial User
SUT	-	Sewer Use Tariff
WWTP	-	MCWD Wastewater Treatment Plant

FIGURE I

Organization Chart MCWD Pretreatment Program Enforcement Response Plan

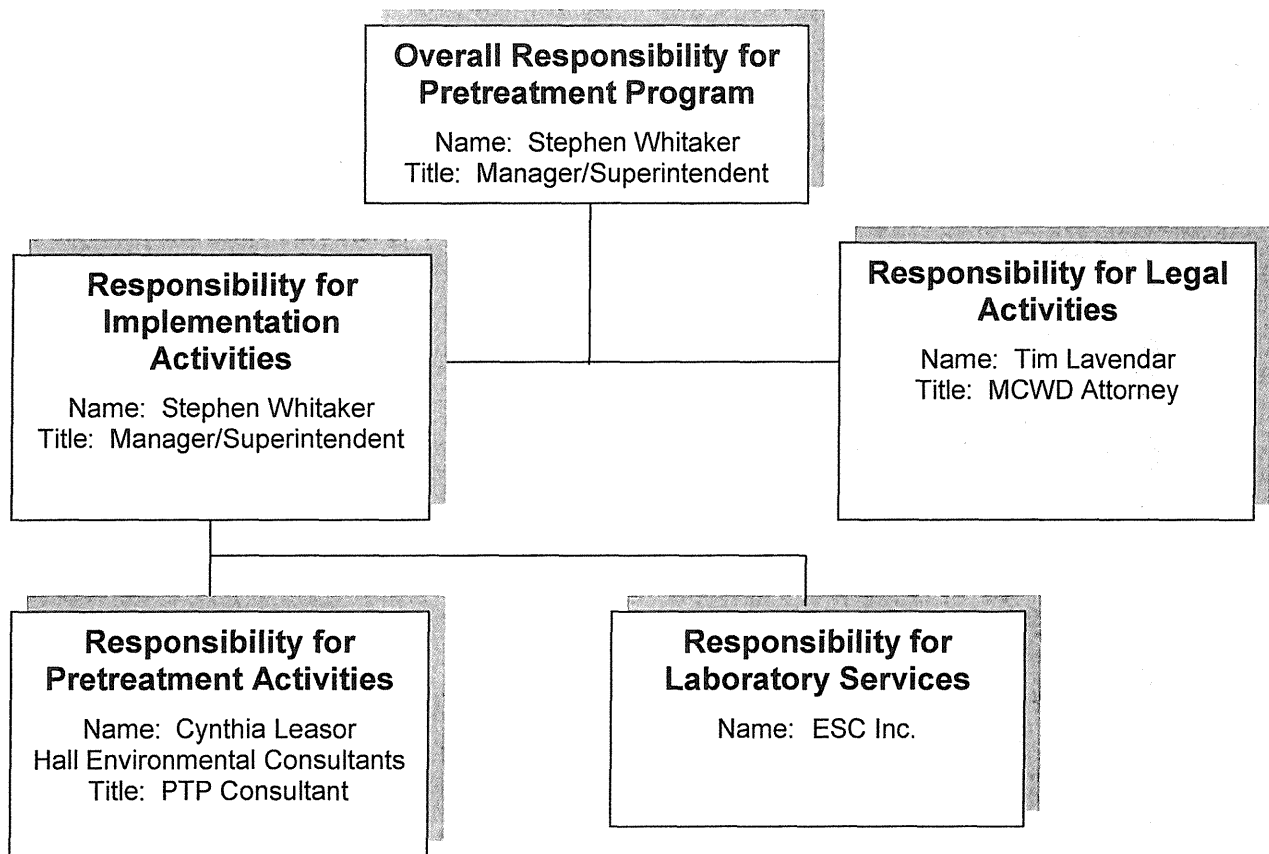


Figure II

Review Process for Industrial Self-Monitoring Reports

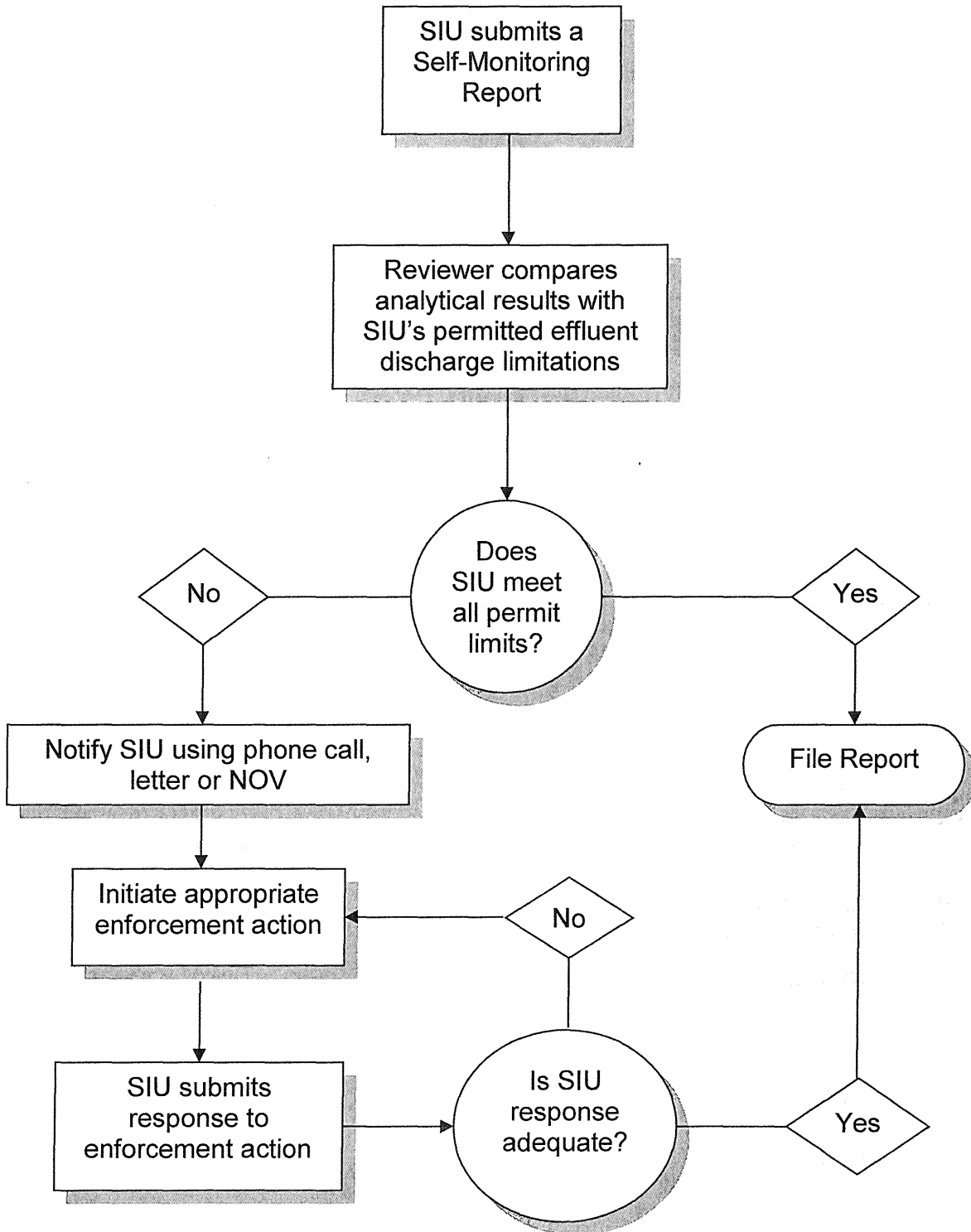


Figure III

Outline for the Civil Litigation Process MCWD Enforcement Response Plan

- District decides to sue SIU to recover costs, seek civil penalties and/or corrective actions.
- District files complaint alleging ordinance and/or permit violations. The District may also file a motion for a preliminary injunction if violations are on-going.
- SIU files a response admitting or denying allegations.
- Trial date set.
- Discovery process involving District and SIU.
- Settlement Negotiations - If successful, issue Consent Order;
If unsuccessful, proceed to trial.
- Trial.
- Verdict - If SIU is held liable, court awards cost recovery and/or civil penalties to District; If SIU is not held liable, return to status quo.
- Appeals filed.

Figure IV

Outline for Criminal Prosecution MCWD Enforcement Response Plan

- District receives information regarding criminal activity.
- District gathers evidence of criminal activity.
- District takes evidence to prosecutor. Prosecutor seeks indictment of SIU.
- Grand jury indicts the SIU.
- Defendant pleads to criminal charges in indictment. If SIU pleads guilty, sentencing hearing is scheduled. If SIU pleads not guilty, trial date is set.
- Criminal trial is held and verdict issued.
- Sentence pronounced. If defendant appeals and is successful, a new trial is held or sentence is reduced. If appeal is unsuccessful, sentence is served.

Appendix A

Enforcement Response Guide

**McCreary County Water District
Pretreatment Program**

Enforcement Response Guide

Timeframe for Enforcement Responses

- A. All violations will be identified and documented within fifteen (15) business days of receiving compliance information, monitoring reports and/or analytical results.
- B. Initial enforcement responses (involving contact with the industrial user and requesting information on corrective or preventative actions) will occur within fifteen (15) business days of violation detection.
- C. Follow up actions for chronic or reoccurring violations will be taken within sixty (60) days of the initial enforcement response. For all violations continuing for more than six (6) months, the response will include a compliance schedule.
- D. Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.
- E. All violations meeting the criteria for significant noncompliance (SNC) will be addressed with an enforceable order within thirty (30) days of the identification of significant noncompliance (SNC).

ENFORCEMENT RESPONSE GUIDE

McCreary County Water District

Section I - Unauthorized Discharges

Violation	Nature/Description	Enforcement Response	Responsible Personnel
Unpermitted Discharge	SIU unaware of requirements	-- Phone Call; Letter of Violation - OR-	PC
	- No harm to WWTP and/or environment	NOV with Permit Application Form	PC
	SIU unaware of requirements	-- NOV w/ Application Form	PC
	- Harm to WWTP and/or environment	-- AO with \$500 fine	M/S
		-- Civil Action	DC
	Failure to apply for permit continues after notice from Pretreatment Coordinator		
- No harm to WWTP and/or environment	-- AO with \$1000 penalty	M/S	
- Harm to WWTP and/or environment	-- Civil Action	DC	
	-- Criminal Action	DC	
	-- Terminate Service	M/S	
Non-permitted Discharge	Failure to renew Industrial User Permit;	-- Phone Call; LOV	PC
	SIU has not submitted permit application	-- NOV	PC
	within 10 days of due date	-- AO with \$500 penalty	M/S

ENFORCEMENT RESPONSE GUIDE

McCreary County Water District

Section II - Effluent Discharge Limit Violations

Violation	Nature/Description	Enforcement Response	Responsible Personnel
Violation of Permit Limit	Isolated violation - Not SNC (<20% of limit) - No harm to WWTP and/or environment	-- Phone call; LOV	PC
		-- Notice of Violation	PC
	Isolated violation - Not SNC (>20% of limit) - No harm to WWTP and/or environment	-- LOV w/ submittal of corrective actions	PC
		-- NOV w/ submittal of corrective actions	PC
	Isolated violation - SNC (>20% of limit) - No harm to WWTP and/or environment	-- NOV w/ submittal of corrective actions	PC
		-- AO to develop Spill Prevention Plan with corrective action(s)	PC
		-- AO with \$500 penalty	M/S
	Isolated violation - SNC - Harm to WWTP and/or environment	-- AO with \$1000 penalty + cost recovery	M/S
		-- Show Cause Order	M/S
		-- Civil Action	DC
		-- Termination of service	M/S
	Chronic violations - not SNC	-- Meeting; NOV	M/S
-- AO with minimum \$500 penalty		M/S	
Chronic Violations - SNC - No harm to WWTP and/or environment	-- NOV with compliance schedule	M/S	
	-- AO with minimum \$500 penalty	M/S	
Chronic Violations - SNC - Harm to WWTP and/or environment	-- AO with \$1000 penalty per violation	M/S	
	-- Show Cause Order and/or Hearing	M/S	
	-- Civil Action	DC	
	-- Terminate Service	M/S	

ENFORCEMENT RESPONSE GUIDE

McCreary County Water District

Section III - Monitoring and Reporting Violations

Violation	Nature/Description	Enforcement Response	Personnel Responsible
Reporting Violation	Report is improperly signed or certified		
	- Not SNC	-- Phone call; Meeting; LOV	PC
		-- NOV	PC
	Report is improperly signed or certified after notice		M/S
	- Not SNC	-- NOV with \$500 penalty	M/S
	- SNC	-- Administrative Order	M/S
	Late Report (<5 days late)		
- Not SNC	-- Phone call; LOV; NOV	PC	
Late Report (5-30 days late)			
- Not SNC	-- NOV	PC	
	-- Administrative Order	M/S	
Late Report (>30 days late)			
- SNC	-- NOV with \$500 penalty	M/S	
Chronic Late Reporting (more than 33%)			
- SNC	-- AO with \$500 penalty	M/S	
	-- Show Cause Order	M/S	
	-- Civil Action	DC	

ENFORCEMENT RESPONSE GUIDE

McCreary County Water District

Section III - Monitoring and Reporting Violations (continued)

Violation	Nature/Description	Enforcement Response	Personnel Responsible
Reporting Violation	Failure to report spill or changed discharge		
	- No harm to WWTP and/or environment	-- NOV	PC
	- Violation of discharge limit	-- NOV with \$500 penalty	M/S
	Failure to report spill or changed discharge	-- AO with \$1000 penalty & cost recovery	M/S
	- SNC w/ harm to WWTP or environment	-- Civil Action	DC
	Repeated failure to report spills		
	- No harm to WWTP and/or environment	-- Show Cause Order with \$1000 penalty per violation	M/S
- Harm to WWTP and/or environment	-- Administrative Order with \$1000 penalty per violation and cost recovery	M/S	
		-- Terminate service	DC
	Falsification of a report and/or lab result	-- AO with \$1000 penalty	M/S
		-- Criminal Action	M/S
		-- Terminate Service	DC
Failure to monitor correctly	Failure to monitor for all pollutants as required by IU Permit - 1st offense	-- NOV with resampling required	PC
	Chronic failure to monitor for all pollutants as required by Industrial User Permit	-- NOV with \$500 - \$1000 penalty	M/S
		-- Show Cause Hearing	M/S
-- Civil Action		DC	

ENFORCEMENT RESPONSE GUIDE

McCreary County Water District

Section III - Monitoring and Reporting Violations (continued)

Violation	Nature/Description	Enforcement Response	Personnel Responsible
Improper sampling techniques	Use of incorrect sample type, preservative, etc.		
	- No evidence of intent	-- NOV with \$500 penalty and resampling	M/S
	- Evidence of intent	-- NOV with \$5000 penalty	M/S
	- Recurring	-- Criminal Action -- Terminate Service	DC DC
Improper sampling procedures	Sampling at incorrect location		
	- No evidence of intent	-- NOV with resampling and/or \$500 penalty	PC
	- Evidence of intent	-- Administrative Order with \$5000 penalty -- Criminal Action	M/S DC
Failure to install monitoring equipment	Delay of less than 30 days	-- NOV with corrective action(s)	PC
	Delay of 30 days or more	-- AO with compliance schedule	M/S
	Chronic delay; Violation of AO	-- Civil Action -- Criminal Action -- Terminate Service	DC DC DC

ENFORCEMENT RESPONSE GUIDE

McCreary County Water District

Section IV - Compliance Schedule Violations

Violation	Nature/Description	Enforcement Response	Personnel Responsible
Failure to meet Compliance Schedule milestone	Missed milestone by less than 30 days - Will not affect final compliance milestone	-- NOV	PC
	Missed milestone by more than 30 days - Will affect final milestone but good cause for delay	-- NOV with revised compliance schedule -- AO with \$1000 penalty	PC M/S
	Missed milestone by more than 30 days - Will affect final milestone and no good cause for delay	-- AO with \$1000 penalty -- Show Cause Hearing -- Civil Action -- Terminate Service	M/S M/S DC DC
	Chronic violations of Compliance Schedule milestones or other requirements	-- AO with \$1000 penalty per violation -- Civil Action -- Criminal Action -- Terminate Service	M/S DC DC DC

ENFORCEMENT RESPONSE GUIDE

McCreary County Water District

Section V - Inspection Violations

Violation	Nature/Description	Enforcement Response	Personnel Responsible
Denial of Entry	Entry denied or consent withdrawn;	-- Obtain warrant and return to IU	M/S
	Copies of records denied	-- NOV with \$1000 penalty	M/S
Illegal Discharge Identified	Illegal discharge observed - No evidence of intent		
	- No harm to WWTP and/or environment	-- NOV with \$1000 penalty	M/S
	- Harm to WWTP and/or environment	-- AO with \$1000 penalty & cost recovery	M/S
	Illegal discharge observed - Evidence of intent	-- Cease/Desist Order with \$5000 penalty -- Criminal Action	M/S DC
Recurring illegal discharges observed		-- Criminal Action	DC
		-- Terminate Service	DC
Inadequate Recordkeeping	Inspector finds files missing and/or incomplete		
	- Isolated incident, no evidence of intent	-- NOV with corrective action(s)	PC
	Inspector finds files missing and/or incomplete		
- Chronic and/or evidence of intent	-- NOV with \$1000 penalty	M/S	
Inspector finds files that were not submitted			
	- No evidence of intent	-- NOV with \$500 penalty	M/S
- Evidence of intent	-- Criminal Action	DC	

ENFORCEMENT RESPONSE GUIDE

McCreary County Water District

Section VI - Other Violations

Violation	Nature/Description	Enforcement Response	Personnel Responsible
Wastestreams are diluted in lieu of treatment	Initial violation	-- NOV with \$1000 penalty	M/S
	Violation continues uncorrected after notice	-- Show Cause Order	M/S
		-- Terminate Service	DC
-- Criminal Action		DC	
Failure to mitigate violation or halt production	Does not result in harm to WWTP, environment and/or public	-- NOV -OR-	PC
		-- NOV with \$1000 penalty	M/S
	Does result in harm to WWTP, environment and/or public	-- AO with \$1000 penalty & cost recovery -- Civil Action -- Criminal Action	M/S DC DC
Failure to properly operate and maintain pretreatment equipment or facilities	Does not result in harm to WWTP, environment and/or public	-- NOV with corrective action(s)	PC
		-- NOV with \$1000 penalty	M/S
	Does result in harm to WWTP, environment and/or public	-- NOV with \$5000 penalty & cost recovery -- Civil Action	M/S DC

Appendix B

Model: **Notice of Violation (NOV)**
 Administrative Order (AO)
 Cease and Desist Order
 Consent Order
 Show Cause Order
 Chain-of-Custody

IN THE MATTER OF

[Name of Industry]
[Address]

*
*
* **NOTICE OF VIOLATION** *
*
* [Date] *
*
*

LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the McCreary County Water District (MCWD) Manager/Superintendent or his designee by the District's Sewer Use Rules and Regulations. This order is based on findings of violation of the conditions of the Industrial User Permit issued under Article IV of the District's Sewer Use Rules and Regulations.

FINDINGS

1. [Name of IU] discharges non-domestic wastewater containing pollutants into the sanitary sewer system of the MCWD.
2. To protect the sewer system and treatment works, the MCWD administers a Pretreatment Program. Under this program, [Name of IU] is a "Significant Industrial User" as defined by Article I of the District's Sewer Use Rules and Regulations.
3. [Name of IU] was issued an Industrial User Permit on [Date] which contains prohibitions, restrictions and numerical limitations on the quality of the wastewater discharged to the sanitary sewer system of the MCWD.
4. On [Date], [Type of Monitoring] monitoring revealed that the concentration of [Name of Pollutant] (Quantity of Pollutant) had violated the Industrial User Permit limitation (Permit Limitation).

NOTICE

THEREFORE, BASED ON THE ABOVE FINDINGS, [NAME OF IU] IS HEREBY NOTIFIED THAT :

1. The pollutant analysis conducted on [Date] revealed that [Name of IU] was in violation of it's Industrial User Permit and the District's Sewer Use Rules and Regulations.
2. [Name of IU] must resample for [Pollutant] and submit the analytical results to the MCWD Manager/Superintendent no later than [Date].

Signed: _____
Stephan Whitaker
Manager/Superintendent
McCreary County Water District

IN THE MATTER OF

[Name of Industry]
[Address]

*
*
*
*
*
*
*

ADMINISTRATIVE COMPLIANCE
ORDER
[Date]

LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the McCreary County Water District (MCWD) Manager/Superintendent or his designee by the District's Sewer Use Rules and Regulations. This order is based on findings of violation of the conditions of the Industrial User Permit issued under Article IV of the District's Sewer Use Rules and Regulations.

FINDINGS

1. [Name of IU] discharges nondomestic wastewater containing pollutants into the sanitary sewer system of the MCWD.
2. [Name of IU] is a "Significant Industrial User" as defined by Article I of the MCWD Sewer Use Rules and Regulations.
3. [Name of IU] was issued an Industrial User Permit on [Date] which contains prohibitions, restrictions and numerical limitations on the quality of the wastewater discharged to the sanitary sewer system of the MCWD.
4. Pursuant to the District's Sewer Use Rules and Regulations and the above-referenced permit, data is routinely collected and submitted on the compliance status of [Name of IU].
5. This data shows that [Name of IU] has violated its Industrial User Permit in the following manner:
 - a. [Name of IU] has violated its permit limits for [Name of Pollutant] in each sample collected between [Date] and [Date], for a total of [Number of Violations] separate violations of the permit.
 - b. [Name of IU] has failed to submit a periodic compliance report due on [Date].
 - c. These violations satisfy the MCWD's definition of Significant Noncompliance as described in the District's Sewer Use Rules and Regulations.

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS, [NAME OF IU] IS HEREBY ORDERED TO:

1. *Within 180 days from the date of this order, install pretreatment equipment that will adequately treat [Name of IU]'s wastewater to a level which will comply with it's Industrial User Permit and the District's Sewer Use Rules and Regulations.*
2. *Within five (5) days of the date of this order, submit all periodic compliance reports due since [Date].*
3. *Within ten (10) days, pay to the MCWD, a penalty in the amount of \$[Amount of Fine] for the above-described violations in accordance with Article VIII of the District's Sewer Use Rules and Regulations.*
4. *Report, on a monthly basis, the wastewater quality and the corresponding flow and production information as described on page [Page Number] of the Industrial User Permit for a period of [Time Period] from the effective date of this order.*
5. *All reports and notices required by this order shall be sent, in writing, to the following address:*

*Stephen Whitaker
MCWD Manager/Superintendent
P.O. Box 488
Whitley City, KY 42653*

6. *This order does not constitute a waiver of the Industrial User Permit which remains in full force and effect. The MCWD reserves the right to seek any and all remedies available to it under Article IX of the District's Sewer Use Rules and Regulations for any violation cited by this order.*
7. *Failure to comply with the requirements of this order shall constitute a further violation of the MCWD Sewer Use Rules and Regulations and may subject [Name of IU] to civil or criminal penalties or such other enforcement responses as may be necessary.*
8. *This order, entered this _____ day of _____, 20__, shall be effective upon receipt by [Name of IU].*

Signed: _____

Stephen Whitaker
Manager/Superintendent
MCWD

IN THE MATTER OF

[Name of Industry]
[Address]

*
*
*
*
*
*
*

**CEASE AND DESIST
ORDER**
[Date]

LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the Manager/Superintendent of the McCreary County Water District (MCWD) or his designee by the MCWD Sewer Use Rules and Regulations. This order is based on findings of violation of the conditions of the Industrial User Permit issued under Article IV of the MCWD Sewer Use Rules and Regulations.

FINDINGS

1. [Name of IU] discharges nondomestic wastewater containing pollutants into the sanitary sewer system of the MCWD.
2. [Name of IU] is a "Significant Industrial User" as defined by Article I of the MCWD's Sewer Use Rules and Regulations.
3. [Name of IU] was issued an Industrial User Permit on [Date] that contains prohibitions, restrictions and numerical limitations on the quality of the wastewater discharged to the sanitary sewer system of the MCWD.
4. Pursuant to the MCWD Sewer Use Rules and Regulations and the above-referenced permit, data is routinely collected and submitted on the compliance status of [Name of IU].
5. This data shows that [Name of IU] has violated its Industrial User Permit and the MCWD Sewer Use Rules and Regulations in the following manner:
 - a. [Name of IU] has violated its permit limits for [Name of Pollutant] in each sample collected between [Date] and [Date], for a total of [Number of Violations] separate violations of the permit.
 - b. [Name of IU] has failed to comply with an Administrative Compliance Order requiring [Procedures required by Compliance Schedule] by [Compliance Date].
 - c. [Name of IU] has failed to appear at a show cause hearing pursuant to an order requiring said attendance.

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS, [NAME OF IU] IS HEREBY NOTIFIED THAT:

1. *Within 24 hours of receiving this order, [Name of IU] shall cease all non-domestic discharges into the MCWD sanitary sewer system. Such discharges shall not recommence until such time as [Name of IU] is able to demonstrate that it will comply with its current Industrial User Permit and any limitations therein and the MCWD Sewer Use Rules and Regulations.*
2. *Failure to comply with this order may subject [Name of IU] to having its connection to the sanitary sewer system sealed by the MCWD and assessed the costs for such work.*
3. *Failure to comply with the requirements of this order shall constitute a further violation of the MCWD Sewer Use Rules and Regulations and may subject [Name of IU] to civil or criminal penalties or such other enforcement responses as may be deemed necessary by the MCWD's Manager/Superintendent.*
4. *This order, entered this _____ day of _____, 20____, shall be effective upon receipt by [Name of IU].*

Signed: _____

Stephen Whitaker
Manager/Superintendent
MCWD

IN THE MATTER OF

[Name of Industry]
[Address]

*
*
*
*
*
*
*

CONSENT ORDER

[Date]

LEGAL AUTHORITY

WHEREAS, the MCCREARY COUNTY WATER DISTRICT (MCWD) pursuant to the powers, duties and responsibilities vested in and imposed upon the Manager/Superintendent of the MCWD and his designee by provisions of the MCWD Sewer Use Rules and Regulations, have conducted an investigation of [Name of IU] and have determined that:

1. *The MCWD owns and operates the MCWD Wastewater Treatment Plant which can be adversely impacted by discharges from industrial users, including [Name of IU]. Therefore, the MCWD implements a Pretreatment Program to control such discharges into the sanitary sewer system of the MCWD.*
2. *[Name of IU] has consistently violated the pollutant discharge limitations in its Industrial User Permit as set forth in Exhibit I, attached hereto.*
3. *Therefore, to ensure that [Name of IU] is brought into compliance with its Industrial User Permit at the earliest possible date, IT IS HEREBY AGREED AND ORDERED, BETWEEN [Name of IU] AND THE MANAGER/SUPERINTENDENT OF THE MCWD, that [Name of IU] shall:*
 - a. *EX: By [Date], obtain the services of a licensed Professional Engineer specializing in wastewater treatment for the purpose of designing a pretreatment system which will bring [Name of IU] into compliance with its Industrial User Permit.*
 - b. *EX: By [Date], submit plans and specifications for the proposed pretreatment system to the Utility Manager for review.*
 - c. *EX: By [Date], install the pretreatment system in accordance with the plans and specifications submitted in item b above.*
 - d. *EX: By [Date], achieve compliance with the limits set forth in Exhibit I.*
 - e. *EX: [Name of IU] shall pay \$1,000 per day for each and every day it fails to comply with the schedule set out in items a-d above.*

4. *In the event that [Name of IU] fails to comply with any of the deadlines set forth above, [Name of IU] shall within one (1) working day after expiration of the deadline, notify the Manager/Superintendent in writing. This notice shall describe in detail the reasons for [Name of IU]'s failure to comply, the additional amount of time needed to complete the remaining work and the steps to be taken to avoid future delays. This notification in no way excuses [Name of IU] from its responsibility to meet any later milestones required by this Consent Order.*
5. *Compliance with the terms and conditions of the Consent Order shall not be construed to relieve [Name of IU] of its obligation to comply with its Industrial User Permit which remains in full force and effect. The MCWD reserves the right to seek any and all remedies available to it under Article IX of the MCWD Sewer Use Rules and Regulations.*
6. *Violation of this Consent Order shall constitute a further violation of the MCWD Sewer Use Rules and Regulations and subjects [Name of IU] to all penalties described by Section IX and X of the Sewer Use Rules and Regulations.*
7. *Nothing in this Consent Order shall be construed to limit any authority of the MCWD to issue any other orders or take any other enforcement action which it deems necessary to protect the wastewater treatment plant, the environment and/or the public health and safety.*

SIGNATORIES

FOR [NAME OF IU]:

Date

Name

[Industry]

FOR MCCREARY COUNTY WATER DISTRICT:

Date

Stephen Whitaker
MCWD Manager/Superintendent

IN THE MATTER OF

[Name of Industry]
[Address]

*
*
*
*
*
*
*

**ADMINISTRATIVE
SHOW CAUSE ORDER**
[Date]

LEGAL AUTHORITY

*The following findings are made and notice issued pursuant to the authority vested in the Manager/Superintendent or his designee by the **McCreary County Water District (MCWD) Sewer Use Rules and Regulations**. This order is based on findings of violation of the conditions of the Industrial User Permit issued under the authority of the District's Sewer Use Rules and Regulations.*

FINDINGS

1. [Name of IU] discharges non-domestic wastewater containing pollutants into the sanitary sewer system of the **MCWD**.
2. [Name of IU] is a "Significant Industrial User" as defined by Article I of the **MCWD Sewer Use Rules and Regulations**.
3. [Name of IU] was issued an Industrial User Permit on [Date] which contains prohibitions, restrictions and numerical limitations on the quality of the wastewater it discharges to the sanitary sewer system of the **MCWD**.
4. Pursuant to the Sewer Use Rules and Regulations and the above-referenced permit, data is routinely collected and submitted on the compliance status of [Name of IU].
5. This data shows that [Name of IU] has violated its Industrial User Permit in the following manner:
 - a. [Name of IU] has violated its permit limits for [Name of Pollutant] in each sample collected between [Date] and [Date], for a total of [Number of Violations] separate violations of the permit.
 - b. [Name of IU] has failed to submit a periodic compliance report due on [Date].
 - c. These violations satisfy the **MCWD's** definition of **Significant Noncompliance** as described in the District's Sewer Use Rules and Regulations.

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS, [NAME OF IU] IS HEREBY ORDERED TO:

1. *Appear at a meeting with the Manager/Superintendent of the MCWD to be held on [Date] at [Time], at the MCWD Main Office.*
2. *At this meeting, [Name of IU] must demonstrate why the MCWD should not pursue a judicial enforcement action, or other escalated enforcement action, against [Name of IU] at this time.*
3. *This meeting will be closed to the public.*
4. *Representatives of [Name of IU] may be accompanied by legal counsel if they so choose.*
5. *Failure to comply with this order shall also constitute a further violation of the MCWD's Sewer Use Rules and Regulations and may subject [Name of IU] to civil or criminal penalties or such other enforcement responses as may be necessary and appropriate.*
8. *This order, entered this _____ day of _____, 20__, shall be effective upon receipt by [Name of IU].*

Signed: _____

Stephen Whitaker
MCWD Manager/Superintendent

APPENDIX B

**INDUSTRIAL USER
WASTEWATER APPLICATION**

McCreary County Water District

P.O. Box 488
Whitley City, Kentucky 42653
Tel. No. 606-376-2540

INDUSTRIAL USER WASTEWATER PERMIT APPLICATION

SECTION A - GENERAL INFORMATION

A.1. Facility Name _____

A.2. Standard Industrial Classification (SIC) Code(s) _____, _____, _____

A.3. Mailing Address _____

Street/P.O. Box

City

State

Zip Code

A.4. Facility Address (if different) _____

Street/P.O. Box

City

State

Zip Code

A.5. Facility Contact _____

Name/Title

Email

Area Code - Telephone - Extension

A.6. Signatory Official _____

Name/Title

Street/P.O. Box

City

State

Zip Code

I certify under penalty of law that this document and all attachments were prepared under my supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature

Date

Title

Phone

SECTION B - PLANT INFORMATION

B.1. List number of days plant operates per week, including cleanup and maintenance: _____ days

B.2. List number of hours per shift plant is in operation:
1st Shift _____ 2nd Shift _____ 3rd Shift _____

B.3. List number of employees per shift:
1st Shift _____ 2nd Shift _____ 3rd Shift _____

B.4. List principal raw materials and/or chemicals used (include copies of all SDS sheets):

B.5. Industry Type: _____

B.6. Briefly describe all operations conducted at this facility: _____

B.7. Principle Product Produced: _____

B.8. Production Rate (in units per year) _____

B.9. List average water usage on premises in gallons per day (New facilities may estimate):

Contact cooling water: _____

Non-contact cooling water: _____

Process: _____

Sanitary: _____

Boiler Feed: _____

Equipment washdown: _____

Other: _____

Total: _____

B.10. Is discharge from your processes: Continuous _____ Batch _____ Both _____

B.11. If Batch, indicate: Day/Time of discharges: _____

No./Day _____ Average gallons per batch: _____

B.12. Is this facility regulated as categorical (i.e. under federal limits)?

[] YES Category: 40 CFR _____

[] NO

B.13. Does this facility use any of the toxic organics listed on page 7-8 of this application?

[] YES

[] NO

B.14. Describe any seasonal variation that effects the volume or characteristics of the discharge: _____

B.15. Are any changes or expansions planned during the next three (3) years that would alter wastewater volumes or characteristics? [] YES [] NO

If Yes, Describe _____

B.16. Briefly describe any maintenance, cleanup, or operational variations and frequency of occurrence that may result in an unusual discharge volume or composition: _____

B.17. General remarks you would like to make: _____

SECTION C - WASTEWATER INFORMATION

C.1. Date of most recent laboratory analysis: _____

C.2. Name and address of laboratory performing self-monitoring analysis: _____

C.3. Frequency of past sampling (i.e. daily, weekly, monthly, etc.): _____

C.4. Sampling point location: _____

SECTION D - PHYSICAL AND CHEMICAL WASTE PROCESS

D.1. Is any pretreatment process utilized to treat any or all portions of the process water discharged: YES NO

If YES, please attach a flow diagram, description of the complete pretreatment process, contaminants removed by the process, age of the pretreatment units, and chemicals used in the process. Also describe the method of storage, disposal of contaminants removed, and ultimate disposal site.

D.2. Based on sampling results is this facility consistently meeting local, state, and/or federal pretreatment limits for all regulated processes? YES NO

If NO, please indicate parameters not being met and state reason for non-compliance.

D.3. Will additional pretreatment and/or operations and maintenance be required for your facility to meet pretreatment standards? YES NO

If YES, please explain and attach schedule of compliance toward meeting pretreatment standards.

D.4. If any toxic chemicals are used, as referenced in Section 307(a) (attached) of the Clean Water Act of 1977, please submit a list of those chemicals, particular use, and quantity used per month. Also submit copies of the Material Safety Data Sheets (MSDS) for those chemicals utilized.

D.5. Is there an existing Spill Prevention and Control Plan for this facility?

YES (Please attach a copy with this questionnaire.)

NO

N/A (Not applicable since there are no floor drains and/or facility discharges only domestic wastewater.)

D.6. Please attach a schematic of your facility site to include all main buildings discharging wastewater, identification of wastestream(s), point(s) of connection to the city sewer, and possible monitoring point(s).

D.7. Are provisions made for measuring and sampling the process discharge (i.e. monitoring manhole, sampler, flowmeter, etc.)?

YES (Please attach a brief description of equipment.)

NO

D.8. Have you registered with or been issued a Hazardous Waste Generator Handler/Storage Permit by the Kentucky Division of Waste Management or other environmental control permits by any other agency?

NO

YES (If YES, include permit number, date of issue, final disposition of waste, and other pertinent information.)

Permit Type: _____

Permit No.: _____

Date of Issue: _____

Permit Type: _____

Permit No.: _____

Date of Issue: _____

Permit Type: _____

Permit No.: _____

Date of Issue: _____

CLEAN WATER ACT, SECTION 307 (A) PRIORITY POLLUTANTS

Volatile Compounds

002	Acrolein	088	Vinyl Chloride
004	Benzene	003	Acrylonitrile
006	Carbon Tetrachloride	047	Bromoform
051	Chlorodibromomethane	007	Chlorobenzene
019	2-Chloroethylvinyl Ether	016	Chloroethane
048	Dichlorobromomethane	023	Chloroform
010	1,2-Dichloroethane	013	1,1-Dichloroethane
032	1,2-Dichloropropane	029	1,1-Dichloroethylene
038	Ethylbenzene	033	1,3-Dichloropropylene
045	Methyl Chloride	046	Methyl Bromide
015	1,1,2,2-Tetrachloroethane	044	Methylene Chloride
086	Toluene	085	Tetrachloroethylene
011	1,1,1-Trichloroethane	030	1,2-Trans-Dichloroethylene
087	Trichloroethylene	014	1,1,2-Trichloroethane

Acid Compounds

024	Chlorophenol	031	2,4-Dichlorophenol
034	2,4-Dimethylphenol	060	4,6-Dinitro-O-Cresol
059	2,4-Dinitrophenol	057	2-Nitrophenol
058	4-Nitrophenol	022	P-Chloro-M-Cresol
064	Pentachlorophenol	065	Phenol
021	2,4,6-Trichlorophenol		

Base/Neutral Compounds

001	Acenaphthene	077	Acenaphthylene
078	Anthracene	005	Benzidine
072	Benzo(a)Anthracene	073	Benzo(a)Pyrene
074	Benzo(b)Fluoranthene	079	Benzo(ghi)Perylene
075	Benzo(k)Fluoranthene	043	Bis(2-Chloroethoxy)Methane
018	Bis(2-Chloroethyl)Ether	042	Bis(2-Chloroisopropyl)Ether
017	Bis(chloromethyl)Ether	041	4-Bromophenyl Phenyl Ether
066	Bis(2-Ethylhexyl)Phthalate	020	2-Chloronaphthalene
067	Butyl Benzyl Phthalate	076	Chrysene
040	4-Chlorophenyl Phenyl Ether	025	1,2-Dichlorobenzene
082	Dibenzo(a,h)Anthracene	027	1,4-Dichlorobenzene
026	1,3-Dichlorobenzene	070	Diethyl Phthalate
028	3,3-Dichlorobenzidine	068	Di-N-Butyl Phthalate
071	Dimethyl Phthalate	036	2,6-Dinitrotoluene
035	2,4-Dinitrotoluene	037	1,2-Diphenylhydrazine (as Azobenzene)
069	Di-N-Octyl Phthalate	009	Hexachlorobenzene
039	Fluoranthene	053	Hexachlorocyclopentadiene
080	Fluorene	083	Indeno(1,2,3-cd)Pyrene
052	Hexachlorobutadiene	055	Naphthalene
012	Hexachloroethane	061	N-Nitrosodimethylamine
054	Isophorone	062	N-Nitrosodiphenylamine
056	Nitrobenzene	084	Pyrene
063	N-Nitrosodi-N-Propylamine	008	1,2,4-Trichlorobenzene
081	Phenanthrene		

PRIORITY POLLUTANTS (continued)

Pesticides and PCBs

089	Aldrin	104	Gamma-BHC
102	Alpha-BHC	105	Delta-BHC
103	Beta-BHC	091	Chlordane
092	4,4' DDT	093	4,4' DDE
094	4,4'-DDD	090	Dieldrin
095	Alpha-endosulfan	096	Beta-Endosulfan
097	Endosulfan Sulfate	098	Endrin
099	Endrin Aldehyde	100	Heptachlor
101	Heptachlor Epoxide	106	PCB-1242
107	PCB-1254	108	PCB-1221
109	PCB-1232	110	PCB-1248
111	PCB-1260	112	PCB-1016
113	Toxaphene		

Metals and Cyanide

114	Antimony	115	Arsenic
117	Beryllium	118	Cadmium
119	Chromium	120	Copper
122	Lead	123	Mercury
124	Nickel	125	Selenium
126	Silver	127	Thallium
128	Zinc	121	Cyanide

Miscellaneous

129	2,3,7,8-Tetrachlorodibenzo-P-Dioxin (TCDD)
116	Asbestos

APPENDIX C

INDUSTRIAL USER PERMIT

McCreary County Water District

P.O. Box 488
Whitley City, Kentucky 42653
Tel. No. 606-376-2540

INDUSTRIAL USER PERMIT

Permit No. _____

In accordance with the provisions of McCreary County Water District Sewer Use Rules and Regulations and amendments thereto,

Name of Industrial User
Address
Stearns, Kentucky 42647

is hereby authorized to discharge sanitary wastewater into the McCreary County Water District (MCWD) sanitary sewer system in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in this permit.

All discharges authorized herein shall be consistent with the terms and conditions of this permit and the MCWD Rules and Regulations. The discharge of any pollutant identified in this permit at a level in excess of that authorized or in direct opposition to conditions noted herein, shall constitute a violation of this permit.

This permit shall become effective at 12:00 a.m. _____,

And shall expire at 11:59 p.m. _____.

If the permittee wishes to continue to discharge after the expiration date of this permit, the MCWD must be notified a minimum of thirty (30) days prior to the expiration date for reissuance of this permit.

By _____

Stephen Whitaker
Manager/Superintendent
McCreary County Water District

PART I - GENERAL INFORMATION

Facility Name _____

Facility Contact _____

Telephone Number _____

Signatory Official _____

Monitoring Location Outfall 001 –

See Attachment (A) for a schematic of the location

Industry Type _____

User Classification Significant Industrial User

SIC Number(s) _____, _____, _____, _____

PART II - EFFLUENT LIMITATIONS

A. *Effluent Limitations – Outfall 001*

During the effective period of this permit, discharges from Outfall 001 shall be in compliance with the following effluent discharge limitations. Effluent from this outfall consists of process and sanitary wastewater.

Parameter	Units	Daily Maximum Concentration
1. Flow	GPD	Report
2. pH	S. U.	6.0 – 9.0
3. Ammonia-Nitrogen	mg/L	
4. BOD, 5-Day	mg/L	
5. COD	mg/L	
6. Cyanide, Amenable	mg/L	
7. Oil & Grease, Total	mg/L	
8. Oil & Grease, Hydrocarbon	mg/L	
9. Phosphorus, Total	mg/L	
10. Total Suspended Solids	mg/L	
11. Arsenic	mg/L	
12. Cadmium	mg/L	
13. Chromium, Total	mg/L	
14. Chromium, Hexavalent	mg/L	
15. Copper	mg/L	
16. Lead	mg/L	
17. Mercury	mg/L	
18. Molybdenum	mg/L	
19. Nickel	mg/L	
20. Selenium	mg/L	
21. Silver	mg/L	
22. Zinc	mg/L	

*In addition, the discharge shall comply with all other applicable regulations and standards contained in the MCWD Rules and Regulations and Amendments.

4. Wastewater flow from the industry shall be determined by the following method:

- a. The average monthly water usage for the month during which sampling was performed.

If the permittee feels that the water usage is not representative of the discharge flow, it shall be the responsibility of the permittee to accumulate and submit documents for proof of actual flow. It shall be the responsibility of the permittee to determine, as accurately as possible, the flow being discharged from the permitted site and submit that figure to the MCWD upon request.

5. ***NAME OF PERMITTEE***, being classified and regulated as a significant industrial user, must meet all Federal Pretreatment Regulations as specified in 40 CFR 403. The permittee must also meet all requirements specified in the MCWD Rules and Regulations and Pretreatment Program.

- a. Total Toxic Organics (TTO) are not considered pollutants of concern at this facility. However, the MCWD reserves the right to sample for these pollutants whenever deemed necessary by the Pretreatment Coordinator.
- b. For purposes of this permit, TTO shall mean the summation of all quantifiable values greater than 0.01 mg/l for the pollutants listed as volatile and semi-volatile organics and detected by EPA Methods 624 & 625.

6. Where only one sample per month or less is required, then that sample becomes the monthly average and must meet the monthly average limit if so noted in this permit. The daily maximum limit applies to any single sample taken at any time except when the single sample is used for the monthly average.

7. All expenses associated with sampling of the permittee's discharge, Pretreatment Program implementation activities and inspections shall be billed to the permittee.

1251, et. seq. (the Act); any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or State criteria applicable to the sludge management method being used.

8. Any substance that will cause the POTW to violate its NPDES/KPDES Permit and/or sludge disposal permit.

B. Restricted Discharges

The permittee shall not contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which violates the following specific restrictions. These specific restrictions apply to all users whether or not the user is subject to National Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements. The permittee shall not contribute the following substances to the POTW:

1. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.
2. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
3. Any wastewater containing toxic pollutants in sufficient quantity, either alone or by interaction with other pollutants, which: injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, causes the MCWD to violate the terms of its KPDES Permit, prevents the use of acceptable sludge disposal methods, or exceeds the limitations set forth in a Categorical Pretreatment Standard.
4. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable State or Federal Regulations.
5. Any water or wastes which, either alone or by interaction with other water or wastes in the public sewer, release obnoxious odors and/or gases or form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.
6. Any wastewater with objectionable color that cannot be removed to an acceptable level within the operation of the wastewater treatment process unless otherwise specifically noted in this permit.
7. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed to the extent required by the MCWD's NPDES/KPDES Permit.

- d. A change at the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- e. Excessive or continued violation of any terms or conditions of this permit.
- f. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- g. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13; or,
- h. To correct typographical or other errors in the discharge permit.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated non-compliance does not stay any permit condition.

5. Permit Transfer

Wastewater Contribution Permits are issued to a specific user for a specific operation. A Wastewater Contribution Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation. The existing owner shall provide the Pretreatment Coordinator written notification at least thirty (30) days prior to a change in ownership. The Pretreatment Coordinator may issue a new Wastewater Contribution Permit to the new owner at his/her discretion.

6. Dilution

The permittee shall not increase the use of potable or 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 this permit, the Federal Categorical Pretreatment Standards, or in any pollutant specific limitation developed by the MCWD or State.

7. Adverse Impact

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the environment or wastewater treatment Utility resulting from non-compliance with any effluent limitation specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. The permittee shall immediately notify the Pretreatment Coordinator of slug discharges, spills that may enter the public sewer, or any other significant changes in operations, wastewater characteristics and constituents.

3. The permittee has the option to monitor the discharge at a greater frequency than required in this permit. However, all analyses obtained by such monitoring shall be submitted to the Pretreatment Coordinator with the Self-Monitoring Report described in Paragraph (1) of this section.
4. Where only one sample per month or less is required, then that sample becomes the monthly average and must meet the monthly average limit, if such is noted in the permit.

C. Violation Reporting

1. The permittee must notify the Pretreatment Coordinator or his designee within 24 hours of first becoming aware of a permit violation. This notification shall include the date of violation, the parameter violated and the amount in exceedance. This regulation applies only to self-monitoring events. This does not apply where the MCWD conducts the monitoring event.
2. The permittee shall immediately repeat the sampling and analysis of the parameter(s) in question and submit the results to the Pretreatment Coordinator within thirty (30) days after becoming aware of the violation. Exception to this regulation is only if the MCWD performs the sampling within the same time period for the same parameter(s) in question.

D. Accidental and Slug Discharges

1. The permittee shall provide protection from accidental and/or slug discharges of prohibited materials or other substances regulated by the MCWD Sewer Use Ordinance that adversely affects the POTW. Facilities to prevent accidental and/or slug discharges of prohibited materials shall be provided and maintained at the permittee's expense. At least once every two (2) years, the Pretreatment Coordinator will determine whether the permittee needs to develop or update a plan to control slug discharges. If the Pretreatment Coordinator determines that a slug control plan or revision is necessary, the plan shall contain the following:
 - a. Description of discharge practices
 - b. Description of stored chemicals
 - c. Procedures for notifying POTW
 - d. Prevention procedures for spills

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

2. Written Notice. Within five (5) days following an accidental discharge, the permittee shall submit to the Pretreatment Coordinator a detailed written

G. Signatory Requirements

All permit applications submitted to the MCWD shall be signed and certified as follows:

1. All permit applications shall be signed:
 - a. For a corporation: by a principal executive officer of at least the level of vice-president or plant manager; and,
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
2. All other correspondence, data, self-monitoring reports or other information shall be signed by the person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above; or,
 - b. The authorization specifies either an individual or a position having facility or activity, such as the position of plant manager, plant engineer or position of equivalent responsibility.
3. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

H. Falsifying Information

Knowingly making any false statement on any report or other document required by this permit or knowingly rendering any monitoring device or method inaccurate, may result in punishment under criminal law proceedings as well as being subjected to civil penalties and injunctive relief as specified in Articles IX and X of the MCWD Sewer Use Ordinance.

significant non-compliance with any Pretreatment Requirements or Standards. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12-month period.

C. Significant Non-Compliance

The permittee is defined as being in significant non-compliance when it meets one or more of the following conditions:

1. Discharges wastewater that causes imminent endangerment to human health or the environment or results in the exercise of the Pretreatment Coordinator's emergency authority to halt or prevent such a discharge; or,
2. Involves failure to report non-compliance accurately; or,
3. Results in a chronic violation defined here as sixty-six percent (66%) or more of all measurements taken during a six (6) month period that exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter; or,
4. Results in a Technical Review Criteria (TRC) Violation defined here as thirty-three percent (33%) or more of all measurements for each pollutant parameter taken during a six (6) month period that equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, and O&G and 1.2 for all other pollutants except pH); or,
5. Any violation of a pretreatment effluent limit that the Pretreatment Coordinator determines has caused, alone or in combination with other discharges, interference or pass through or has endangered the health of the POTW personnel or the public; or,
6. Violations of compliance schedule milestones, failure to comply with schedule milestones for starting or completing construction or attaining final compliance by ninety (90) days or more after the schedule date; or,
7. Failure to provide required reports within thirty (30) days of the due date; or,
8. Any violation or group of violations, which may include and is not limited to best management practices, which the Pretreatment Coordinator determines has adversely affected the operation of the WWTP and/or implementation of the MCWD Pretreatment Program.

D. Compliance Schedules

Should the permittee be identified as being in significant noncompliance (SNC), the Pretreatment Coordinator may require the permittee to develop and submit a compliance schedule, among other enforcement actions. This is in accordance

construction. The manhole shall be designed and maintained in a manner such that the safety of MCWD and industrial personnel is foremost.

D. Removed Substances

Solids, sludges, filter backwash or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in accordance with section 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.

PART VII – SURCHARGE FEES

A. Industrial Wastewater Surcharge Concentrations

Any water or wastes that have characteristics based on a 24-hour composite sample, grab or a shorter period composite sample, if more representative, that exceed the following normal maximum domestic wastewater parameter concentrations:

Parameter	Concentration
5-Day BOD	mg/l
COD	mg/l
Total Suspended Solids (TSS)	mg/l
Ammonia-Nitrogen	mg/l
Oil and Grease (Total)	mg/l

will be subject to a surcharge fee for each pound loading over and above the set limit. Exceedance of the effluent limits specified above shall not be deemed to constitute a violation of a permit condition or the MCWD Sewer Use Ordinance if the appropriate surcharge fee is paid and the discharge does not cause interference or pass through at the POTW.

NOTICE

On or about September 13, 2019, McCreary County Water District (“McCreary District”) will file with the Kentucky Public Service Commission proposed revisions to its rules and regulations for the provision of sewer service. These revisions are intended to ensure that McCreary District’s rules and regulations regarding the pretreatment of wastewater more closely conform to the requirements of its Kentucky Pollutant Discharge Elimination System (KPDES) permit. These revisions will primarily address the administration of the pretreatment program and McCreary District’s enforcement powers and remedies.

McCreary District proposes to place its proposed revisions into effect on October 3, 2019. The proposed revisions are not expected to affect any current customer’s monthly bill.

Any person may examine the proposed tariff sheets at McCreary District’s office at 456 North Hwy 27, Whitley City, Kentucky 42653, Monday through Friday, 8:00 a.m. to 4:00 p.m., or at the Public Service Commission’s offices located at 211 Sower Boulevard, Frankfort, Kentucky, Monday through Friday, 8:00 a.m. to 4:30 p.m., or through the Public Service Commission’s Web site at <https://psc.ky.gov/trf4/TRFListFilings.aspx?Mode=1>.

Comments regarding the proposed revisions may be submitted to the Public Service Commission by mail to the Public Service Commission, P.O. Box 615, Frankfort, Kentucky 40602 or by e-mail to psc.tariffs@ky.gov.

The proposed revisions are the rate and conditions of service proposed by McCreary District. However, the Public Service Commission may order rates to be charged and conditions of service to be observed that differ from those proposed. Such action may result in rates and conditions of service for consumers other than those set forth in this notice.

KRS 278.180 requires McCreary District to provide the Public Service Commission with notice of the proposed revisions at least thirty (30) days prior to their effective date but permits the Public Service Commission to shorten this notice period to twenty (20) days. In its filing, McCreary District has requested that the Public Service Commission shorten this notice period to 20 days.

A person may submit a timely written request for intervention to the Public Service Commission, P.O. Box 615, Frankfort, Kentucky 40602, establishing the grounds for the request including the person’s status and interest. If the Public Service Commission does not receive a written request for intervention within twenty (20) days of the initial publication of notice, it may take final action on the proposed tariff revisions.

McCreary County Water District
First Publication Date: September 12, 2019



McCreary County Water District

PO Box 488 Whitley City, KY 42653
(606)376-2540

March 25, 2019

Ms. Diana Robertson
Municipal & Pretreatment Section
Surface Water Permits Branch/Division of Water
300 Sower Boulevard
Frankfort, Kentucky 40601

Re: McCreary County Water District
Pretreatment Program Submittal

Dear Ms. Robertson:

As the authorized representative of the McCreary County Water District (MCWD), I am submitting for your review and approval the MCWD Pretreatment Program that will be implemented by the District for the protection of the McCreary County Water District WWTP, its personnel and its receiving stream.

This submittal includes the proposed MCWD Rules and Regulations and Enforcement Response Plan, the evaluation of the local limits needed to protect the WWTP from interference, pass-through and upset, the proposed Industrial User Permit that will be used and the Industrial User Survey. A monitoring and inspection program has also been established and will be implemented by the MCWD.

Please be aware that the District has estimated the annual costs necessary to implement and maintain a compliant program and has budgeted this cost in our annual budgetary cycle. The District plans to use Hall Environmental Consultants to implement the program on a daily basis. The District is committed to fully implementing the program as outlined herein in order to maintain full and complete compliance with all federal and state regulations.

Upon receipt of your approval and following the DOW's public notices and modification of our KPDES permit, the District will proceed with the adoption process and public hearings in accordance with state and federal regulations. Should you have any questions regarding this submittal, or need further information, please contact Cynthia Leasor, the City's Pretreatment Coordinator, at (859) 885-3331.

Sincerely,

Stephan Whitaker
Manager/Superintendent
McCreary County Water District

Enclosure



McCreary County Water District

PO Box 488 Whitley City, KY 42653
(606)376-2540

March 31, 2019

Peter Goodmann, Director
Division of Water
300 Sower Boulevard
Frankfort, Kentucky 40601

Re: McCreary County Water District (MCWD) Pretreatment Program Legal Authority

Dear Sir:

I am the attorney for the MCWD and the following statement is submitted pursuant to the requirements contained in the Code of Federal Regulations (CFR) Section 403.9 (b) (1) regarding legal authority for the MCWD to implement the MCWD Pretreatment Program.

It is my opinion that the MCWD has adequate authority to carry out the program described in 40 CFR Section 403.8, based on authority granted to it by the Sewer Use Rules and Regulations that will be adopted by the MCWD Board pending state approval.

The following references to the legal authority requirements of 40 CFR 403.8 (f) (1) are correlated with appropriate sections of the MCWD Sewer Use Rules and Regulations which provide the required authority. Where the authority is not apparent from a reading of the Rules and Regulations provision, an explanation is provided.

Article I-General Provisions of the MCWD Rules and Regulations provides that all connections of lateral or other sewer lines to the sewerage system of the MCWD service area, whether within or without any city, shall be made subject to such terms and conditions as the MCWD authority may prescribe. Pursuant to this authority the MCWD Board will adopt its Rules and Regulations setting forth the terms and conditions upon which industrial users may connect to the system.

403.8 (f) (1) (i) – New contributions from industrial users to the public sewerage system may not be made without an industrial user first obtaining an Industrial User Permit (Article VI) which may contain various conditions and prohibitions (Article VI, Section D). If there is an increase or change in an industrial user's contribution to the system, the discharger is required to reapply for a permit to cover those changes (Article VI, Section B), and the Pretreatment Coordinator may change the conditions of any Sewer Use Permit as circumstances may require (Article VI, Section C).

403.8 (f) (1) (ii) – In order to require compliance with applicable Pretreatment Standards, the MCWD must be able to require compliance with EPA's listed general prohibitions (403.5 (a)), specific prohibitions (403.5 (b)), local limits developed to implement the general and specific standards (403.6).

Article V of the Rules and Regulations prohibits any discharge to a sewer which will result in a nuisance, or contamination or pollution of receiving waters. Article V, Section C prohibits conditions which violate any statute, rule, regulation or Rules and Regulations of any public agency (including EPA). Article V, Sections B and C prohibit those discharges prohibited by EPA regulations. Article V empowers the MCWD to enforce the general and specific prohibitions contained in 40 CFR 403.5 (a) and (b). The local discharge limits developed pursuant to 403.5 (c) and (d) will be imposed by the MCWD as a permit condition pursuant to Article V, Section C (13). National categorical pretreatment standards will also be imposed when applicable as a permit condition per Article V, Section C (15) which empowers the MCWD Manager/Superintendent to regulate discharges regulated by EPA.

403.8 (f) (1) (iii) – The MCWD has control via a permit system authorized by Article VI of the Rules and Regulations (a permit application form appears in Section I of the MCWD Pretreatment Program).

403.8 (f) (1) (iv) (A) – The MCWD's Pretreatment Coordinator may, to remedy or avoid a violation of the Rules and Regulations or Industrial User Permit, require a user to develop a compliance schedule for installation of treatment technology under Article VI, Section M. Additionally, the Pretreatment Coordinator may require a compliance schedule as part of the required information under Article VI, Section D as a condition of obtaining an Industrial User Permit.

403.8 (f) (10) (iv) (B) – The MCWD may require a user to submit all notices and self – monitoring reports required by local and/or EPA regulations through authority granted in Article VI, Section K.

403.8 (f) (1) (v) – The MCWD may carry out inspection, surveillance and monitoring procedures under authority granted in Article VI, Section K and Section L.

403.8 (f) (1) (vi) (A) – The MCWD may seek remedies for noncompliance with pretreatment standards and requirements. As a matter of general law, the MCWD may seek injunctive relief for noncompliance since any such noncompliance might result in irreparable harm to the treatment plant, to the health and safety of plant workers, and to the environment; and since damages at law would not be an adequate remedy. The Rules and Regulations Article X, Sections C, D and H provide that intentional violation of the Rules and Regulations is a misdemeanor which is punishable by a fine not to exceed \$500 or imprisonment not to exceed 12 months. Additionally, a civil liability is imposed by Article X, Section G for intentional or negligent violation of the MCWD requirements relating to (1) pretreatment of industrial waste which would otherwise be detrimental to the treatment works or its operation, and (2) the prevention of entry of such waste into the collection system or treatment works. The civil liability may equal a sum not to exceed \$5,000 per day per violation.

403.8 (f) (1) (vi) (B) – The MCWD may, under Article X, Section B, suspend an Industrial User Permit or impose temporary restrictions on discharges where continued discharges would jeopardize the ability of the treatment system to meet water quality standards, threaten damage to the sewerage system, or cause a nuisance or an unsafe condition to occur. Usually, a 48-hour period must pass before a suspension or restriction is effective. However, the waiting period may be dispensed with in emergency situations relating to public health and safety or a significant impairment of the treatment process. Article X, Section B requires compliance with restrictions or cessation of discharges at the effective time of such action.

403.8 (f) (1) (vii) – Confidentiality requirements are provided for in Article VI, Section P.

As stated above, the MCWD will implement the requirements of its pretreatment program and apply pretreatment standards to individual industrial users through use of a permitting system and by direct enforcement of its Sewer Use Rules and Regulations. A description of the exact procedures to be used in

implementing the pretreatment program is provided in the Program Implementation Procedures portion of the MCWD Pretreatment Program.

The MCWD intends to ensure compliance with pretreatment standards and requirements through an inspection and sampling program authorized under Article VI, Section K of the Rules and Regulations, which would allow for the determination of noncompliance with discharge limitations and requirements independent of information supplied by the industrial user. The inspection and monitoring program is described in Section IV of the MCWD Pretreatment Program.

Those violating permit conditions will be subject to a variety of enforcement actions as specified in the MCWD Enforcement Response Plan authorized in Articles IX and X. The violating user may be ordered to "Cease and Desist" (Article IX, Section C(3)), "Show Cause" why an enforcement action should not be taken (Article IX, Section C(4)) and are subject to having service terminated and/or their permit revoked (Article IX, Section A). The MCWD is prepared to take court action where necessary to enforce compliance with its Rules and Regulations, permits and/or orders.

Best regards,

A handwritten signature in cursive script, appearing to read "Tim Lavender".

Tim Lavender, MCWD Attorney
P.O. Box 69
Whitley City, KY 42653
606-376-2233

McCREARY COUNTY WATER DISTRICT PRETREATMENT PROGRAM

LOCAL LIMITS EVALUATION

MARCH 2019

PREPARED BY CYNTHIA LEASOR, PRINCIPAL ENGINEER

HALL ENVIRONMENTAL CONSULTANTS LLC

1376 DANVILLE LOOP 1 ROAD

NICHOLASVILLE, KENTUCKY 40356

859-885-3331

cleasor@hallenvironmental.net

MCCREARY COUNTY WATER DISTRICT PRETREATMENT PROGRAM

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MCCREARY COUNTY WATER DISTRICT PRETREATMENT PROGRAM

INTRODUCTION

The McCreary County Water District (MCWD), hereinafter known as the "District", owns a Wastewater Treatment Plant (WWTP) and sanitary sewer collection system, hereinafter known as the McCreary County WWTP. This wastewater treatment system has a design capacity of 0.9 mgd with primary and secondary treatment provided by bar screen, grit removal, oxidation ditch, clarifiers and chlorine disinfection.

Following chlorination and dechlorination for disinfection, the WWTP discharges treated effluent to an unnamed tributary of Bridge Fork, which has a 7Q10 flow of 0.0 cfs at the point of discharge. Biosolids generated by the treatment processes are treated in aerobic digesters, dewatered using a belt press and disposed of through beneficial reuse at a nearby approved landfarming site permitted by the District.

In order to adequately control and treat the process wastewater received from any industrial users discharging to the MCWD sanitary sewer system, the District has developed this Pretreatment Program. As owner of the McCreary County WWTP, the District will implement and enforce the Pretreatment Program.

This submission consists of six (6) sections which outline the MCWD Pretreatment Program, including the District's Sewer Use Rules and Regulations, Enforcement Response Plan and monitoring program. In addition, the staff assignments and estimated annual operating cost for the program are included in Figures II and III.

Currently, there is one (1) industrial facility that will be regulated as a Significant Industrial Users (SIU). This industrial facility has been determined to meet the local, state and federal definitions of a Significant Industrial User (SIU). The District will be responsible for conducting an annual Industrial Waste Survey of all existing and new SIUs to ensure that all industrial users are identified and regulated in accordance with the MCWD Sewer Use Rules and Regulations, as well as 401 KAR5:057 and 40 CFR 403.

Section I

Industrial Waste Survey

SECTION I

INDUSTRIAL WASTE INVENTORY

SECTION I - INDUSTRIAL WASTE INVENTORY

In preparing the MCWD Pretreatment Program, a survey was conducted of all non-residential users of the sanitary sewer system. This survey is performed to ensure that all users with a potential to impact or cause harm to the WWTP are properly regulated under the Pretreatment Program. Sources used to identify industrial users for the survey are the water use and billing records from the District water department, the county business directory and the Kentucky Directory of Manufacturers (2018).

As a result of this survey, one (1) industrial user was identified as meeting the federal, state and local definitions of a Significant Industrial User (SIU). A copy of the Industrial Waste Survey form is included in this section. The "Industrial User Survey" form, which will be completed by all industrial facilities prior to locating in the District's service area is also included in this section. This form will be completed by all new industries that wish to discharge to the MCWD WWTP so that a determination may be made of the facility's Pretreatment Program user classification. This same form, as the "Industrial User Permit Application" will also be completed by all SIUs each year upon application for reissuance of their Industrial User Permits.

After an industry has requested authorization to discharge to the MCWD WWTP, a site visit will be conducted in order to familiarize the Pretreatment Coordinator with the facility, complete any unanswered questions on the survey form and to gather detailed information to assist in the development of an Industrial User Permit. In addition, the site visits allow the information gathered from the survey questionnaires to be verified.

A potential SIU may be sampled as part of the Industrial Waste Survey. The analytical results of this sampling will be used to determine pollutants of concern for the potential SIU and will provide a basis for initial development of the Industrial User Permit, if necessary, and the monitoring schedule for the Pretreatment Program.

McCreary County Water District

P.O. Box 488
Whitley City, Kentucky 42653
Tel. No. 606-376-2540

INDUSTRIAL WASTEWATER SURVEY

SECTION A - GENERAL INFORMATION

A.1. Facility Name _____

A.2. Standard Industrial Classification (SIC) Code(s) _____, _____, _____

A.3. Mailing Address _____

Street/P.O. Box

City

State

Zip Code

A.4. Facility Address (if different) _____

Street/P.O. Box

City

State

Zip Code

A.5. Facility Contact _____

Name/Title

Email

Area Code - Telephone - Extension

A.6. Signatory Official _____

Name/Title

Street/P.O. Box

City

State

Zip Code

I certify under penalty of law that this document and all attachments were prepared under my supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature

Date

Title

Phone

SECTION B - PLANT INFORMATION

B.1. List number of days plant operates per week, including cleanup and maintenance: _____ days

B.2. List number of hours per shift plant is in operation:

1st Shift _____ 2nd Shift _____ 3rd Shift _____

B.3. List number of employees per shift:

1st Shift _____ 2nd Shift _____ 3rd Shift _____

B.4. List principal raw materials and/or chemicals used (include copies of all SDS sheets):

B.5. Industry Type: _____

B.6. Briefly describe all operations conducted at this facility: _____

B.7. Principle Product Produced: _____

B.8. Production Rate (in units per year) _____

B.9. List average water usage on premises in gallons per day (New facilities may estimate):

Contact cooling water: _____

Non-contact cooling water: _____

Process: _____

Sanitary: _____

Boiler Feed: _____

Equipment washdown: _____

Other: _____

Total: _____

B.10. Is discharge from your processes: Continuous _____ Batch _____ Both _____

B.11. If Batch, indicate: Day/Time of discharges: _____

No./Day _____ Average gallons per batch: _____

B.12. Is this facility regulated as categorical (i.e. under federal limits)?

YES Category: 40 CFR _____

NO

B.13. Does this facility use any of the toxic organics listed on page 7-8 of this application?

YES

NO

B.14. Describe any seasonal variation that effects the volume or characteristics of the discharge: _____

B.15. Are any changes or expansions planned during the next three (3) years that would alter wastewater volumes or characteristics? YES NO

If Yes, Describe _____

B.16. Briefly describe any maintenance, cleanup, or operational variations and frequency of occurrence that may result in an unusual discharge volume or composition: _____

B.17. General remarks you would like to make: _____

SECTION C - WASTEWATER INFORMATION

C.1. Date of most recent laboratory analysis: _____

C.2. Name and address of laboratory performing self-monitoring analysis: _____

C.3. Frequency of past sampling (i.e. daily, weekly, monthly, etc.): _____

C.4. Sampling point location: _____

SECTION D - PHYSICAL AND CHEMICAL WASTE PROCESS

D.1. Is any pretreatment process utilized to treat any or all portions of the process water discharged: YES NO

If YES, please attach a flow diagram, description of the complete pretreatment process, contaminants removed by the process, age of the pretreatment units, and chemicals used in the process. Also describe the method of storage, disposal of contaminants removed, and ultimate disposal site.

D.2. Based on sampling results is this facility consistently meeting local, state, and/or federal pretreatment limits for all regulated processes? YES NO

If NO, please indicate parameters not being met and state reason for non-compliance.

D.3. Will additional pretreatment and/or operations and maintenance be required for your facility to meet pretreatment standards? YES NO

If YES, please explain and attach schedule of compliance toward meeting pretreatment standards.

D.4. If any toxic chemicals are used, as referenced in Section 307(a) (attached) of the Clean Water Act of 1977, please submit a list of those chemicals, particular use, and quantity used per month. Also submit copies of the Material Safety Data Sheets (MSDS) for those chemicals utilized.

D.5. Is there an existing Spill Prevention and Control Plan for this facility?

YES (Please attach a copy with this questionnaire.)

NO

N/A (Not applicable since there are no floor drains and/or facility discharges only domestic wastewater.)

D.6. Please attach a schematic of your facility site to include all main buildings discharging wastewater, identification of wastestream(s), point(s) of connection to the city sewer, and possible monitoring point(s).

D.7. Are provisions made for measuring and sampling the process discharge (i.e. monitoring manhole, sampler, flowmeter, etc.)?

YES (Please attach a brief description of equipment.)

NO

D.8. Have you registered with or been issued a Hazardous Waste Generator Handler/Storage Permit by the Kentucky Division of Waste Management or other environmental control permits by any other agency?

NO

YES (If YES, include permit number, date of issue, final disposition of waste, and other pertinent information.)

Permit Type: _____

Permit No.: _____

Date of Issue: _____

Permit Type: _____

Permit No.: _____

Date of Issue: _____

Permit Type: _____

Permit No.: _____

Date of Issue: _____

CLEAN WATER ACT, SECTION 307 (A) PRIORITY POLLUTANTS

Volatile Compounds

002	Acrolein	088	Vinyl Chloride
004	Benzene	003	Acrylonitrile
006	Carbon Tetrachloride	047	Bromoform
051	Chlorodibromomethane	007	Chlorobenzene
019	2-Chloroethylvinyl Ether	016	Chloroethane
048	Dichlorobromomethane	023	Chloroform
010	1,2-Dichloroethane	013	1,1-Dichloroethane
032	1,2-Dichloropropane	029	1,1-Dichloroethylene
038	Ethylbenzene	033	1,3-Dichloropropylene
045	Methyl Chloride	046	Methyl Bromide
015	1,1,2,2-Tetrachloroethane	044	Methylene Chloride
086	Toluene	085	Tetrachloroethylene
011	1,1,1-Trichloroethane	030	1,2-Trans-Dichloroethylene
087	Trichloroethylene	014	1,1,2-Trichloroethane

Acid Compounds

024	Chlorophenol	031	2,4-Dichlorophenol
034	2,4-Dimethylphenol	060	4,6-Dinitro-O-Cresol
059	2,4-Dinitrophenol	057	2-Nitrophenol
058	4-Nitrophenol	022	P-Chloro-M-Cresol
064	Pentachlorophenol	065	Phenol
021	2,4,6-Trichlorophenol		

Base/Neutral Compounds

001	Acenaphthene	077	Acenaphthylene
078	Anthracene	005	Benzidine
072	Benzo(a)Anthracene	073	Benzo(a)Pyrene
074	Benzo(b)Fluoranthene	079	Benzo(ghi)Perylene
075	Benzo(k)Fluoranthene	043	Bis(2-Chloroethoxy)Methane
018	Bis(2-Chloroethyl)Ether	042	Bis(2-Chloroisopropyl)Ether
017	Bis(chloromethyl)Ether	041	4-Bromophenyl Phenyl Ether
066	Bis(2-Ethylhexyl)Phthalate	020	2-Chloronaphthalene
067	Butyl Benzyl Phthalate	076	Chrysene
040	4-Chlorophenyl Phenyl Ether	025	1,2-Dichlorobenzene
082	Dibenzo(a,h)Anthracene	027	1,4-Dichlorobenzene
026	1,3-Dichlorobenzene	070	Diethyl Phthalate
028	3,3-Dichlorobenzidine	068	Di-N-Butyl Phthalate
071	Dimethyl Phthalate	036	2,6-Dinitrotoluene
035	2,4-Dinitrotoluene	037	1,2-Diphenylhydrazine (as Azobenzene)
069	Di-N-Octyl Phthalate	009	Hexachlorobenzene
039	Fluoranthene	053	Hexachlorocyclopentadiene
080	Fluorene	083	Indeno(1,2,3-cd)Pyrene
052	Hexachlorobutadiene	055	Naphthalene
012	Hexachloroethane	061	N-Nitrosodimethylamine
054	Isophorone	062	N-Nitrosodiphenylamine
056	Nitrobenzene	084	Pyrene
063	N-Nitrosodi-N-Propylamine	008	1,2,4-Trichlorobenzene
081	Phenanthrene		

PRIORITY POLLUTANTS (continued)

Pesticides and PCBs

089	Aldrin	104	Gamma-BHC
102	Alpha-BHC	105	Delta-BHC
103	Beta-BHC	091	Chlordane
092	4,4' DDT	093	4,4' DDE
094	4,4'-DDD	090	Dieldrin
095	Alpha-endosulfan	096	Beta-Endosulfan
097	Endosulfan Sulfate	098	Endrin
099	Endrin Aldehyde	100	Heptachlor
101	Heptachlor Epoxide	106	PCB-1242
107	PCB-1254	108	PCB-1221
109	PCB-1232	110	PCB-1248
111	PCB-1260	112	PCB-1016
113	Toxaphene		

Metals and Cyanide

114	Antimony	115	Arsenic
117	Beryllium	118	Cadmium
119	Chromium	120	Copper
122	Lead	123	Mercury
124	Nickel	125	Selenium
126	Silver	127	Thallium
128	Zinc	121	Cyanide

Miscellaneous

129	2,3,7,8-Tetrachlorodibenzo-P-Dioxin (TCDD)
116	Asbestos

McCreary County Water District

P.O. Box 488
Whitley City, Kentucky 42653
Tel. No. 606-376-2540

INDUSTRIAL USER WASTEWATER PERMIT APPLICATION

SECTION A - GENERAL INFORMATION

A.1. Facility Name _____

A.2. Standard Industrial Classification (SIC) Code(s) _____, _____, _____

A.3. Mailing Address _____

Street/P.O. Box

City

State

Zip Code

A.4. Facility Address (if different) _____

Street/P.O. Box

City

State

Zip Code

A.5. Facility Contact _____

Name/Title

Email

Area Code - Telephone - Extension

A.6. Signatory Official _____

Name/Title

Street/P.O. Box

City

State

Zip Code

I certify under penalty of law that this document and all attachments were prepared under my supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature

Date

Title

Phone

SECTION B - PLANT INFORMATION

B.1. List number of days plant operates per week, including cleanup and maintenance: _____ days

B.2. List number of hours per shift plant is in operation:
1st Shift _____ 2nd Shift _____ 3rd Shift _____

B.3. List number of employees per shift:
1st Shift _____ 2nd Shift _____ 3rd Shift _____

B.4. List principal raw materials and/or chemicals used (include copies of all SDS sheets):

B.5. Industry Type: _____

B.6. Briefly describe all operations conducted at this facility: _____

B.7. Principle Product Produced: _____

B.8. Production Rate (in units per year) _____

B.9. List average water usage on premises in gallons per day (New facilities may estimate):

Contact cooling water: _____

Non-contact cooling water: _____

Process: _____

Sanitary: _____

Boiler Feed: _____

Equipment washdown: _____

Other: _____

Total: _____

B.10. Is discharge from your processes: Continuous _____ Batch _____ Both _____

B.11. If Batch, indicate: Day/Time of discharges: _____

No./Day _____ Average gallons per batch: _____

B.12. Is this facility regulated as categorical (i.e. under federal limits)?

[] YES Category: 40 CFR _____

[] NO

B.13. Does this facility use any of the toxic organics listed on page 7-8 of this application?

[] YES

[] NO

B.14. Describe any seasonal variation that effects the volume or characteristics of the discharge: _____

B.15. Are any changes or expansions planned during the next three (3) years that would alter wastewater volumes or characteristics? [] YES [] NO

If Yes, Describe _____

B.16. Briefly describe any maintenance, cleanup, or operational variations and frequency of occurrence that may result in an unusual discharge volume or composition: _____

B.17. General remarks you would like to make: _____

SECTION C - WASTEWATER INFORMATION

C.1. Date of most recent laboratory analysis: _____

C.2. Name and address of laboratory performing self-monitoring analysis: _____

C.3. Frequency of past sampling (i.e. daily, weekly, monthly, etc.): _____

C.4. Sampling point location: _____

SECTION D - PHYSICAL AND CHEMICAL WASTE PROCESS

D.1. Is any pretreatment process utilized to treat any or all portions of the process water discharged: YES NO

If YES, please attach a flow diagram, description of the complete pretreatment process, contaminants removed by the process, age of the pretreatment units, and chemicals used in the process. Also describe the method of storage, disposal of contaminants removed, and ultimate disposal site.

D.2. Based on sampling results is this facility consistently meeting local, state, and/or federal pretreatment limits for all regulated processes? YES NO

If NO, please indicate parameters not being met and state reason for non-compliance.

D.3. Will additional pretreatment and/or operations and maintenance be required for your facility to meet pretreatment standards? YES NO

If YES, please explain and attach schedule of compliance toward meeting pretreatment standards.

D.4. If any toxic chemicals are used, as referenced in Section 307(a) (attached) of the Clean Water Act of 1977, please submit a list of those chemicals, particular use, and quantity used per month. Also submit copies of the Material Safety Data Sheets (MSDS) for those chemicals utilized.

D.5. Is there an existing Spill Prevention and Control Plan for this facility?

YES (Please attach a copy with this questionnaire.)

NO

N/A (Not applicable since there are no floor drains and/or facility discharges only domestic wastewater.)

D.6. Please attach a schematic of your facility site to include all main buildings discharging wastewater, identification of wastestream(s), point(s) of connection to the city sewer, and possible monitoring point(s).

D.7. Are provisions made for measuring and sampling the process discharge (i.e. monitoring manhole, sampler, flowmeter, etc.)?

YES (Please attach a brief description of equipment.)

NO

D.8. Have you registered with or been issued a Hazardous Waste Generator Handler/Storage Permit by the Kentucky Division of Waste Management or other environmental control permits by any other agency?

NO

YES (If YES, include permit number, date of issue, final disposition of waste, and other pertinent information.)

Permit Type: _____

Permit No.: _____

Date of Issue: _____

Permit Type: _____

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CLEAN WATER ACT, SECTION 307 (A) PRIORITY POLLUTANTS

Volatile Compounds

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074	Benzo(b)Fluoranthene	079	Benzo(ghi)Perylene
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028	3,3-Dichlorobenzidine	068	Di-N-Butyl Phthalate
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069	Di-N-Octyl Phthalate	009	Hexachlorobenzene
039	Fluoranthene	053	Hexachlorocyclopentadiene
080	Fluorene	083	Indeno(1,2,3-cd)Pyrene
052	Hexachlorobutadiene	055	Naphthalene
012	Hexachloroethane	061	N-Nitrosodimethylamine
054	Isophorone	062	N-Nitrosodiphenylamine
056	Nitrobenzene	084	Pyrene
063	N-Nitrosodi-N-Propylamine	008	1,2,4-Trichlorobenzene
081	Phenanthrene		

PRIORITY POLLUTANTS (continued)

Pesticides and PCBs

089	Aldrin	104	Gamma-BHC
102	Alpha-BHC	105	Delta-BHC
103	Beta-BHC	091	Chlordane
092	4,4' DDT	093	4,4' DDE
094	4,4'-DDD	090	Dieldrin
095	Alpha-endosulfan	096	Beta-Endosulfan
097	Endosulfan Sulfate	098	Endrin
099	Endrin Aldehyde	100	Heptachlor
101	Heptachlor Epoxide	106	PCB-1242
107	PCB-1254	108	PCB-1221
109	PCB-1232	110	PCB-1248
111	PCB-1260	112	PCB-1016
113	Toxaphene		

Metals and Cyanide

114	Antimony	115	Arsenic
117	Beryllium	118	Cadmium
119	Chromium	120	Copper
122	Lead	123	Mercury
124	Nickel	125	Selenium
126	Silver	127	Thallium
128	Zinc	121	Cyanide

Miscellaneous

129	2,3,7,8-Tetrachlorodibenzo-P-Dioxin (TCDD)
116	Asbestos

McCreary County Water District

P.O. Box 488
Whitley City, Kentucky 42653
Tel. No. 606-376-2540

INDUSTRIAL USER PERMIT

Permit No. _____

In accordance with the provisions of McCreary County Water District Sewer Use Rules and Regulations and amendments thereto,

Name of Industrial User
Address
Stearns, Kentucky 42647

is hereby authorized to discharge sanitary wastewater into the McCreary County Water District (MCWD) sanitary sewer system in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in this permit.

All discharges authorized herein shall be consistent with the terms and conditions of this permit and the MCWD Rules and Regulations. The discharge of any pollutant identified in this permit at a level in excess of that authorized or in direct opposition to conditions noted herein, shall constitute a violation of this permit.

This permit shall become effective at 12:00 a.m. _____,

And shall expire at 11:59 p.m. _____.

If the permittee wishes to continue to discharge after the expiration date of this permit, the MCWD must be notified a minimum of thirty (30) days prior to the expiration date for reissuance of this permit.

By _____

Stephen Whitaker
Manager/Superintendent
McCreary County Water District

PART I - GENERAL INFORMATION

Facility Name _____

Facility Contact _____

Telephone Number _____

Signatory Official _____

Monitoring Location Outfall 001 –

See Attachment (A) for a schematic of the location

Industry Type _____

User Classification Significant Industrial User

SIC Number(s) _____, _____, _____, _____

PART II - EFFLUENT LIMITATIONS

A. *Effluent Limitations – Outfall 001*

During the effective period of this permit, discharges from Outfall 001 shall be in compliance with the following effluent discharge limitations. Effluent from this outfall consists of process and sanitary wastewater.

Parameter	Units	Daily Maximum Concentration
1. Flow	GPD	Report
2. pH	S. U.	6.0 – 9.0
3. Ammonia-Nitrogen	mg/L	
4. BOD, 5-Day	mg/L	
5. COD	mg/L	
6. Cyanide, Amenable	mg/L	
7. Oil & Grease, Total	mg/L	
8. Oil & Grease, Hydrocarbon	mg/L	
9. Phosphorus, Total	mg/L	
10. Total Suspended Solids	mg/L	
11. Arsenic	mg/L	
12. Cadmium	mg/L	
13. Chromium, Total	mg/L	
14. Chromium, Hexavalent	mg/L	
15. Copper	mg/L	
16. Lead	mg/L	
17. Mercury	mg/L	
18. Molybdenum	mg/L	
19. Nickel	mg/L	
20. Selenium	mg/L	
21. Silver	mg/L	
22. Zinc	mg/L	

*In addition, the discharge shall comply with all other applicable regulations and standards contained in the MCWD Rules and Regulations and Amendments.

4. Wastewater flow from the industry shall be determined by the following method:

- a. The average monthly water usage for the month during which sampling was performed.

If the permittee feels that the water usage is not representative of the discharge flow, it shall be the responsibility of the permittee to accumulate and submit documents for proof of actual flow. It shall be the responsibility of the permittee to determine, as accurately as possible, the flow being discharged from the permitted site and submit that figure to the MCWD upon request.

5. ***NAME OF PERMITTEE***, being classified and regulated as a significant industrial user, must meet all Federal Pretreatment Regulations as specified in 40 CFR 403. The permittee must also meet all requirements specified in the MCWD Rules and Regulations and Pretreatment Program.

- a. Total Toxic Organics (TTO) are not considered pollutants of concern at this facility. However, the MCWD reserves the right to sample for these pollutants whenever deemed necessary by the Pretreatment Coordinator.
- b. For purposes of this permit, TTO shall mean the summation of all quantifiable values greater than 0.01 mg/l for the pollutants listed as volatile and semi-volatile organics and detected by EPA Methods 624 & 625.

6. Where only one sample per month or less is required, then that sample becomes the monthly average and must meet the monthly average limit if so noted in this permit. The daily maximum limit applies to any single sample taken at any time except when the single sample is used for the monthly average.

7. All expenses associated with sampling of the permittee's discharge, Pretreatment Program implementation activities and inspections shall be billed to the permittee.

1251, et. seq. (the Act); any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or State criteria applicable to the sludge management method being used.

8. Any substance that will cause the POTW to violate its NPDES/KPDES Permit and/or sludge disposal permit.

B. Restricted Discharges

The permittee shall not contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which violates the following specific restrictions. These specific restrictions apply to all users whether or not the user is subject to National Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements. The permittee shall not contribute the following substances to the POTW:

1. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.
2. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
3. Any wastewater containing toxic pollutants in sufficient quantity, either alone or by interaction with other pollutants, which: injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, causes the MCWD to violate the terms of its KPDES Permit, prevents the use of acceptable sludge disposal methods, or exceeds the limitations set forth in a Categorical Pretreatment Standard.
4. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable State or Federal Regulations.
5. Any water or wastes which, either alone or by interaction with other water or wastes in the public sewer, release obnoxious odors and/or gases or form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.
6. Any wastewater with objectionable color that cannot be removed to an acceptable level within the operation of the wastewater treatment process unless otherwise specifically noted in this permit.
7. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed to the extent required by the MCWD's NPDES/KPDES Permit.

- d. A change at the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- e. Excessive or continued violation of any terms or conditions of this permit.
- f. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- g. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13; or,
- h. To correct typographical or other errors in the discharge permit.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated non-compliance does not stay any permit condition.

5. Permit Transfer

Wastewater Contribution Permits are issued to a specific user for a specific operation. A Wastewater Contribution Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation. The existing owner shall provide the Pretreatment Coordinator written notification at least thirty (30) days prior to a change in ownership. The Pretreatment Coordinator may issue a new Wastewater Contribution Permit to the new owner at his/her discretion.

6. Dilution

The permittee shall not increase the use of potable or 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 this permit, the Federal Categorical Pretreatment Standards, or in any pollutant specific limitation developed by the MCWD or State.

7. Adverse Impact

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the environment or wastewater treatment Utility resulting from non-compliance with any effluent limitation specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. The permittee shall immediately notify the Pretreatment Coordinator of slug discharges, spills that may enter the public sewer, or any other significant changes in operations, wastewater characteristics and constituents.

3. The permittee has the option to monitor the discharge at a greater frequency than required in this permit. However, all analyses obtained by such monitoring shall be submitted to the Pretreatment Coordinator with the Self-Monitoring Report described in Paragraph (1) of this section.
4. Where only one sample per month or less is required, then that sample becomes the monthly average and must meet the monthly average limit, if such is noted in the permit.

C. Violation Reporting

1. The permittee must notify the Pretreatment Coordinator or his designee within 24 hours of first becoming aware of a permit violation. This notification shall include the date of violation, the parameter violated and the amount in exceedance. This regulation applies only to self-monitoring events. This does not apply where the MCWD conducts the monitoring event.
2. The permittee shall immediately repeat the sampling and analysis of the parameter(s) in question and submit the results to the Pretreatment Coordinator within thirty (30) days after becoming aware of the violation. Exception to this regulation is only if the MCWD performs the sampling within the same time period for the same parameter(s) in question.

D. Accidental and Slug Discharges

1. The permittee shall provide protection from accidental and/or slug discharges of prohibited materials or other substances regulated by the MCWD Sewer Use Ordinance that adversely affects the POTW. Facilities to prevent accidental and/or slug discharges of prohibited materials shall be provided and maintained at the permittee's expense. At least once every two (2) years, the Pretreatment Coordinator will determine whether the permittee needs to develop or update a plan to control slug discharges. If the Pretreatment Coordinator determines that a slug control plan or revision is necessary, the plan shall contain the following:
 - a. Description of discharge practices
 - b. Description of stored chemicals
 - c. Procedures for notifying POTW
 - d. Prevention procedures for spills

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

2. Written Notice. Within five (5) days following an accidental discharge, the permittee shall submit to the Pretreatment Coordinator a detailed written

G. Signatory Requirements

All permit applications submitted to the MCWD shall be signed and certified as follows:

1. All permit applications shall be signed:
 - a. For a corporation: by a principal executive officer of at least the level of vice-president or plant manager; and,
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
2. All other correspondence, data, self-monitoring reports or other information shall be signed by the person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above; or,
 - b. The authorization specifies either an individual or a position having facility or activity, such as the position of plant manager, plant engineer or position of equivalent responsibility.
3. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

H. Falsifying Information

Knowingly making any false statement on any report or other document required by this permit or knowingly rendering any monitoring device or method inaccurate, may result in punishment under criminal law proceedings as well as being subjected to civil penalties and injunctive relief as specified in Articles IX and X of the MCWD Sewer Use Ordinance.

significant non-compliance with any Pretreatment Requirements or Standards. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12-month period.

C. Significant Non-Compliance

The permittee is defined as being in significant non-compliance when it meets one or more of the following conditions:

1. Discharges wastewater that causes imminent endangerment to human health or the environment or results in the exercise of the Pretreatment Coordinator's emergency authority to halt or prevent such a discharge; or,
2. Involves failure to report non-compliance accurately; or,
3. Results in a chronic violation defined here as sixty-six percent (66%) or more of all measurements taken during a six (6) month period that exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter; or,
4. Results in a Technical Review Criteria (TRC) Violation defined here as thirty-three percent (33%) or more of all measurements for each pollutant parameter taken during a six (6) month period that equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, and O&G and 1.2 for all other pollutants except pH); or,
5. Any violation of a pretreatment effluent limit that the Pretreatment Coordinator determines has caused, alone or in combination with other discharges, interference or pass through or has endangered the health of the POTW personnel or the public; or,
6. Violations of compliance schedule milestones, failure to comply with schedule milestones for starting or completing construction or attaining final compliance by ninety (90) days or more after the schedule date; or,
7. Failure to provide required reports within thirty (30) days of the due date; or,
8. Any violation or group of violations, which may include and is not limited to best management practices, which the Pretreatment Coordinator determines has adversely affected the operation of the WWTP and/or implementation of the MCWD Pretreatment Program.

D. Compliance Schedules

Should the permittee be identified as being in significant noncompliance (SNC), the Pretreatment Coordinator may require the permittee to develop and submit a compliance schedule, among other enforcement actions. This is in accordance

construction. The manhole shall be designed and maintained in a manner such that the safety of MCWD and industrial personnel is foremost.

D. Removed Substances

Solids, sludges, filter backwash or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in accordance with section 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.

PART VII – SURCHARGE FEES

A. Industrial Wastewater Surcharge Concentrations

Any water or wastes that have characteristics based on a 24-hour composite sample, grab or a shorter period composite sample, if more representative, that exceed the following normal maximum domestic wastewater parameter concentrations:

Parameter	Concentration
5-Day BOD	mg/l
COD	mg/l
Total Suspended Solids (TSS)	mg/l
Ammonia-Nitrogen	mg/l
Oil and Grease (Total)	mg/l

will be subject to a surcharge fee for each pound loading over and above the set limit. Exceedance of the effluent limits specified above shall not be deemed to constitute a violation of a permit condition or the MCWD Sewer Use Ordinance if the appropriate surcharge fee is paid and the discharge does not cause interference or pass through at the POTW.

Section II

Legal Authority

SECTION II
LEGAL AUTHORITY

SECTION II - LEGAL AUTHORITY

In order to implement and enforce the District's Pretreatment Program in accordance with federal and state regulations, the McCreary County Water District Board of Directors shall adopt Sewer Use Rules and Regulations following approval by the Division of Water. The Rules and Regulations empower the District with all necessary authority to implement the Pretreatment Program and enforce the requirements contained therein.

The Rules and Regulations contain all the legal authorities required by 40 CFR 403. It provides the District with the authority necessary to protect the WWTP and its effluent and biosolids, the environment and public health and safety from any discharge of pollutants that would cause interference, pass-through, upset, biosolids contamination and/or endanger public health or POTW worker health and safety. This is achieved through the issuance of Industrial User Permits containing the effluent discharge limitations as outlined in the codified ordinance.

The ordinance is based upon the federal model sewer use ordinance, with several revisions for site-specific considerations. For instance, the District's Rules and Regulations contain provisions for the regulation of industrial process wastewater to the WWTP, among other requirements. A copy of the Rules and Regulations is included in this section of the program submittal.

An Enforcement Response Plan (ERP) was developed and will be approved by the MCWD Board to ensure that appropriate enforcement actions are taken when violations occur and that those actions are consistent, fair and equitable. The District will follow this policy whenever any violation of any requirement of the Pretreatment Program occurs.

The ERP outlines the specific actions to be taken by the Manager/Superintendent of the MCWD, or the Pretreatment Coordinator as designated, for specific violations. These actions include issuance of administrative orders and penalties, development of compliance schedules, and increased sampling and inspections. The MCWD Board will adopt the ERP, as part of this program, following the DOW's approval.

A statement from the attorney for the District is also included in this section. This statement verifies that the District has the authority to implement and enforce all aspects of the Pretreatment Program as outlined in the federal pretreatment regulations contained in 40 CFR 403.

The District will provide adequate funding to implement the Pretreatment Program. The District Board will adequately fund all aspects of the Pretreatment Program as necessary, including laboratory services, equipment and supplies, engineering services, field personnel, clerical staff and legal services.

McCreary County Water District

P.O. Box 488

Whitley City, Kentucky 42653

Tel. No. 606-376-2540

March 31, 2019

Peter Goodman, Director
Division of Water
300 Sower Boulevard
Frankfort, Kentucky 40601

Re: McCreary County Water District (MCWD) Pretreatment Program Legal Authority

Dear Sir:

I am the attorney for the MCWD and the following statement is submitted pursuant to the requirements contained in the Code of Federal Regulations (CFR) Section 403.9 (b) (1) regarding legal authority for the MCWD to implement the MCWD Pretreatment Program.

It is my opinion that the MCWD has adequate authority to carry out the program described in 40 CFR Section 403.8, based on authority granted to it by the Sewer Use Rules and Regulations that will be adopted by the MCWD Board pending state approval.

The following references to the legal authority requirements of 40 CFR 403.8 (f) (1) are correlated with appropriate sections of the MCWD Sewer Use Rules and Regulations which provide the required authority. Where the authority is not apparent from a reading of the Rules and Regulations provision, an explanation is provided.

Article I-General Provisions of the MCWD Rules and Regulations provides that all connections of lateral or other sewer lines to the sewerage system of the MCWD service area, whether within or without any city, shall be made subject to such terms and conditions as the MCWD authority may prescribe. Pursuant to this authority the MCWD Board will adopt its Rules and Regulations setting forth the terms and conditions upon which industrial users may connect to the system.

403.8 (f) (1) (i) – New contributions from industrial users to the public sewerage system may not be made without an industrial user first obtaining an Industrial User Permit (Article VI) which may contain various conditions and prohibitions (Article VI, Section D). If there is an increase or change in an industrial user's contribution to the system, the discharger is required to reapply for a permit to cover those changes (Article VI, Section B), and the Pretreatment Coordinator may change the conditions of any Sewer Use Permit as circumstances may require (Article VI, Section C).

403.8 (f) (1) (ii) – In order to require compliance with applicable Pretreatment Standards, the MCWD must be able to require compliance with EPA's listed general prohibitions (403.5 (a)), specific prohibitions (403.5 (b)), local limits developed to implement the general and specific standards (403.6). Article V of the Rules and Regulations prohibits any discharge to a sewer which will result in a nuisance, or contamination or pollution of receiving waters. Article V, Section C

prohibits conditions which violate any statute, rule, regulation or Rules and Regulations of any public agency (including EPA). Article V, Sections B and C prohibit those discharges prohibited by EPA regulations. Article V empowers the MCWD to enforce the general and specific prohibitions contained in 40 CFR 403.5 (a) and (b). The local discharge limits developed pursuant to 403.5 (c) and (d) will be imposed by the MCWD as a permit condition pursuant to Article V, Section C (13). National categorical pretreatment standards will also be imposed when applicable as a permit condition per Article V, Section C (15) which empowers the MCWD Manager/Superintendent to regulate discharges regulated by EPA.

403.8 (f) (1) (iii) – The MCWD has control via a permit system authorized by Article VI of the Rules and Regulations (a permit application form appears in Section I of the MCWD Pretreatment Program).

403.8 (f) (1) (iv) (A) – The MCWD's Pretreatment Coordinator may, to remedy or avoid a violation of the Rules and Regulations or Industrial User Permit, require a user to develop a compliance schedule for installation of treatment technology under Article VI, Section M. Additionally, the Pretreatment Coordinator may require a compliance schedule as part of the required information under Article VI, Section D as a condition of obtaining an Industrial User Permit.

403.8 (f) (10) (iv) (B) – The MCWD may require a user to submit all notices and self – monitoring reports required by local and/or EPA regulations through authority granted in Article VI, Section K.

403.8 (f) (1) (v) – The MCWD may carry out inspection, surveillance and monitoring procedures under authority granted in Article VI, Section K and Section L.

403.8 (f) (1) (vi) (A) – The MCWD may seek remedies for noncompliance with pretreatment standards and requirements. As a matter of general law, the MCWD may seek injunctive relief for noncompliance since any such noncompliance might result in irreparable harm to the treatment plant, to the health and safety of plant workers, and to the environment; and since damages at law would not be an adequate remedy. The Rules and Regulations Article X, Sections C, D and H provide that intentional violation of the Rules and Regulations is a misdemeanor which is punishable by a fine not to exceed \$500 or imprisonment not to exceed 12 months. Additionally, a civil liability is imposed by Article X, Section G for intentional or negligent violation of the MCWD requirements relating to (1) pretreatment of industrial waste which would otherwise be detrimental to the treatment works or its operation, and (2) the prevention of entry of such waste into the collection system or treatment works. The civil liability may equal a sum not to exceed \$5,000 per day per violation.

403.8 (f) (1) (vi) (B) – The MCWD may, under Article X, Section B, suspend an Industrial User Permit or impose temporary restrictions on discharges where continued discharges would jeopardize the ability of the treatment system to meet water quality standards, threaten damage to the sewerage system, or cause a nuisance or an unsafe condition to occur. Usually, a 48-hour period must pass before a suspension or restriction is effective. However, the waiting period may be dispensed with in emergency situations relating to public health and safety or a significant

impairment of the treatment process. Article X, Section B requires compliance with restrictions or cessation of discharges at the effective time of such action.

403.8 (f) (1) (vii) – Confidentiality requirements are provided for in Article VI, Section P.

As stated above, the MCWD will implement the requirements of its pretreatment program and apply pretreatment standards to individual industrial users through use of a permitting system and by direct enforcement of its Sewer Use Rules and Regulations. A description of the exact procedures to be used in implementing the pretreatment program is provided in the Program Implementation Procedures portion of the MCWD Pretreatment Program.

The MCWD intends to ensure compliance with pretreatment standards and requirements through an inspection and sampling program authorized under Article VI, Section K of the Rules and Regulations, which would allow for the determination of noncompliance with discharge limitations and requirements independent of information supplied by the industrial user. The inspection and monitoring program is described in Section IV of the MCWD Pretreatment Program.

Those violating permit conditions will be subject to a variety of enforcement actions as specified in the MCWD Enforcement Response Plan authorized in Articles IX and X. The violating user may be ordered to “Cease and Desist” (Article IX, Section C(3)), “Show Cause” why an enforcement action should not be taken (Article IX, Section C(4)) and are subject to having service terminated and/or their permit revoked (Article IX, Section A). The MCWD is prepared to take court action where necessary to enforce compliance with its Rules and Regulations, permits and/or orders.

Best regards,

Tim Lavender, MCWD Attorney
P.O. Box 69
Whitley City, KY 42653
606-376-2233

MCCREARY COUNTY WATER DISTRICT RULES AND REGULATIONS FOR WASTEWATER SERVICE

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

WHEREAS, the McCreary County Water District, hereinafter referred to as the "DISTRICT", has constructed sanitary sewer facilities and improved trunk lines to same; and

WHEREAS, the DISTRICT has determined the need for the adoption of Rules and Regulations to properly control the effluent to be discharged by the public into the DISTRICT'S sewer system, and the use of the system;

NOW THEREFORE, BE IT ORDAINED BY THE MCCREARY COUNTY WATER DISTRICT AS FOLLOWS:

ARTICLE I - GENERAL PROVISIONS

A. Purpose and Policy

These Rules and Regulations set forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the DISTRICT and enables the DISTRICT to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the general Pretreatment Regulations (40 CFR Part 403) and KAR 5:055.

The objectives of these Rules and Regulations are:

1. to prevent the introduction of pollutants into the DISTRICT wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
2. to prevent the introduction of pollutants into the DISTRICT wastewater system which will pass through the system inadequately treated into receiving waters so as to cause violations of the DISTRICT's KPDES permit or the atmosphere or otherwise be incompatible with the system;
3. to promote the reuse, recycling and reclamation of wastewaters and sludges from the treatment system;
4. to provide for equitable distribution of the cost of operation, maintenance and replacement of the DISTRICT wastewater system;
5. to protect DISTRICT personnel who may be affected by sewage, sludge and/or effluent in the course of their employment as well as protecting the general public; and,
6. to ensure that the DISTRICT complies with its KPDES permit conditions, sludge permit conditions, including use and disposal requirements, and any other federal or state environmental laws to which the DISTRICT wastewater system is subject.
7. to reduce and/or eliminate in so much as is practical inflow and infiltration of groundwater into the collection system.

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

These Rules and Regulations shall apply to all users of the DISTRICT wastewater system. Except as provided herein, the Manager/Superintendent, or his/her designee, shall administer, implement and enforce the provisions of these Rules and Regulations. Any powers granted to or imposed upon the Manager/Superintendent may be delegated by the Manager/Superintendent to other

DISTRICT or contractual personnel. By discharging wastewater into the DISTRICT wastewater system, all users located outside the DISTRICT limits agree to comply with the terms and conditions established in these Rules and Regulations, as well as any permits, enforcement actions or orders issued hereunder.

B. Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in these Rules and Regulations, shall have the meanings hereinafter designated:

1. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, etal. seq.
2. Approval Authority. The Kentucky Energy and Environment Cabinet or an authorized representative thereof.
3. Agency. Any governmental or quasi-governmental entity.
4. Authorized Representative. An authorized representative of a user is: (1) If the User is a corporation: (a) the president, secretary, treasurer, vice-president or principal executive officer of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (b) the manager of one or more manufacturing, production or operating facilities provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively; (3) If the User is a Federal, State or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility or their designee; (4) The individuals described in paragraphs 1 through 3 above may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the DISTRICT.
5. Baseline Monitoring Report (BMR). A report submitted by categorical industrial users within 180 days after the effective date of a categorical standard which indicates the compliance status of the user with the applicable categorical standard (40 CFR 403.12(b)).

6. Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures and other management practices to implement the prohibitions listed in 40 CFR 403.5. BMPs include, but are not limited to, treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw materials storage.
7. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° Celsius expressed in terms of weight and concentration in milligrams per liter (mg/l).
8. Building Drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from inside the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
9. Building Sewer. The extension from the building drain to the public sewer or other place of disposal, also called "house connection."
10. Building Sewer Permit. As set forth in "Building Sewers and Connections" (Article IV).
11. Bypass. The intentional diversion of wastestreams from any portion of a user's treatment facility.
12. Categorical Industrial User. An industrial user subject to categorical pretreatment standards which have been promulgated by EPA.
13. Categorical Pretreatment Standards. National Categorical Pretreatment Standards or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.
14. DISTRICT. The McCreary County Water District, its governing Board and all areas included in the 201 Planning Area and/or their designee.
15. Clean Water Act (CWA). (Also known as the Federal Water Pollution Control Act) enacted by Public Law 92-500. October 18, 1972. 33 USC 1251 et seq; as amended by PL 95-217. December 28, 1977; PL 97-117 December 29, 1981; PL 97-440, January 8, 1983, and PL 100-04, February 4, 1987.
16. Combined Sewer. Any conduit designed to carry both sanitary sewage and storm water or surface water.
17. Combined Wastestream Formula (CWF). Procedure for calculating alternative discharge limits at industrial facilities where a regulated wastestream is combined with other non-regulated wastestreams prior to treatment (40 CFR 403.7).
18. Compatible Pollutant. Biochemical oxygen demand or chemical oxygen demand, suspended solids and fecal coliform bacteria; plus any additional pollutants identified in the POTW's NPDES/KPDES permit, where the POTW is designed to treat such pollutants and,

in fact, does treat such pollutants so as to ensure compliance with the POTW's NPDES/KPDES permit.

19. Concentration-based Limit. A limit based on the relative strength of a pollutant in a wastestream, usually expressed in mg/l.
20. Control Authority. The term "control authority" shall refer to the DISTRICT, acting through the Manager/Superintendent and/or designee.
21. Cooling Water. The water discharge from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
22. Daily Maximum Limit. The maximum allowable value for any single sampling observation in a given day.
23. Dilute Wastestream. Boiler blowdown, sanitary wastewater, noncontact cooling water and certain process wastestreams that have been excluded from regulation in categorical pretreatment standards because they contain none or only trace amounts of the regulated pollutant.
24. Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Kentucky.
25. Discharger. Any person that discharges or causes a discharge to a public sewer.
26. Domestic Wastewater. The water-carried wastes produced from non-commercial or non-industrial activities and which result from normal human living processes.
27. Easement. An acquired legal right for the specific use of land owned by others.
28. Effluent. The liquid overflow of any facility designed to treat, convey or retain wastewater.
29. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
30. Equipment. All movable, non-fixed items necessary to the wastewater treatment process.
31. Existing Source. Any source of discharge that is not a "New Source".
32. Flow Proportional Composite Sample. Combination of individual samples proportional to the flow of the wastestream at the time of sampling.
33. Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

34. Grab Sample. A sample which is taken from a wastestream on a one-time basis with no regard to the flow of the wastestream and over a period of time not to exceed fifteen (15) minutes.
35. Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
36. Incompatible Pollutant. All pollutants other than compatible pollutants as defined in paragraph 17 of this article.
37. Indirect Discharge. The discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
38. Industrial User (IU). A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Clean Water Act.
39. Industrial Wastes. The wastewater from industrial or commercial processes as distinct from domestic or sanitary wastes.
40. Interceptor. A device designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from normal wastes which permits normal sewage or liquid wastes to discharge into the sewer or drainage system by gravity. Interceptor as defined herein is commonly referred to as a grease, oil, or sand trap.
41. Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources:
 - 1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and/or
 - 2) Is a cause of a violation of any requirement of the POTW's NPDES/KPDES permit including an increase in the magnitude or duration of a violation or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA)(including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act (40 CFR 403.3).
42. Local Limit(s). Specific discharge limit(s) developed and enforced by the DISTRICT upon industrial and commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
43. May. This is permissive (see "shall," paragraph 72).

44. Medical Waste. Isolation waste, infectious agents, human blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
45. Monthly Average Limit. The maximum allowable value for the average of all observations obtained during one month.
46. Multi-Unit Sewer Customer. A location served where there are two or more residential units or apartments, two or more businesses in the same building or complex or where there is any combination of business and residence in the same building or complex.
47. National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Clean Water Act which applies to a specific category of industrial users. This term includes the prohibitive discharge limits established pursuant to 40 CFR 403.5.
48. National (or Kentucky) Pollutant Discharge Elimination System or NPDES/KPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1332), or a permit issued by the Commonwealth of Kentucky under this authority and referred to as KPDES.
49. Natural Outlet. Any outlet, including storm sewers, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
50. New Source. (1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards which will be applicable to the source if the standards are thereafter promulgated in accordance with that section, *provided that*:
 - (A) The building, structure, facility or installation is constructed at a site at which no other source is located;
 - (B) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (C) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source shall be considered.(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of (B) or (C) above but otherwise alters, replaces, or adds to existing process or production equipment.

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

(a) Begun, or caused to begin, as part of a continuous onsite construction program

(i) any placement, assembly or installation of facilities or equipment; or

(ii) significant site preparation work including clearing, excavation or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or

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

51. Ninety (90) day compliance report. A report submitted by a categorical industrial user, within 90 days following the date for final compliance with applicable categorical standards that documents and certifies the compliance status of the user (40 CFR 403.12(d)).
52. Ordinance. These rules and regulations, unless otherwise specified.
53. Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product.
54. Pass Through. A discharge of pollutant which cannot be treated adequately by the POTW, and therefore exits into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES/KPDES permit (including an increase in the magnitude or duration of a violation)(40 CFR 403.3).
55. Periodic Compliance Report. A report on compliance status submitted by significant industrial users to the Control Authority at least semiannually (40 CFR 403.12(e)).
56. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estates, governmental entity or any other legal entity, or their legal representatives, agent or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
57. pH. A measure of the acidity or alkalinity of a substance, expressed in standard units, and calculated as the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.
58. pH Violation. For users that utilize a continuous pH monitoring system to determine compliance with the pH limitations established under these Rules and Regulations, a violation of the pH limitations will be deemed to have occurred when a continuous excursion from the range of pH limitations exceeds 15 minutes, provided that the total time during which the pH value was outside the required range of pH limitations does not exceed

seven (7) hours and twenty-six (26) minutes in any calendar month. For users that do not utilize a continuous pH monitoring system to determine compliance with the pH limitations established under these Rules and Regulations, a violation of the pH limitations will be deemed to have occurred when a grab sample of the final effluent stream indicates that the pH of the wastewater sample was outside the pH limitation range established under these Rules and Regulations.

59. Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
60. Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, medical waste, munitions, chemical, biological material, radioactive material, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, DISTRICT, and agricultural waste discharged into water.
61. POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
62. Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6(d).
63. Manager/Superintendent. Personnel designated by the DISTRICT to implement and enforce the DISTRICT's approved Pretreatment Program or his/her designee.
64. Pretreatment Requirements. Any substantive or procedural requirements related to pretreatment imposed on a User, other than a Pretreatment Standard.
65. Pretreatment Standards. Prohibited discharge standards, categorical standards, best management practices and local limits.
66. Process Wastewater. Any water which, during manufacturing or processing, comes into direct contact with or results from the production of or use of any raw material, intermediate product, finished product, by-product, or waste product.
67. Production-based Standard. A discharge limitation expressed in terms of allowable pollutant mass discharge rate per unit of production and is applied directly to an industrial user's manufacturing process.
68. Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5 and Article V, Section B of these Rules and Regulations.
69. Properly Shredded Garbage. The wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under

the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

70. Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the DISTRICT. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purpose of these Rules and Regulations, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the DISTRICT who are, by contract or agreement with the DISTRICT, users of the DISTRICT's POTW.
71. Public Sewer. A common sewer controlled by a governmental agency or public utility. In general, the public sewer shall include the main sewer in the street and the service branch to the curb or property line, or a main sewer on private property and the service branch to the extent of ownership by public authority. Nothing in this definition shall expand the DISTRICT's current policy of maintenance of service branches.
72. Regulated Wastestream. An industrial process wastestream regulated by a National Categorical Pretreatment Standard.
73. Sanitary Sewer. A sewer that carries liquid and water-carried wastes from residences, commercial buildings industrial plants, and institutions.
74. Sewage. The spent water of a community. Domestic or sanitary waste shall mean the liquid or water-carried wastes from residences, commercial buildings, and institutions as distinct from industrial sewage. The terms "sewage" and "wastewater" are used interchangeably.
75. Sewerage. Any and all facilities used for collecting, conveying, pumping, treating and disposing of wastewater.
76. Sewer User Charges. A system of charges levied on users of a POTW for the cost of operation and maintenance, including replacement, of such works.
77. Sewer System or Works. All facilities for collecting, transporting, pumping, treating and disposing of sewage and sludge, namely the sewerage system and POTW.
78. Sewer. A pipe or conduit that carries wastewater or drainage water.
79. Shall. Is mandatory (see "may", paragraph 41).
80. Significant Industrial User (SIU). Defined as: (A) all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and (B) any noncategorical user that (i) discharges 10,000 gallons per day or more of process wastewater ("process wastewater" excludes sanitary noncontact cooling, and boiler blowdown wastewaters) or (ii) contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant or (iii) has a reasonable potential, in the opinion of the DISTRICT or

Approval Authority, to adversely affect the POTW treatment plant (inhibition, pass through of pollutants, sludge contamination or endangerment of POTW workers).

81. Slug Discharge. Any discharge of a non-routine episodic nature including, but not limited to, an accidental spill or non-customary batch discharge or any discharge of water or wastewater in which the concentration of any given constituent or quantity of flow exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow rate during normal operation which adversely affects the POTW or which has a reasonable potential to cause interference or pass-through or in any other way violate the POTW's regulations, Local Limits or permit conditions.
82. Slug Load. Any pollutant (including Biochemical Oxygen Demand) released in a discharge at a flow rate or concentration which will cause interference with the operation of the treatment works or which exceeds limits set forth in the Industry's Discharge Permit and which include accidental spills.
83. Spill Prevention and Control Plan. A plan prepared by an industrial user to minimize the likelihood of a spill and to expedite control and cleanup activities should a spill occur.
84. Split Sample. Portion of a collected sample given to the industry or to another agency to verify or compare laboratory results.
85. Standard Industrial Classification (SIC). Defined as set forth in "Standard Industrial Classification Manual", published by the Executive Office of the President and the Office of Management and Budget.
86. Standard Methods. The examination and analytical procedures set forth in the recent editions of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation and as set forth in 40 CFR 136.
87. State. Commonwealth of Kentucky.
88. Storm Drain (Also Termed "Storm Sewer"). A drain or sewer for conveying water, groundwater, surface water, or unpolluted water from any source.
89. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting there from.
90. Superintendent. The Superintendent of the POTW of the DISTRICT or his duly authorized deputy, agent, or representative.
91. Surcharge. A charge for services in addition to the basic sewer user and debt service charges, for those users whose contributions contain Biochemical Oxygen Demand (BOD5), Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), Oil & Grease or Ammonia-nitrogen (NH3-N) in concentrations which exceed limits specified herein for such pollutants. Where

authorized by the control authority, payment of a surcharge will authorize the discharge of the referenced pollutants so long as the discharge does not cause pass through or interference.

92. Suspended Solids (TSS). Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater".
93. Time Proportional Composite Sample. Combination of individual samples with fixed volumes taken at specific time intervals.
94. Toxic Organic Management Plan. Written plan submitted by industrial users as an alternative to TTO monitoring, which specifies the toxic organic compounds used, the method of disposal used and procedures for assuring that toxic organics do not routinely spill or leak into wastewater discharged to the POTW.
95. Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of EPA under the provisions of the Clean Water Act 307(a) or any amendments thereto.
96. Unpolluted Water. Water of quality equal to or better than the treatment works effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities.
97. Unregulated Wastestream. A wastestream that is not regulated by National Categorical Pretreatment Standards.
98. User. Any entity who contributes, causes or permits the contribution of wastewater into the POTW.
99. Wastewater. The liquid and water-carried wastes from residences, commercial buildings, industrial facilities, mobile sources, treatment facilities and institutions, whether treated or untreated, which are contributed into the POTW.
100. Wastewater Facilities. The structures, equipment, and processes required to collect, carry away, treat domestic and industrial wastes, and dispose of the effluent.
101. Wastewater Treatment Works. An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant" or "sewage treatment plant".
102. Watercourse. A natural or artificial channel for the passage of water either continuously or intermittently.

103. Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.
104. Industrial User Permit. A permit issued to industrial users which authorizes discharges to the public sewer as set forth in the Administration Section of these Rules and Regulations.

C. Abbreviations

The following abbreviations shall have the designated meaning:

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

ARTICLE II - USE OF PUBLIC SEWERS

A. Mandatory Sewer Connections

1. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the DISTRICT and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the DISTRICT, is (are) hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper sewer in accordance with the provisions of these Rules and Regulations, within ninety (90) days after date of official notice to do so, provided that said public sewer is within four hundred (400) feet of the property line.
2. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater where public sanitary sewer service is available, as defined in paragraph 1, except as provided for in "Private Wastewater Disposal" (Article III).
3. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer system within sixty (60) days in compliance with these Rules and Regulations, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material or salvaged and removed.

B. Previously Developed Areas and Undeveloped Areas Within 201 Planning Area

1. Properties located inside the 201 Planning Area are not required to be annexed into the DISTRICT in order to receive sewer service. However, the DISTRICT Manager of the DISTRICT and the DISTRICT Engineer shall review plans submitted by the applicant to determine potential impacts to the DISTRICT's existing collection system as well as the most appropriate appurtenances needed to convey the discharge to the DISTRICT's system before granting approval to accept the discharge. In addition, plans for sewer lines and other appurtenances necessary to convey the discharge to the point of connection to DISTRICT service shall be made in accordance with Article IV of these Rules and Regulations and other appropriate written specifications, and approved by the DISTRICT Manager and DISTRICT Engineer prior to construction. Installations shall be inspected in accordance with Article IV of these Rules and Regulations. All construction and maintenance costs associated with conveying the discharge to the point of connection with DISTRICT service shall be borne by the property owner. Properties located outside the DISTRICT limits which receive sewer service shall enter into an inter-jurisdictional agreement with the DISTRICT before the service is connected. All properties considered for annexation shall have approved sewer lines in place or an

enforceable commitment from the property owner to install such sewer lines on a schedule acceptable to the DISTRICT Manager.

C. Unlawful Discharge to Storm Sewers or Natural Outlets

1. It shall be unlawful for any person to place, deposit, or permit to be deposited any pollutant in any unsanitary manner on public or private property within the DISTRICT, or in any area under the jurisdiction of said DISTRICT except in compliance with the provisions of these Rules and Regulations.
2. It shall be unlawful to discharge to any natural outlet within the DISTRICT or in any area under the jurisdiction of said DISTRICT, any wastewater or other polluted waters, except where suitable treatment or management has been provided in accordance with subsequent provisions of these Rules and Regulations. No provision of these Rules and Regulations shall be construed to relieve the owner of a discharge to any natural outlet of the responsibility for complying with applicable State and Federal Regulations governing such discharge.

D. Compliance with Local, State, and Federal Laws

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

E. Discharge of Unpolluted Waters into Sewer

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

ARTICLE III - PRIVATE WASTEWATER DISPOSAL

A. Public Sewer Not Available

1. Where a public sanitary sewer is not available under the provisions of "Use of Public Sewer" (Article II), the building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of the McCreary County Health Department and all applicable local and state regulations.
2. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the DISTRICT.
3. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by applicable local or state regulations.
4. Holders of NPDES/KPDES Permits may be excepted. Industries with current NPDES/KPDES permits may discharge at permitted discharge points provided they are in compliance of the issuing authority.

B. Requirements for Installation

1. The type, capacity, location and layout of a private sewage disposal system shall comply with all local or State regulations.
2. A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of local and State authorities.

ARTICLE IV - BUILDING SEWERS AND CONNECTIONS

A. Permits

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

B. Prohibited Connections

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

shall be subject to inspection by the Manager/Superintendent to verify compliance. Inspections may be performed periodically at the discretion of the Manager/Superintendent or at the time of connection/reconnection.

2. Floor, basement, or crawl space drains which are lower than ground surfaces surrounding the building shall not be connected to the building sanitary sewer. No sanitary inlet which is lower than six (6) inches above the top of the lowest of the two adjacent public sanitary sewer manholes shall be connected by direct drainage to the building sanitary sewer. Building sanitary sewer connections in structures not meeting the criteria of this section will be permitted only if the property owner has:
 - a. Installed an individual pumping facility at the structure to receive the building sewage. The pumping facility shall include a discharge pipe with a high point which meets the criteria above; or,
 - b. Installed a minimum of two (2) sewer backflow stops or flaps at least twelve (12) inches apart of such nature and design to provide gravity flow to the sanitary sewer system and to prevent sewage backflow into the property improvement.

C. Design and Installation

1. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway. The sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the DISTRICT does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
2. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the DISTRICT Manager, to meet all requirements of these Rules and Regulations. Permit and inspection fees for new buildings using existing building sewers shall be the same as for new building sewers. If additional sewer customers are added to the old building sewers, additional sewer tap fees shall be charged accordingly even though no new sewer tap is actually made into the DISTRICT system.
3. Extension of customer service lines from any point on the customer's side of the tap for delivery of waste from any location other than that of the customer in whose name the tap is registered shall not be permitted.
4. The building sewer shall be cast iron soil pipe, ASTM A-74, latest revision, PVC (polyvinyl-chloride) sewer pipe, ASTM C-700, latest revision, or ductile iron pipe, AWWA specification C-151 cement lined, and shall meet all requirements of the State plumbing code. Joints shall be as set out hereinafter. Any part of the building sewer that is located within five feet of a water service pipe shall be constructed with cast

iron soil pipe or ductile iron pipe, unless the building sewer is at least one foot deeper in the ground than the water service line. Cast iron soil pipe or ductile iron pipe may be required by the DISTRICT where the building sewer is exposed to damage or stoppage by tree roots. Cast iron soil pipe or ductile iron pipe shall be used in filled or unstable ground, in areas where the cover over the building sewer is less than three feet, or in areas where the sewer is subject to vehicular or other external loads.

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

the ground surface. A stopper or plug, outfitted with a type joint applicable to the pipe used, shall seal this riser against the intrusion of ground or surface water.

10. All building sanitary sewer lines will be installed so as to meet or exceed the most current revision of the State Plumbing Code.
11. All persons working on DISTRICT sewers with a cleaning rod must use an approved type rod in cleaning sewer connections to DISTRICT sewers.

D. Inspection

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

ARTICLE V - POLLUTANT DISCHARGE LIMITS

A. General Conditions

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

B. Prohibited Discharges

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

1. 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 the POTW or to the operation of the POTW. At no time shall the wastewater exhibit a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.
2. Any waters or wastes having a pH lower than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the POTW. See Article I(B)(58) for the definition of a pH violation.
3. Any slug load of pollutants, including oxygen-demanding pollutants (BOD, etc.), released at a flow rate and/or concentration, either individually or by interaction with other pollutants, that will cause interference with the normal operation of the POTW.
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities, (i.e. flushable wipes, wood, glass, ashes, unshredded garbage, cinders, paper products of any kind, and milk containers, etc.).

5. Any wastewater having a temperature leaving a facility that exceeds 100°F or which will inhibit biological activity in the POTW treatment plant resulting in interference, and in no case wastewater with a temperature at the introduction into the POTW that will result in a treatment plant influent temperature which exceeds 40°C (104°F).
6. Any pollutant(s) which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
7. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
8. Any substance which will cause the POTW to violate its NPDES/KPDES Permit and/or sludge disposal system permit.
9. Any trucked or hauled pollutants except at discharge points designated by the MCWD Manager/Superintendent.
10. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Manager/Superintendent in compliance with applicable State and Federal regulations.

C. Restricted Discharges

1. Wastewater containing more than 25 milligrams per liter (25 mg/l) of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.
2. Wastewater containing floatable oils, fat, or grease, whether emulsified or not, in excess of one hundred milligrams per liter (100 mg/l) or containing substances which may solidify or become viscous at temperatures 32-150° (0-65°C).
3. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, motels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
4. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants which: injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, causes the DISTRICT to violate the terms of its KPDES permit, prevents the use of acceptable sludge

disposal methods, or exceed a limitation set forth in a Categorical Pretreatment Standard.

5. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water and unpolluted industrial wastewater, unless specifically authorized by the Manager/Superintendent.
6. Any water or wastes which by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
7. Any wastewater with objectionable color which cannot be removed to an acceptable level within the operation of the wastewater treatment process unless otherwise specifically noted in the Industrial User Permit (WCP).
8. Any medical wastes, except as specifically authorized by the Manager/Superintendent in a Industrial User Permit.
9. Any wastes containing detergents, surface active agents or other substances which will cause excessive foaming in the DISTRICT wastewater system.
10. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed to the extent required by the DISTRICT's NPDES/KPDES permit.
11. Any waste(s) or wastewater(s) classified as a hazardous waste by the Resource Conservation and Recovery Act (RCRA) without a 60-day prior notification of such discharge to the Manager/Superintendent. This notification must include the name of the hazardous waste, the EPA hazardous waste number, type of discharge, volume/mass of discharge and time of occurrence(s). The Manager/Superintendent may prohibit or place conditions on the discharge(s) at any time.
12. Any water or wastes which have characteristics based on a 24-hour composite sample, grab or a shorter period composite sample, if more representative, that exceed the following normal maximum domestic wastewater pollutant concentrations:

<u>Parameter</u>	<u>Maximum Allowable Concentration Without Surcharges</u>
BOD	300 mg/l
TSS	300 mg/l
NH3-N	25 mg/l
Oil & Grease (total)	100 mg/l

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

13. The following discharge limitations are established for characteristics of any wastewaters to be discharged into the DISTRICT sewer system subject to any compliance schedule as established by the Manager/Superintendent. All significant industrial users must comply with these limitations where they are more stringent than applicable state and/or Federal regulations. In accordance with 40 CFR 403, these limitations are considered pretreatment standards equivalent to the Federal limitations established in 40 CFR Subchapter N.

<u>Parameter</u>	<u>Maximum Daily Concentration (mg/l)</u>
Arsenic	0.15
Antimony	0.09
Cadmium	0.03
Chromium, Total	1.83
Chromium, Hexavalent	0.75
Copper	0.53
Cyanide, Amenable	0.12
Lead	0.10
Mercury	0.001
Molybdenum	6.94
Nickel	0.88
Selenium	0.08
Silver	0.13
Zinc	0.67

14. The DISTRICT reserves the right to establish limitations and requirements which are more stringent than those required above or by State or Federal regulations if deemed necessary to comply with the objectives presented in Article I of these Rules and Regulations or the general and specific prohibitions in Article V, Sections B and C.

15. The DISTRICT has received authority through the U.S. EPA and State Statutes to enforce the requirements of 40 CFR Subchapter N and 40 CFR Part 403. All users shall comply with the requirements of those regulations.

D. Dilution of Wastewater Discharge

1. 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 in any pollutant specific limitation developed by the DISTRICT or State.

E. Grease, Oil, and Sand Interceptors

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

F. Special Industrial Pretreatment Requirements

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

3. Any person who transports septic tank, seepage pit or cesspool contents, liquid industrial waste or other batch liquid waste and wishes to discharge such waste to the public sewer system shall first have a valid Special Waste Hauler's Permit. Applications for permits shall be obtained from the MCWD Manager/Superintendent. All applicants for a Special Waste Hauler's Permit shall complete the application form, pay the appropriate fee, and receive a copy of the DISTRICT's regulations governing discharge to sewers of liquid wastes from trucks. All persons receiving such permits shall agree, by acceptance of the permit, to abide by all applicable provisions of these Rules and Regulations, and any other special provisions that may be established by the DISTRICT as necessary for the proper operation and maintenance of the sewerage system.

In addition, any person holding a valid permit and wishing to discharge to the wastewater treatment plant must submit to the operator a sample of each load prior to discharge. A fee and payment schedule shall be established in the permit to cover cost of the required analysis. The MCWD Manager/Superintendent may require proof of origin of the hauled waste and analysis of the sample prior to discharge.

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

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

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

Nothing in these Rules and Regulations shall relieve waste haulers of the responsibility for compliance with McCreary County Health Department, State, or Federal Regulations.

G. Protection from Accidental and Slug Discharges

1. Each significant user shall provide protection from accidental and/or slug discharges of prohibited materials or other substances regulated by these Rules and Regulations which adversely affects the POTW. Facilities to prevent accidental and/or slug discharges of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Once every two (2) years, the Manager/Superintendent will determine whether each industrial user needs to develop or update a plan to

control slug discharges. If the Manager/Superintendent determines that a slug control plan or revision is necessary, the plan shall contain the following:

- a. Description of discharge practices
- b. Description of stored chemicals
- c. Procedures for notifying POTW
- d. Prevention procedures for spills

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

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

H. State Requirements

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

I. DISTRICT's Right of Revision

The DISTRICT reserves the right, at the recommendation of the Manager/Superintendent to establish by majority vote of its Board, more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in these Rules and Regulations.

J. Federal Categorical Pretreatment Standards

Upon the promulgation of the Federal Categorical Pretreatment Standards for a specific industrial subcategory, the Federal Standard, if more stringent than limitations imposed under these Rules and Regulations for sources in that subcategory, shall immediately supersede the limitations imposed under these Rules and Regulations.

ARTICLE VI - PRETREATMENT PROGRAM ADMINISTRATION

A. Wastewater Discharges

It shall be unlawful to discharge to the POTW any wastewater except as authorized by the DISTRICT in accordance with the provisions of these Rules and Regulations.

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

B. Industrial User Permits

1. General

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

2. Permit Application

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

- a. Name, address, and location if different from the address;
- b. Applicable SIC number(s) according to the Standard Industrial Classification Manual, United States Bureau of the Budget, 1987, as amended;
- c. Wastewater constituents and characteristics as determined by an analytical laboratory acceptable to the DISTRICT; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, as amended;
- d. Time and duration of contribution;
- e. Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variation if any;

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

The following conditions shall apply to this schedule:

- 1. The schedule must be acceptable to the DISTRICT.
 - 2. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards.
 - 3. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress and the reason for delay, and the steps being taken by the user to return the construction to the schedule established.
- j. Each product produced by type, amount, process or processes, and the rate of production;
 - k. Type and amount of raw materials processed (average and maximum per day);
 - l. Number of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

- m. Any other information as may be deemed by the DISTRICT to be necessary to evaluate the permit application.
- n. A copy of the industry's written environmental control program, comparable document, or policy.

3. Permit Issuance

The DISTRICT shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Manager/Superintendent or his designee may issue an Industrial User Permit subject to terms and conditions provided herein.

C. Permit Modifications

Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard(s), the Industrial User Permit of users subject to such standards shall be revised to required compliance with such standards within the time frame prescribed by such standards. Where a user, subject to National Categorical Pretreatment Standards, has not previously submitted an application for a Industrial User Permit as required, the user shall apply for a Industrial User Permit within 90 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing Industrial User Permit shall submit, to the Manager/Superintendent within 90 days after the promulgation of an applicable Federal Categorical Pretreatment Standard, the information required by these Rules and Regulations.

D. Permit Conditions

Industrial User Permits shall be expressly subject to all provisions of these Rules and Regulations and all other applicable regulations, user charges and fees established by the DISTRICT. Permits may contain the following:

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

7. Requirements for submission of technical reports or discharge reports.
8. Requirements for maintaining and retaining, for a minimum of three years, all plant records relating to pretreatment and/or wastewater discharge as specified by the DISTRICT, and affording DISTRICT access thereto as required by 40 CFR 403:12(o)(2);
9. Requirements for notification of the DISTRICT or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
10. Requirements for notification of slug discharges.
11. The permit may require the user to reimburse the DISTRICT for all expenses related to monitoring, sampling and testing performed at the direction of the Manager/Superintendent and deemed necessary by the DISTRICT to verify that the user is in compliance with said permit.
12. Other conditions as deemed appropriate by the DISTRICT to ensure compliance with these Rules and Regulations and state and federal regulations.

E. Alternative Discharge Limits

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

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

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

Where the DISTRICT's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the DISTRICT may apply to the Approval Authority for modification of specific limits in the federal pretreatment standards. The DISTRICT may modify pollutant discharge limits in the federal pretreatment standards

if the requirements contained in 40 CFR 403.7 are fulfilled and prior approval from the Approval Authority is obtained.

F. Permit Duration

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

G. Permit Transfer

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

H. Compliance Data Reporting

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

I. Periodic Compliance Reports

1. All significant industrial users shall submit to the Manager/Superintendent, every six (6) months unless required more frequently by the Industrial User Permit (or on dates specified in the Permit), a report indicating, at a minimum, the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards or the discharge permit and information and compliance status with

regard to Best Management Practices. In addition, the Manager/Superintendent may require the submittal on the report of a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the Manager/Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Manager/Superintendent may agree to alter the months during which the above reports are to be submitted.

In lieu of the Significant Industrial User, the DISTRICT may conduct the monitoring required by the User's Industrial User Permit. In such cases, the Significant Industrial User shall not be required to monitor or report to the DISTRICT the analytical results from the monitoring conducted by the DISTRICT. However, all monitoring results obtained by the User, whether required by the District or not, shall be submitted to the DISTRICT, in accordance with 40 CFR 403.8.

2. All analyses shall be performed by a laboratory certified by the Kentucky Division of Water and acceptable to the DISTRICT. Analytical procedures shall be in accordance with procedures established by the U.S. EPA Administrator pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136 and amendments thereto and 40 CFR 261 or with any other test procedures approved by the U.S. EPA Administrator. Sampling shall be performed in accordance with the techniques approved by the U.S. EPA Administrator.

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report.

3. Where 40 CFR Part 136 does not include a sampling or analytical technique for the pollutant(s) in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the U.S. EPA Administrator.
4. A Baseline Monitoring Report (BMR) must be submitted to the Manager/Superintendent by all categorical industrial users at least ninety (90) days prior to initiation of discharge to the sanitary sewer. Submittal of the Permit Application required by the DISTRICT shall also satisfy this requirement. The BMR or Permit Application must contain, at a minimum, the following:
 - a. Production Data: a process description, SIC code number, raw materials used, chemicals used, final product, pretreatment industrial category (if applicable), and a schematic which indicates points of discharge to the sewer system.
 - b. Identifying information to include name, address of facility, owner(s), contact person and any other permits held by the facility.

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

J. Permit Violations

- 1. All significant industrial users must notify the Manager/Superintendent within 24 hours of first becoming aware of a permit violation. This notification shall include the date of violation, the parameter violated and the amount in exceedance.
- 2. The user shall immediately repeat the sampling and analysis of the parameter(s) in question and submit the results to the Manager/Superintendent within thirty (30) days after becoming aware of the violation. Exception to this regulation is only if the DISTRICT performs the sampling within the same time period for the same parameter(s) in question.
- 3. Compliance with the terms of a Industrial User Permit shall be deemed in compliance with the terms of these Rules and Regulations.

K. Monitoring

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

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

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

2. All sampling analyses done in accordance with approved federal EPA procedures by the industrial user during a reporting period, as required by the user's Industrial User Permit or by the DISTRICT, shall be submitted to the Manager/Superintendent.
3. The industrial user must receive the approval of the Manager/Superintendent before changing the sampling point and/or monitoring facilities to be used in all required sampling.

L. Inspection and Sampling

1. The Manager/Superintendent shall inspect the facilities of any user to ascertain whether the purposes of these Rules and Regulations are being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Manager/Superintendent or his representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, copying records, records examination or in the performance of any of their duties.
2. The DISTRICT, Approval Authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the DISTRICT, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

M. Pretreatment

All significant industrial users shall provide necessary wastewater treatment as required to comply with these Rules and Regulations and achieve compliance with any applicable Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. The DISTRICT may require the development of a compliance schedule for installation of pretreatment technology and/or equipment by any

industrial user that cannot meet discharge limits required by these Rules and Regulations. Any facilities required to pretreat wastewater to a level required by these Rules and Regulations shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Manager/Superintendent for review and shall be acceptable to the DISTRICT before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent that complies with the provisions of these Rules and Regulations. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the DISTRICT prior to the user's initiation of the changes.

N. Annual Publication

The DISTRICT shall annually publish in a newspaper of general circulation that provides meaningful public notice a list of industrial users which were in significant non-compliance with any Pretreatment Requirements or Standards. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.

O. Significant Non-Compliance

A user is defined as being in significant non-compliance when it commits or meets one or more of the following conditions:

1. Causes imminent endangerment to human health or the environment or results in the exercise of emergency authority;
2. Involves failure to report noncompliance accurately;
3. Results in a chronic violation defined here as sixty-six percent (66%) or more of all measurements taken during a six (6) month period that exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
4. Results in a Technical Review Criteria (TRC) Violation defined here as thirty-three percent (33%) or more of all measurements for each pollutant parameter taken during a six (6) month period that equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, and O&G and 1.2 for all other pollutants except pH). For pH violations, see the definition in Article I, Section B(58);
5. Any violation of a pretreatment effluent limit that the Manager/Superintendent determines has caused, alone or in combination with other discharges, interference or pass through or has endangered the health of the POTW personnel or the public;
6. Any discharge causing imminent endangerment to human health/welfare or to the environment or resulting in the Manager/Superintendent's use of his emergency authority to halt or prevent such a discharge;

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

P. Confidential Information

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

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

Q. Signatory Requirements

All applications, reports or information submitted to the DISTRICT shall be signed and certified in accordance with the following requirements. Written designation of the signatory official must be received by the DISTRICT prior to acceptance of any application or other required document.

1. All permit applications shall be signed:
 - a. For a corporation: by a principal executive officer of at least the level of vice-president;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
2. All other correspondence, reports and self-monitoring reports shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- a. The authorization is made in writing by a person described above;
 - b. The authorization specifies either an individual or a position having facility or activity, such as the position of plant manager, superintendent or position of equivalent responsibility.
3. Certification. Any person signing a document under this section shall make the following written certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

R. Recordkeeping

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

ARTICLE VII - FEES AND CHARGES

A. Purpose

This article provides for the recovery of costs from users of the POTW for the implementation of the program established herein.

B. Charges and Fees

The DISTRICT may adopt charges and fees which may include:

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

These fees relate solely to the matters covered by these Rules and Regulations and are separate from all other fees chargeable by the DISTRICT.

ARTICLE VIII - POWERS AND AUTHORITY OF INSPECTORS

A. Right to Enter Premises

The Manager/Superintendent and other duly authorized employees and representatives of the DISTRICT and authorized representatives of applicable Federal and State regulatory agencies bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to discharges to the public sewer system in accordance with the provisions of these Rules and Regulations.

B. Right to Obtain Information Regarding Discharge

Duly authorized employees of the DISTRICT and representatives of the State and EPA are authorized to obtain information including but not limited to copying of records concerning character, strength and quantity of industrial wastes which have a direct bearing on the kind and source of discharge to the wastewater collection system.

C. Access to Easements

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

D. Safety

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

ARTICLE IX - ENFORCEMENT

A. General

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

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

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

B. Notice of Violation

Any user found to be violating any provisions of these Rules and Regulations, Industrial User Permit, or any order issued hereunder, shall be served by the DISTRICT with written notice stating the nature of the violation(s). The user shall submit a written explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Manager/Superintendent. Submission of this plan in no way relieves the user of potential liability for any violation occurring before or after receipt of the notice of the violation.

If the violations persist or the explanation and/or plan are not adequate, the DISTRICT'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. Identification

of significant non-compliance as defined in Article VI, Section O, will require a formal enforcement action.

The full scale of enforcement actions and implementation of such is as detailed in the DISTRICT's Enforcement Response Plan.

C. Administrative Orders

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

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

1. *Consent Orders*

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

2. *Compliance Orders*

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

3. *Cease and Desist Orders*

When the Manager/Superintendent finds that an industrial user has violated or continues to violate these Rules and Regulations or any permit or order issued hereunder, the Manager/Superintendent may issue an order to cease and desist all such violations and direct those persons in noncompliance to: a) comply forthwith,

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

4. *Show Cause Hearing*

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

D. Administrative Penalties

Notwithstanding any other section of these Rules and Regulations, any user who is found to have violated any provision of these Rules and Regulations, or permits or orders issued hereunder, may be fined in an amount not to exceed five thousand dollars (\$5,000) per violation for each day in violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the Manager/Superintendent shall have such other collection remedies as needed to collect other service charges. Unpaid charges, fines and penalties shall constitute a lien against the user's property. Users desiring to dispute such penalties must file a written request for the DISTRICT Manager of the DISTRICT to reconsider the penalty within ten (10) business days of being notified of the penalty. Where the DISTRICT Manager believes an appeal has merit, he shall convene a hearing on the matter within fifteen (15) days of receiving the appeal from the user. The DISTRICT Manager's final decision shall be binding.

E. Additional Enforcement Remedies

1. Performance Bonds

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

2. Liability Insurance

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

ARTICLE X - PENALTIES

A. Written Notice

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

As contained in Article IX, the notice may be of several forms. Also, as contained in Article IX, penalties of various forms may be levied against users for violations of these Rules and Regulations. The penalties, if levied, shall range from publication of violators in the local newspaper to administrative penalties of up to \$5,000.00 per day per violation or criminal prosecution as outlined herein.

B. Revocation of Permit

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

Any user who violates the following conditions of these Rules and Regulations, or applicable State and Federal Regulations, is subject to having his permit revoked in accordance with the procedures of these Rules and Regulations:

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

C. Destruction of POTW

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

D. Legal Action

If any person discharges sewage, industrial wastes or other wastes into the DISTRICT's wastewater disposal system contrary to the provisions of these Rules and Regulations, Federal or State Pretreatment Requirements or any order of the DISTRICT, the DISTRICT may commence an action for appropriate legal and/or equitable relief in the appropriate Court of this jurisdiction in addition to pursuing any criminal remedies that may be available.

E. Injunctive Relief

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

F. Liability

Any user violating any of the provisions of these Rules and Regulations, discharge permit or other order issued hereunder shall become liable to the DISTRICT for any expense, loss or damage occasioned by the DISTRICT by reason of such violation. This civil liability is as provided by state and federal regulations.

G. Civil Penalties

1. Any user who has significantly violated or continues to violate these Rules and Regulations or any order or permit issued hereunder, shall be liable to the DISTRICT for a civil penalty of not more than \$5,000.00 per violation per day plus actual damages incurred by the POTW per day for as long as the violation continues. Each day in which such violation shall continue shall be deemed a separate offense. In addition to the above described penalty and damages, the Manager/Superintendent may recover reasonable attorney's fees, court costs, court reporter's fees, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.
3. The Manager/Superintendent may petition the Court to impose, assess and recover such sums. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

H. Criminal Prosecution

1. Violations - General

- a. Any user who willfully or negligently violates any provision of these Rules and Regulations or any orders or permits issued hereunder shall, upon conviction, be guilty of a Class A misdemeanor, punishable by a fine not to exceed \$500.00 per violation per day or imprisonment for not more than twelve (12) months. Each day in which such violation shall continue shall be deemed a separate offense.
- b. Any user who knowingly and/or negligently makes any false statements, representation or certification of any application, record, report, plan or other document filed or required to be maintained pursuant to these Rules and Regulations, or Industrial User Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these Rules and Regulations shall be guilty of a Class A misdemeanor and shall, upon conviction, be punished by a fine not to exceed \$500.00 or by imprisonment for not more than twelve (12) months, or by both. Each day in which such violation shall continue shall be deemed as a separate offense.
- c. In the event of a second conviction, the user shall be guilty of a Class D felony and shall be punished by a fine in an amount not less than \$1,000.00 and not greater than \$10,000.00, or double his gain from DISTRICT of the offense, whichever is greater or imprisonment not less than one (1) year nor more than five (5) years or both. Each day in which such violation shall continue shall be deemed a separate offense.
- d. The DISTRICT Manager or his designee shall have the authority to pursue criminal charges on behalf of the DISTRICT in any court of competent jurisdiction in the Commonwealth of Kentucky.

ARTICLE XI - VALIDITY

A. Severability

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

B. Conflict

All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of these Rules and Regulations are hereby repealed to the extent of such inconsistency or conflict.

ARTICLE XII - REGULATIONS IN FORCE

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

**McCreary County Water
District
Enforcement Response Plan**

**McCreary County Wastewater Treatment Plant
Whitley City, Kentucky
McCreary County**

March 2019

Enforcement Response Plan

MCWD Pretreatment Program

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MCCREARY COUNTY WATER DISTRICT PRETREATMENT PROGRAM ENFORCEMENT RESPONSE PLAN

I. Introduction

Final regulatory changes to the National Pretreatment Program outlined in 40 CFR 403 became effective on August 23, 1990. These changes required all Publicly-Owned Treatment Works (POTW) with approved Pretreatment Programs to develop and implement an Enforcement Response Plan (ERP).

The ERP provides guidelines for POTW personnel in determining appropriate enforcement actions for Significant Industrial Users (SIUs) in response to violations encountered during implementation of the District's Pretreatment Program. The legal authority for enforcement is specified in the MCWD's Sewer Use Tariff which incorporates local, state and federal regulations as specified in 40 CFR 403 and 401 KAR 5:057.

This ERP describes how the McCreary County Water District, hereinafter referred to as "The District", will investigate instances of noncompliance by SIUs, the types of enforcement actions that the District may take in response to all anticipated types of violations and the time periods within which these enforcement actions will be taken and followed up. It reflects the District's primary responsibility to enforce all applicable Pretreatment Program standards and requirements.

This plan also includes a general discussion of the criteria to be used in determining a proper response to various program violations and non-compliance

situations. In addition, a tabular guide is included in this plan in order to outline the District's responses to various pretreatment program violations. This tabular guide, the Enforcement Response Guide (ERG), will list each enforcement action available to the District's designated Pretreatment Coordinator for a given violation and the primary District representative responsible for conducting each individual enforcement action.

II. Personnel

Oversight of the District's Pretreatment Program administrative implementation will be the responsibility of the District's Manager/Superintendent. The District Manager/Superintendent and his/her designated Pretreatment Coordinator have designated daily administrative and implementation responsibilities to the District. The Manager/Superintendent has full authority to implement and enforce the MCWD Pretreatment Program and this Enforcement Response Plan. An organizational chart is provided in Figure I of this ERP.

The Manager/Superintendent's main duties include, but are not limited to, the day-to-day supervision and implementation of the MCWD Pretreatment Program. The Manager/Superintendent is the representative of the District in all tasks assigned.

To fulfill these duties, the Manager/Superintendent is assisted by the Pretreatment Coordinator and other District personnel that are assigned specific duties, including implementation of various aspects of the Pretreatment Program and ERP. The Manager/Superintendent has the full responsibility for administering the District's Pretreatment Program.

The Pretreatment Coordinator or his/her designee is responsible for the

supervision of industrial monitoring and sample collection events conducted by the District, review of industrial user reports, data assimilation, tracking of violations, identification of significant noncompliance (SNC) and industrial user inspections among other implementation tasks. The Pretreatment Coordinator is authorized to initiate specific enforcement proceedings, including civil and criminal proceedings, as needed to protect the WWTP, the environment and the health and welfare of the general public.

In addition, WWTP personnel are available at the WWTP to assist the Pretreatment Coordinator as needed. Duties by these personnel include sampling, field collection, equipment inspection and maintenance and laboratory analysis. WWTP personnel are also available to assist in emergency situations as conditions may require.

A consulting engineer specializing in Pretreatment Program administration may be named by and/or utilized by the Manager/Superintendent to assist in the evaluation of and compliance with environmental regulations. The consulting engineer will also provide technical expertise in the areas of SNC, special investigations, sampling procedures and industrial or WWTP pretreatment equipment needed to achieve compliance.

The Manager/Superintendent may utilize the attorney for the District for any legal services needed in enforcement proceedings. The District's attorney advises the Manager/Superintendent on proper legal actions and orchestrates any judicial actions deemed necessary by the Manager/Superintendent.

III. Violation Identification

Violations of the Pretreatment Program are identified from various sources of

information gathered by implementation of the program. Such sources include, but are not limited to, on-site inspections of significant industrial users (SIUs), District compliance monitoring of an SIU's discharge, and data submitted from SIU self-monitoring reports. Utilization of these sources is discussed below.

On-site Inspections - At least once each year, the Pretreatment Coordinator and/or his designee will conduct an unscheduled pretreatment inspection at each SIU to ascertain if all requirements of the Industrial User Permit and the MCWD Sewer Use Tariff are being met. Scheduled inspections, inspections to verify compliance schedule milestone achievement and inspections conducted as part of the permit application process may also be conducted by the Pretreatment Coordinator and/or his designee.

During the annual inspections, all production areas of the facility, all areas that produce process wastewater, storage areas for chemicals and hazardous materials and/or wastes, any pretreatment systems and the industrial wastewater at the point of discharge will be observed and inspected. An evaluation of the need for a slug discharge control plan will also be conducted.

The inspector(s) may also review and/or copy all industrial pretreatment records, examine any new production processes and equipment, examine and inspect any new and/or existing pretreatment equipment, observe industrial self-monitoring techniques, inspect the condition of the SIU's sampling equipment, and obtain samples for District compliance monitoring.

The Pretreatment Coordinator may provide the SIU with a 24-hour notice prior to the inspection, however this is not required. The inspector will

look for violations throughout the inspection and note all findings on a report form to be filed for future reference.

District Compliance Monitoring - The District will sample all significant industrial users (SIUs) at least once every six (6) months for all pollutants regulated with discharge limits by the MCWD Sewer Use Tariff. At that time, District representatives will also conduct sampling for pollutants regulated by any applicable federal categorical standards. In addition, during this compliance sampling event, the District may, at the Pretreatment Coordinator's discretion, also monitor for pollutants not regulated by local and/or federal regulations but are considered pollutants of concern for the WWTP. Compliance monitoring may be conducted for these additional pollutants based upon findings of WWTP sampling, the pretreatment inspections, industrial permit application and/or other information.

All monitoring and analyses will be conducted in accordance with 40 CFR Part 136 and Part 261 and will be properly documented through the use of Chain-of-Custody forms in case future legal action is required.

Industrial Self-Monitoring - An SIU may be required to self-monitor its process discharge(s) as outlined in its Industrial User Permit. If self-monitoring is not required, the District will conduct all required monitoring. In either case, no SIU shall be monitored less frequently than once every six (6) months for pollutants of concern. Any monitoring conducted by the industrial user at the approved monitoring point at a frequency greater than that required by the Industrial User Permit must also be submitted to the Pretreatment Coordinator. Sampling must be conducted at the

approved monitoring point outlined in the SIU's Industrial User Permit. All industrial self-monitoring and analyses must be conducted in accordance with 40 CFR 136 and 261.

The analytical results from self-monitoring are required to be properly signed and certified by an authorized representative of the industrial facility and submitted to the Pretreatment Coordinator by the 20th day of the month following the month in which the monitoring occurs. Each Industrial User Permit describes in detail the requirements for sampling frequency, methods, reporting, record-keeping, effluent discharge limitations and other restrictions applicable to each individual industry. Figure II outlines the review process for industrial user self-monitoring reports.

The Industrial User Permit is a reflection of the MCWD Sewer Use Tariff and the requirements noted therein. The Pretreatment Coordinator and other pretreatment personnel should be familiar with the requirements of each of the Industrial User Permits and have a general working knowledge of the Sewer Use Tariff and this ERP.

Demand Monitoring - Monitoring under emergency conditions, in response to identified violations or for litigation purposes may also be conducted, as the Pretreatment Coordinator deems necessary. Proper sampling techniques and analytical procedures will be observed throughout the monitoring event and chain-of-custody forms and other records will be properly maintained at all times. All WWTP personnel assigned to assist the Pretreatment Coordinator will be trained in the proper procedures for emergency sampling.

The Pretreatment Coordinator shall be contacted as soon as possible and

informed of any emergency situations. At that time, the Pretreatment Coordinator shall oversee the monitoring of the emergency condition while it exists. During sampling for litigation purposes, the Pretreatment Coordinator shall coordinate all efforts as needed. If necessary, the Pretreatment Coordinator may seek the advice of the District attorney and/or the consulting engineer to ensure that the evidence needed for prosecution and/or civil action is properly obtained. The services of an outside laboratory may be obtained in order to demonstrate that unbiased data has been collected.

IV. Sewer Use Tariff

The District has approved a Sewer Use Tariff and amendments that comply with all state and federal pretreatment regulations and guidelines. The MCWD Sewer Use Tariff is the authority by which the Manager/Superintendent and the Pretreatment Coordinator implement the Pretreatment Program and this ERP. All policies outlined in this ERP are in accordance with the requirements and regulations contained in the MCWD Sewer Use Tariff and its amendments.

V. Violation Categorization

The Enforcement Response Guide (ERG) included in this document provides a systematic method to determine appropriate responses to specific violations and non-compliant situations. The Manager/Superintendent and the Pretreatment Coordinator shall use this guide to conduct equitable enforcement actions for various anticipated violations. The ERG is included in Appendix A of this document.

Although the ERG is to be utilized to help determine specific responses to various types of violations, the Pretreatment Coordinator must first evaluate

important aspects surrounding the violations. The criteria that should be considered prior to enforcement are as follows:

1. **Magnitude of the Violation(s)** - Generally, an isolated instance of noncompliance can be met with an informal enforcement response. More serious violations such as those that could threaten public health or damage the WWTP must be responded to with more severity. All instances of significant noncompliance (SNC) should be responded to with an enforceable order that requires a return to compliance by a specific deadline. An SIU is defined as being in Significant Noncompliance (SNC) when it meets one or more of the following criteria, as defined in the MCWD Sewer Use Tariff and 40 CFR 403:

- a. **Chronic Violations** of wastewater discharge limits, defined herein as when sixty-six percent (66%) or more of all measurements for a pollutant parameter taken during a rolling 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 herein as those in which thirty-three percent (33%) or more of all measurements for a pollutant parameter taken during a rolling six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and equals 1.2 for all other pollutants except pH.);
- c. Failure to report noncompliance accurately or in a timely manner;
- d. Any violation of a pretreatment effluent limit (daily maximum or

longer term average) and/or Best Management Practice (BMP) that the Pretreatment Coordinator determines has caused, alone or in combination with other discharges, interference or pass-through or has endangered the health of the WWTP personnel or the general public;

- e. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment or has resulted in the Pretreatment Coordinator's use of his/her emergency authority under 40 CFR 403 to halt or prevent such a discharge;
- f. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting or completing construction or attaining final compliance;
- g. Failure to provide required reports within thirty (30) days of the due date; and,
- h. Any violation or group of violations, including Best Management Practices, which the Pretreatment Coordinator determines will adversely affect the administration or implementation of the local pretreatment program.

2. **Duration of the Violation** - Violations, regardless of severity, which continue for more than three (3) consecutive calendar quarters should be subject to a formal enforcement action. The U.S. EPA recommends issuance of administrative orders for chronic violations. If the SIU fails to comply with the administrative order, administrative penalties or judicial

action should be initiated. If prolonged violations result in serious harm to the WWTP, termination of service should be considered.

3. **Effect on Receiving Stream** - Any violation which results in environmental harm should be met with a severe enforcement response. Environmental harm should be evaluated whenever an SIU is shown to discharge pollutants into the sanitary sewer system which are known to pass through the WWTP, cause a violation of the WWTP's KPDES permit and/or have a toxic effect on the receiving stream (i.e., whole-effluent toxicity test (WET) failure, fish kill, etc.). The result of the discharge should dictate the severity of the enforcement response, including payment for damages and/or penalties accrued by the District.
4. **Effect on the POTW** - Violation(s) causing harm to the WWTP may range from the increased cost of treatment to the actual destruction of equipment, including harm to WWTP personnel. Response to the violation(s) should be determined based on the seriousness of the harm caused and the cost to the District.
5. **Compliance History of the SIU** - A pattern of recurring violations may indicate inadequate pretreatment equipment at the industrial facility or a casual approach to operation and maintenance of said equipment. SIUs exhibiting sporadic but recurring instances of significant noncompliance should be addressed with an appropriately severe response.
6. **Economic Benefit to SIU** - The economic benefit received by the SIU for not installing pretreatment equipment as necessary to ensure that consistent compliance is achieved should be considered when selecting an enforcement response.

7. **Good Faith of the SIU** - An SIU's efforts to remedy violations, coupled with actions which support the SIU's intention to cease all violations, should be considered in the enforcement response initiated. However, good faith does not automatically eliminate the necessity of an enforcement action and should be considered along with other criteria.

VI. **Compliance Tracking**

The Pretreatment Coordinator, or his designee, will review all compliance monitoring and self-monitoring reports for each SIU. These reports will be examined for timely submittal, completeness of sampling for all required parameters and for violations of permit limits. The Pretreatment Coordinator, or his designee, will track the compliance status of each SIU by reviewing all discharge data at the end of each quarter on a rolling six-month basis to determine if the SIU meets the definition of SNC. Compliance schedule milestones and other due dates for reports will also be tracked monthly.

VII. **Enforcement Response**

The Pretreatment Coordinator will be responsible for classifying the significance of an SIU's violation(s) using the criteria discussed previously in this document. Upon making this classification, the Pretreatment Coordinator will use the ERG to determine the most appropriate response to be used in addressing the noncompliance. Those responses available to the Pretreatment Coordinator through the MCWD Sewer Use Tariff are as follows:

- A. **Letter of Violation (LOV)** - A letter may be issued to an SIU when an excursion of a pretreatment standard or requirement occurs that is not classified as SNC. It is any official communication from the District to the

noncompliant SIU that informs the SIU that a pretreatment violation has been recorded. The LOV is an appropriate initial response to violations not categorized as significant noncompliance and may be the only response necessary in cases where the violations are isolated and/or minor.

- B. Notice of Violation (NOV)**- An NOV may be issued when any excursion of a pretreatment standard or requirement occurs. It is any official communication from the District to the noncompliant SIU that informs the SIU that a pretreatment violation has been recorded. The NOV is an appropriate initial response to violations not categorized as significant noncompliance and may be the only response necessary in cases where the violations are isolated and/or minor.

The NOV provides the SIU with an opportunity to correct noncompliance on its own initiative. The NOV also can act as a short-term compliance schedule by requiring certain corrective actions by the SIU within a certain period of time. The NOV documents the District's initial attempts to resolve the noncompliance and, should circumstances require a more stringent approach, the NOV establishes a basis for escalation of enforcement actions according to the ERP and not in an arbitrary manner. The Pretreatment Coordinator shall issue the NOV to the SIU in noncompliance within fifteen (15) days of becoming aware of a violation. The NOV will either be electronically mailed, hand-delivered or sent by certified mail (return receipt requested). A sample NOV is shown in Appendix B of this document.

- B. Administrative Penalty** - An administrative penalty is a monetary

penalty assessed by the Manager/Superintendent for violations of pretreatment standards and requirements that result in SNC. Administrative penalties may be issued at the Manager/Superintendent's discretion and the amount of the fine may be determined on a case-by-case basis. Administrative penalties differ from civil penalties since they do not require court intervention unless the SIU contests the action or refuses to pay the penalty.

Administrative penalties are punitive in nature and may not be related to a specific cost incurred by the District. Legal authority for administrative penalties has been established in the MCWD Sewer Use Tariff, as well as federal and state regulations.

The Manager/Superintendent has the authority to assess penalties at any time. Such penalties are appropriate when: (1) the SIU remains in SNC after receiving repeated NOVs from the District and has made no attempt to remedy the situation; (2) when the SIU violates the terms of an Administrative Order, and (3) when the violations have the potential to harm the WWTP and/or the receiving stream, public health and safety. The initial amount of the penalty, as with other enforcement responses, shall depend on the classification of the violation's severity. Escalation of the penalty up to the maximum allowed by the Tariff may take place if the SNC is not addressed to the Manager/Superintendent's satisfaction.

NOVs, Administrative Orders and show-cause hearings may all be utilized as mechanisms for issuing administrative penalties as follows:

NOV - An NOV may be issued notifying the SIU that a violation or continued violations have occurred and that a penalty is being assessed. The NOV shall identify the specific

violations and include a provision explaining that full payment of the penalty is due to the District within a specified period of time.

Administrative Order - A formal order may be issued specifying actions that must be taken to correct certain noncompliant conditions and assessing an administrative penalty as part of the order.

Show-Cause Hearing - A formal or informal meeting may be called between the District and the SIU in violation. Assessment of an administrative penalty may be one result of such a meeting. The show-cause hearing may also be used to give an SIU the opportunity to appeal the penalty or may be used to determine the proper penalty to be issued.

C. **Administrative Orders** - An Administrative Order (AO) is an enforceable document which directs an SIU to undertake certain actions or to cease specified activities in order to facilitate a return to compliance. AO's can be of the types listed below:

- **Cease and Desist Order** - This order directs the noncompliant SIU to cease or terminate all illegal, unauthorized and/or noncompliant discharges immediately. This order should be used in cases where the discharge could cause, or is causing, interference or pass-through of the POTW.

A Cease and Desist Order may be issued immediately upon discovery of a violation or following a show-cause hearing. In an emergency, the Cease and Desist Order may be verbal and delivered by telephone and followed by a written order (hand-

delivered or certified mail). If the SIU fails to comply with the order, the Manager/Superintendent or his designee may take action to stop the discharge by terminating water service or blocking the SIU's discharge point. An example of a Cease and Desist Order is shown in Appendix B.

- **Consent Order** - The Consent Order is an agreement between the District and the SIU in noncompliance. Three elements are present in the order: (1) a compliance schedule agreed to by both parties; (2) stipulated penalties or remedial actions; and, (3) signatures of both District and SIU representatives. A Consent Order is appropriate when the SIU assumes responsibility for its noncompliance and is willing to correct its cause(s). However, depending upon the specific terms of the order, signing may or may not be an admission of guilt for purposes of civil litigation and/or criminal prosecution. The Consent Order should specifically be used to prohibit future violations and provide for corrective actions on the part of the industry. An example of a Consent Order is included in Appendix B.
- **Compliance Order** - A Compliance Order directs the SIU to achieve or return to compliance by a specified date. This order is most appropriate when noncompliance can be resolved without major construction, repair or process changes. It may be issued to require an SIU to develop best management practices, waste minimization, spill prevention programs or slug control plans. The milestones set in the Compliance Order must be tracked by the Pretreatment Coordinator to determine if escalated enforcement

actions are needed. An example of a Compliance Order is included in Appendix B.

- **Show-Cause Order** - An order to show cause directs the SIU to appear before the Manager/Superintendent and/or the District's Chairman and explain its noncompliance and show cause as to why more severe enforcement actions should not be taken against the SIU. This order may be issued after informal contacts, NOVs or other orders have failed to resolve the noncompliance. The show-cause hearing can be conducted by the MCWD Chairman, the Manager/Superintendent or the District's Attorney and may be either formal or informal and open or closed to the public.

The Pretreatment Coordinator may follow up the hearing by issuing a Compliance Order, Consent Order, a compliance schedule, an administrative penalty or may refer the case to the District's Attorney for civil litigation and/or criminal prosecution. An example of a Show-Cause Order is included in Appendix B.

- D. **Civil Litigation** - Civil litigation is the formal process of filing a lawsuit against an SIU to secure court-ordered action to correct noncompliance and to secure penalties for violations including the recovery of costs to the District for the noncompliance. This process is normally pursued when the required corrective action has not been taken by the SIU, the penalty to be assessed exceeds that which the Manager/Superintendent can assess administratively or when the SIU is recalcitrant and unwilling to cooperate.

Civil litigation includes enforcement measures that require involvement or

approval by the court system, such as injunctive relief and settlement agreements. The Federal Pretreatment Regulations require the District to have legal authority to seek and assess civil penalties in at least the amount of \$5,000 per day for each violation by an SIU. The regulations also require the District to have legal authority to seek injunctive relief for noncompliance by SIUs.

Both of these requirements have been fulfilled in the MCWD Sewer Use Tariff. The Manager/Superintendent or his/her designee shall initiate civil litigation through the District's Attorney. All data gathered for such a purpose shall be properly collected and documented. A general outline of the civil litigation process is shown in Figure III.

- E. Criminal Prosecution** - Criminal prosecution is the formal process of charging individuals and/or organizations with violations of Tariff provisions that are punishable, upon conviction, by penalties and/or imprisonment. The MCWD Sewer Use Tariff authorizes criminal prosecution for Tariff violations when they are willful or negligent and may be appropriate in cases of repeated violations or when less formal efforts to restore compliance have failed. Criminal prosecution may be brought prior to, concurrently with, or subsequent to civil litigation.

The Manager/Superintendent shall initiate criminal prosecution through and at the direction of the District's Attorney. All data gathered for such prosecution shall be properly collected and documented. A general outline of the criminal prosecution process is shown in Figure IV.

- F. Termination of Service** - Under the MCWD Sewer Use Tariff, the Manager/Superintendent has the authority to immediately and effectively

halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of the general public, WWTP personnel, or to the environment, or which threatens to interfere with the WWTP's operation. The Manager/Superintendent or his designee may terminate sewer and/or water service to any user in violation of the MCWD Sewer Use Tariff.

There are three methods that will be used to terminate sewer service: (1) physically sever (or plug) the SIU's connection to the sewer; (2) halt the discharge by revoking the Industrial User Permit; and, (3) issue a Cease and Desist Order. All of these methods of termination require notice to the SIU and are outlined in the MCWD Sewer Use Tariff. Advance notice is intended to fulfill the legal due process requirements associated with service termination and enables the SIU to halt production in time to avoid backflow, spills and other harm to the SIU's facility.

The Manager/Superintendent or his/her designee will initiate termination as necessary, depending on specific circumstances, but will work closely with the District's attorney as further litigation is needed.

VIII. Abbreviations

AO	-	Administrative Order
CD	-	Cease & Desist Order
CO	-	Compliance Order
CIU	-	Categorical Industrial User
DC	-	MCWD Chairman
ERP	-	Enforcement Response Plan
ERG	-	Enforcement Response Guide
LOV	-	Letter of Violation
M/S	-	MCWD Manager/Superintendent
NOV	-	Notice of Violation
POTW	-	Publicly Owned Treatment Works
PC	-	Pretreatment Coordinator
SIU	-	Significant Industrial User
SUT	-	Sewer Use Tariff
WWTP	-	MCWD Wastewater Treatment Plant

FIGURE I

Organization Chart MCWD Pretreatment Program Enforcement Response Plan

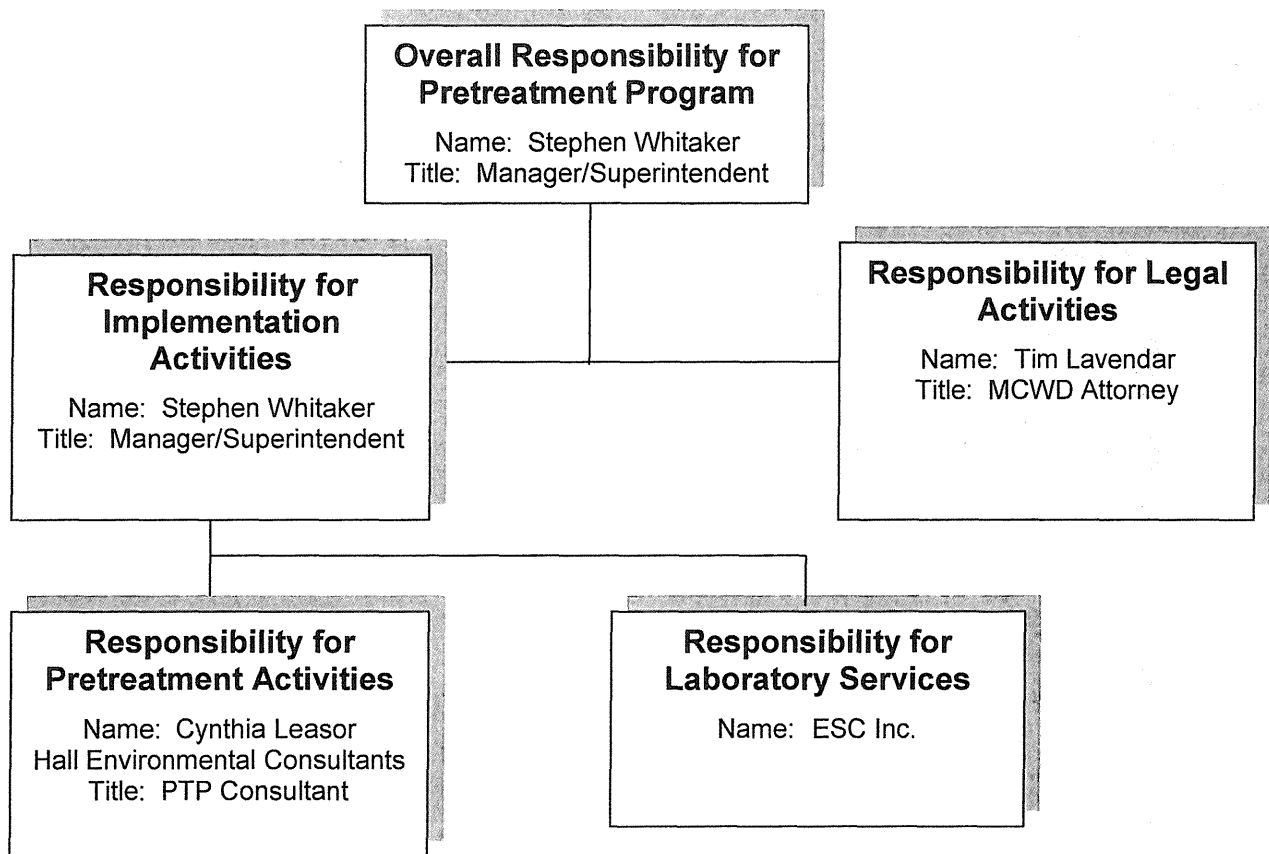


Figure II

Review Process for Industrial Self-Monitoring Reports

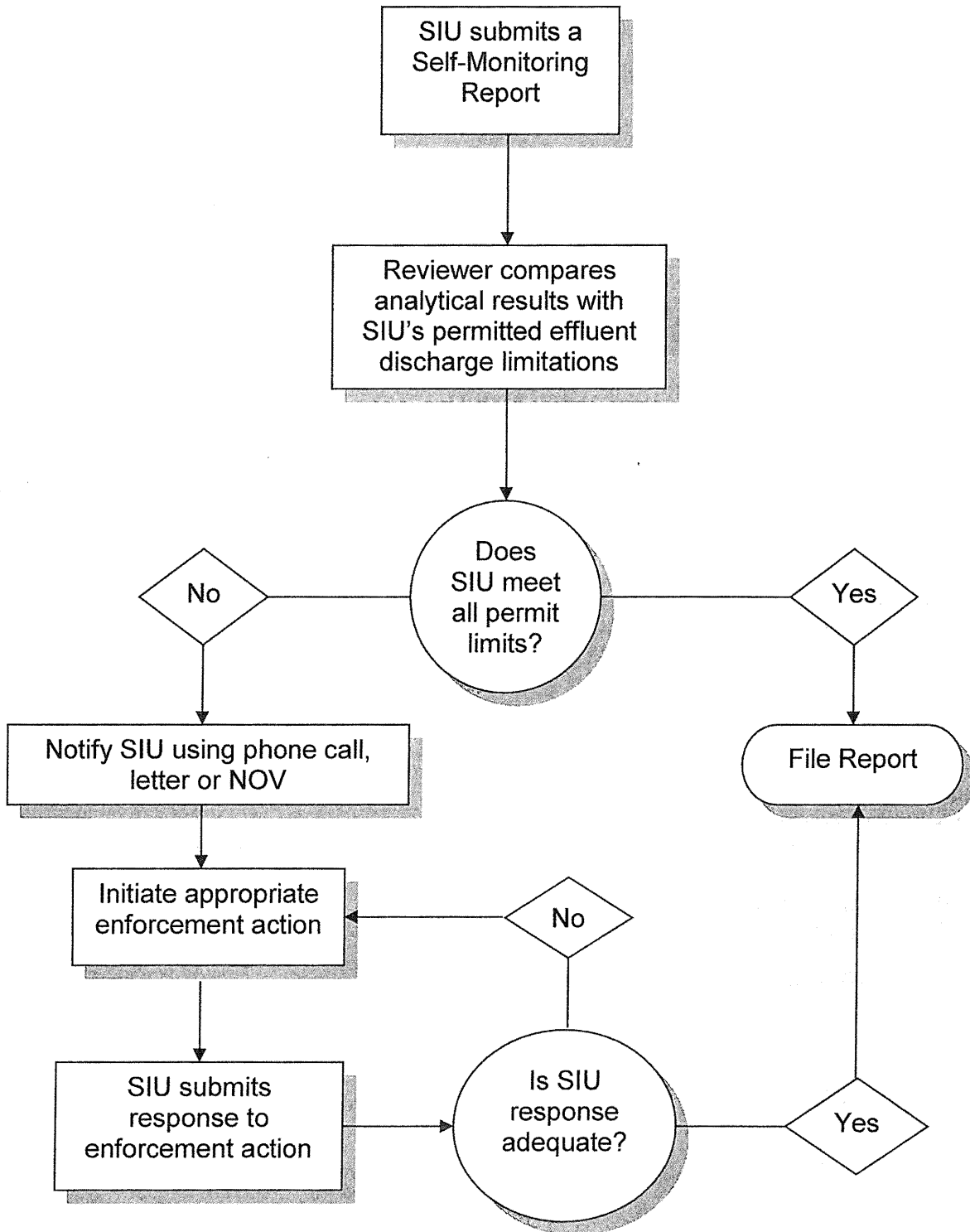


Figure III

Outline for the Civil Litigation Process MCWD Enforcement Response Plan

- District decides to sue SIU to recover costs, seek civil penalties and/or corrective actions.
- District files complaint alleging ordinance and/or permit violations. The District may also file a motion for a preliminary injunction if violations are on-going.
- SIU files a response admitting or denying allegations.
- Trial date set.
- Discovery process involving District and SIU.
- Settlement Negotiations - If successful, issue Consent Order;
If unsuccessful, proceed to trial.
- Trial.
- Verdict - If SIU is held liable, court awards cost recovery and/or civil penalties to District; If SIU is not held liable, return to status quo.
- Appeals filed.

Figure IV

Outline for Criminal Prosecution MCWD Enforcement Response Plan

- District receives information regarding criminal activity.
- District gathers evidence of criminal activity.
- District takes evidence to prosecutor. Prosecutor seeks indictment of SIU.
- Grand jury indicts the SIU.
- Defendant pleads to criminal charges in indictment. If SIU pleads guilty, sentencing hearing is scheduled. If SIU pleads not guilty, trial date is set.
- Criminal trial is held and verdict issued.
- Sentence pronounced. If defendant appeals and is successful, a new trial is held or sentence is reduced. If appeal is unsuccessful, sentence is served.

Appendix A

Enforcement Response Guide

**McCreary County Water District
Pretreatment Program**

Enforcement Response Guide

Timeframe for Enforcement Responses

- A. All violations will be identified and documented within fifteen (15) business days of receiving compliance information, monitoring reports and/or analytical results.
- B. Initial enforcement responses (involving contact with the industrial user and requesting information on corrective or preventative actions) will occur within fifteen (15) business days of violation detection.
- C. Follow up actions for chronic or reoccurring violations will be taken within sixty (60) days of the initial enforcement response. For all violations continuing for more than six (6) months, the response will include a compliance schedule.
- D. Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.
- E. All violations meeting the criteria for significant noncompliance (SNC) will be addressed with an enforceable order within thirty (30) days of the identification of significant noncompliance (SNC).

ENFORCEMENT RESPONSE GUIDE

McCreary County Water District

Section I - Unauthorized Discharges

Violation	Nature/Description	Enforcement Response	Responsible Personnel
Unpermitted Discharge	SIU unaware of requirements	-- Phone Call; Letter of Violation - OR-	PC
	- No harm to WWTP and/or environment	NOV with Permit Application Form	PC
	SIU unaware of requirements	-- NOV w/ Application Form	PC
	- Harm to WWTP and/or environment	-- AO with \$500 fine -- Civil Action	M/S DC
Unpermitted Discharge	Failure to apply for permit continues after notice from Pretreatment Coordinator		
	- No harm to WWTP and/or environment	-- AO with \$1000 penalty	M/S
	- Harm to WWTP and/or environment	-- Civil Action	DC
		-- Criminal Action -- Terminate Service	DC M/S
Non-permitted Discharge	Failure to renew Industrial User Permit;	-- Phone Call; LOV	PC
	SIU has not submitted permit application	-- NOV	PC
	within 10 days of due date	-- AO with \$500 penalty	M/S

ENFORCEMENT RESPONSE GUIDE

McCreary County Water District

Section II - Effluent Discharge Limit Violations

Violation	Nature/Description	Enforcement Response	Responsible Personnel
Violation of Permit Limit	Isolated violation - Not SNC (<20% of limit) - No harm to WWTP and/or environment	-- Phone call; LOV	PC
		-- Notice of Violation	PC
	Isolated violation - Not SNC (>20% of limit) - No harm to WWTP and/or environment	-- LOV w/ submittal of corrective actions	PC
		-- NOV w/ submittal of corrective actions	PC
	Isolated violation - SNC (>20% of limit) - No harm to WWTP and/or environment	-- NOV w/ submittal of corrective actions	PC
		-- AO to develop Spill Prevention Plan with corrective action(s)	PC
		-- AO with \$500 penalty	M/S
	Isolated violation - SNC - Harm to WWTP and/or environment	-- AO with \$1000 penalty + cost recovery	M/S
		-- Show Cause Order	M/S
		-- Civil Action	DC
		-- Termination of service	M/S
	Chronic violations - not SNC	-- Meeting; NOV	M/S
-- AO with minimum \$500 penalty		M/S	
Chronic Violations - SNC - No harm to WWTP and/or environment	-- NOV with compliance schedule	M/S	
	-- AO with minimum \$500 penalty	M/S	
Chronic Violations - SNC - Harm to WWTP and/or environment	-- AO with \$1000 penalty per violation	M/S	
	-- Show Cause Order and/or Hearing	M/S	
	-- Civil Action	DC	
	-- Terminate Service	M/S	

ENFORCEMENT RESPONSE GUIDE

McCreary County Water District

Section III - Monitoring and Reporting Violations

Violation	Nature/Description	Enforcement Response	Personnel Responsible
Reporting Violation	Report is improperly signed or certified		
	- Not SNC	-- Phone call; Meeting; LOV	PC
		-- NOV	PC
	Report is improperly signed or certified after notice		M/S
	- Not SNC	-- NOV with \$500 penalty	M/S
	- SNC	-- Administrative Order	M/S
	Late Report (<5 days late)		
- Not SNC	-- Phone call; LOV; NOV	PC	
Late Report (5-30 days late)			
- Not SNC	-- NOV	PC	
		-- Administrative Order	M/S
Late Report (>30 days late)			
- SNC	-- NOV with \$500 penalty	M/S	
Chronic Late Reporting (more than 33%)			
- SNC	-- AO with \$500 penalty	M/S	
	-- Show Cause Order	M/S	
	-- Civil Action	DC	

ENFORCEMENT RESPONSE GUIDE

McCreary County Water District

Section III - Monitoring and Reporting Violations (continued)

Violation	Nature/Description	Enforcement Response	Personnel Responsible
Reporting Violation	Failure to report spill or changed discharge		
	- No harm to WWTP and/or environment	-- NOV	PC
	- Violation of discharge limit	-- NOV with \$500 penalty	M/S
	Failure to report spill or changed discharge	-- AO with \$1000 penalty & cost recovery	M/S
	- SNC w/ harm to WWTP or environment	-- Civil Action	DC
	Repeated failure to report spills		
	- No harm to WWTP and/or environment	-- Show Cause Order with \$1000 penalty per violation	M/S
- Harm to WWTP and/or environment	-- Administrative Order with \$1000 penalty per violation and cost recovery	M/S	
		-- Terminate service	DC
	Falsification of a report and/or lab result	-- AO with \$1000 penalty	M/S
		-- Criminal Action	M/S
		-- Terminate Service	DC
Failure to monitor correctly	Failure to monitor for all pollutants as required by IU Permit - 1st offense	-- NOV with resampling required	PC
	Chronic failure to monitor for all pollutants as required by Industrial User Permit	-- NOV with \$500 - \$1000 penalty	M/S
		-- Show Cause Hearing	M/S
-- Civil Action		DC	

ENFORCEMENT RESPONSE GUIDE

McCreary County Water District

Section III - Monitoring and Reporting Violations (continued)

Violation	Nature/Description	Enforcement Response	Personnel Responsible
Improper sampling techniques	Use of incorrect sample type, preservative, etc.		
	- No evidence of intent	-- NOV with \$500 penalty and resampling	M/S
	- Evidence of intent	-- NOV with \$5000 penalty	M/S
	- Recurring	-- Criminal Action -- Terminate Service	DC DC
Improper sampling procedures	Sampling at incorrect location		
	- No evidence of intent	-- NOV with resampling and/or \$500 penalty	PC
	- Evidence of intent	-- Administrative Order with \$5000 penalty -- Criminal Action	M/S DC
Failure to install monitoring equipment	Delay of less than 30 days	-- NOV with corrective action(s)	PC
	Delay of 30 days or more	-- AO with compliance schedule	M/S
	Chronic delay; Violation of AO	-- Civil Action	DC
		-- Criminal Action	DC
-- Terminate Service		DC	

ENFORCEMENT RESPONSE GUIDE

McCreary County Water District

Section IV - Compliance Schedule Violations

Violation	Nature/Description	Enforcement Response	Personnel Responsible
Failure to meet Compliance Schedule milestone	Missed milestone by less than 30 days - Will not affect final compliance milestone	-- NOV	PC
	Missed milestone by more than 30 days - Will affect final milestone but good cause for delay	-- NOV with revised compliance schedule -- AO with \$1000 penalty	PC M/S
	Missed milestone by more than 30 days - Will affect final milestone and no good cause for delay	-- AO with \$1000 penalty -- Show Cause Hearing -- Civil Action -- Terminate Service	M/S M/S DC DC
	Chronic violations of Compliance Schedule milestones or other requirements	-- AO with \$1000 penalty per violation -- Civil Action -- Criminal Action -- Terminate Service	M/S DC DC DC

ENFORCEMENT RESPONSE GUIDE

McCreary County Water District

Section V - Inspection Violations

Violation	Nature/Description	Enforcement Response	Personnel Responsible
Denial of Entry	Entry denied or consent withdrawn;	-- Obtain warrant and return to IU	M/S
	Copies of records denied	-- NOV with \$1000 penalty	M/S
Illegal Discharge Identified	Illegal discharge observed - No evidence of intent		
	- No harm to WWTP and/or environment	-- NOV with \$1000 penalty	M/S
	- Harm to WWTP and/or environment	-- AO with \$1000 penalty & cost recovery	M/S
	Illegal discharge observed - Evidence of intent	-- Cease/Desist Order with \$5000 penalty -- Criminal Action	M/S DC
Recurring illegal discharges observed		-- Criminal Action	DC
		-- Terminate Service	DC
Inadequate Recordkeeping	Inspector finds files missing and/or incomplete		
	- Isolated incident, no evidence of intent	-- NOV with corrective action(s)	PC
	Inspector finds files missing and/or incomplete		
- Chronic and/or evidence of intent	-- NOV with \$1000 penalty	M/S	
Inspector finds files that were not submitted			
	- No evidence of intent	-- NOV with \$500 penalty	M/S
- Evidence of intent	-- Criminal Action	DC	

ENFORCEMENT RESPONSE GUIDE

McCreary County Water District

Section VI - Other Violations

Violation	Nature/Description	Enforcement Response	Personnel Responsible
Wastestreams are diluted in lieu of treatment	Initial violation	-- NOV with \$1000 penalty	M/S
	Violation continues uncorrected after notice	-- Show Cause Order	M/S
		-- Terminate Service	DC
-- Criminal Action		DC	
Failure to mitigate violation or halt production	Does not result in harm to WWTP, environment and/or public	-- NOV -OR-	PC
		-- NOV with \$1000 penalty	M/S
	Does result in harm to WWTP, environment and/or public	-- AO with \$1000 penalty & cost recovery -- Civil Action -- Criminal Action	M/S DC DC
Failure to properly operate and maintain pretreatment equipment or facilities	Does not result in harm to WWTP, environment and/or public	-- NOV with corrective action(s)	PC
		-- NOV with \$1000 penalty	M/S
	Does result in harm to WWTP, environment and/or public	-- NOV with \$5000 penalty & cost recovery -- Civil Action	M/S DC

Appendix B

Model: **Notice of Violation (NOV)**
 Administrative Order (AO)
 Cease and Desist Order
 Consent Order
 Show Cause Order
 Chain-of-Custody

IN THE MATTER OF

[Name of Industry]
[Address]

*
*
* **NOTICE OF VIOLATION** *
*
* [Date] *
*
*

LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the McCreary County Water District (MCWD) Manager/Superintendent or his designee by the District's Sewer Use Rules and Regulations. This order is based on findings of violation of the conditions of the Industrial User Permit issued under Article IV of the District's Sewer Use Rules and Regulations.

FINDINGS

1. [Name of IU] discharges non-domestic wastewater containing pollutants into the sanitary sewer system of the MCWD.
2. To protect the sewer system and treatment works, the MCWD administers a Pretreatment Program. Under this program, [Name of IU] is a "Significant Industrial User" as defined by Article I of the District's Sewer Use Rules and Regulations.
3. [Name of IU] was issued an Industrial User Permit on [Date] which contains prohibitions, restrictions and numerical limitations on the quality of the wastewater discharged to the sanitary sewer system of the MCWD.
4. On [Date], [Type of Monitoring] monitoring revealed that the concentration of [Name of Pollutant] (Quantity of Pollutant) had violated the Industrial User Permit limitation (Permit Limitation).

NOTICE

THEREFORE, BASED ON THE ABOVE FINDINGS, [NAME OF IU] IS HEREBY NOTIFIED THAT :

1. The pollutant analysis conducted on [Date] revealed that [Name of IU] was in violation of it's Industrial User Permit and the District's Sewer Use Rules and Regulations.
2. [Name of IU] must resample for [Pollutant] and submit the analytical results to the MCWD Manager/Superintendent no later than [Date].

Signed: _____
Stephan Whitaker
Manager/Superintendent
McCreary County Water District

IN THE MATTER OF

[Name of Industry]
[Address]

*
*
*
*
*
*
*
*

ADMINISTRATIVE COMPLIANCE
ORDER
[Date]

LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the McCreary County Water District (MCWD) Manager/Superintendent or his designee by the District's Sewer Use Rules and Regulations. This order is based on findings of violation of the conditions of the Industrial User Permit issued under Article IV of the District's Sewer Use Rules and Regulations.

FINDINGS

1. [Name of IU] discharges nondomestic wastewater containing pollutants into the sanitary sewer system of the MCWD.
2. [Name of IU] is a "Significant Industrial User" as defined by Article I of the MCWD Sewer Use Rules and Regulations.
3. [Name of IU] was issued an Industrial User Permit on [Date] which contains prohibitions, restrictions and numerical limitations on the quality of the wastewater discharged to the sanitary sewer system of the MCWD.
4. Pursuant to the District's Sewer Use Rules and Regulations and the above-referenced permit, data is routinely collected and submitted on the compliance status of [Name of IU].
5. This data shows that [Name of IU] has violated its Industrial User Permit in the following manner:
 - a. [Name of IU] has violated its permit limits for [Name of Pollutant] in each sample collected between [Date] and [Date], for a total of [Number of Violations] separate violations of the permit.
 - b. [Name of IU] has failed to submit a periodic compliance report due on [Date].
 - c. These violations satisfy the MCWD's definition of Significant Noncompliance as described in the District's Sewer Use Rules and Regulations.

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS, [NAME OF IU] IS HEREBY ORDERED TO:

1. *Within 180 days from the date of this order, install pretreatment equipment that will adequately treat [Name of IU]'s wastewater to a level which will comply with it's Industrial User Permit and the District's Sewer Use Rules and Regulations.*
2. *Within five (5) days of the date of this order, submit all periodic compliance reports due since [Date].*
3. *Within ten (10) days, pay to the MCWD, a penalty in the amount of \$[Amount of Fine] for the above-described violations in accordance with Article VIII of the District's Sewer Use Rules and Regulations.*
4. *Report, on a monthly basis, the wastewater quality and the corresponding flow and production information as described on page [Page Number] of the Industrial User Permit for a period of [Time Period] from the effective date of this order.*
5. *All reports and notices required by this order shall be sent, in writing, to the following address:*

*Stephen Whitaker
MCWD Manager/Superintendent
P.O. Box 488
Whitley City, KY 42653*
6. *This order does not constitute a waiver of the Industrial User Permit which remains in full force and effect. The MCWD reserves the right to seek any and all remedies available to it under Article IX of the District's Sewer Use Rules and Regulations for any violation cited by this order.*
7. *Failure to comply with the requirements of this order shall constitute a further violation of the MCWD Sewer Use Rules and Regulations and may subject [Name of IU] to civil or criminal penalties or such other enforcement responses as may be necessary.*
8. *This order, entered this _____ day of _____, 20__, shall be effective upon receipt by [Name of IU].*

Signed: _____
Stephen Whitaker
Manager/Superintendent
MCWD

IN THE MATTER OF

[Name of Industry]
[Address]

*
*
*
*
*
*
*

**CEASE AND DESIST
ORDER**
[Date]

LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the Manager/Superintendent of the McCreary County Water District (MCWD) or his designee by the MCWD Sewer Use Rules and Regulations. This order is based on findings of violation of the conditions of the Industrial User Permit issued under Article IV of the MCWD Sewer Use Rules and Regulations.

FINDINGS

1. [Name of IU] discharges nondomestic wastewater containing pollutants into the sanitary sewer system of the MCWD.
2. [Name of IU] is a "Significant Industrial User" as defined by Article I of the MCWD's Sewer Use Rules and Regulations.
3. [Name of IU] was issued an Industrial User Permit on [Date] that contains prohibitions, restrictions and numerical limitations on the quality of the wastewater discharged to the sanitary sewer system of the MCWD.
4. Pursuant to the MCWD Sewer Use Rules and Regulations and the above-referenced permit, data is routinely collected and submitted on the compliance status of [Name of IU].
5. This data shows that [Name of IU] has violated its Industrial User Permit and the MCWD Sewer Use Rules and Regulations in the following manner:
 - a. [Name of IU] has violated its permit limits for [Name of Pollutant] in each sample collected between [Date] and [Date], for a total of [Number of Violations] separate violations of the permit.
 - b. [Name of IU] has failed to comply with an Administrative Compliance Order requiring [Procedures required by Compliance Schedule] by [Compliance Date].
 - c. [Name of IU] has failed to appear at a show cause hearing pursuant to an order requiring said attendance.

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS, [NAME OF IU] IS HEREBY NOTIFIED THAT:

1. *Within 24 hours of receiving this order, [Name of IU] shall cease all non-domestic discharges into the MCWD sanitary sewer system. Such discharges shall not recommence until such time as [Name of IU] is able to demonstrate that it will comply with its current Industrial User Permit and any limitations therein and the MCWD Sewer Use Rules and Regulations.*
2. *Failure to comply with this order may subject [Name of IU] to having its connection to the sanitary sewer system sealed by the MCWD and assessed the costs for such work.*
3. *Failure to comply with the requirements of this order shall constitute a further violation of the MCWD Sewer Use Rules and Regulations and may subject [Name of IU] to civil or criminal penalties or such other enforcement responses as may be deemed necessary by the MCWD's Manager/Superintendent.*
4. *This order, entered this _____ day of _____, 20____, shall be effective upon receipt by [Name of IU].*

Signed: _____

Stephen Whitaker
Manager/Superintendent
MCWD

IN THE MATTER OF

[Name of Industry]
[Address]

*
*
*
*
*
*
*

CONSENT ORDER
[Date]

LEGAL AUTHORITY

WHEREAS, the MCCREARY COUNTY WATER DISTRICT (MCWD) pursuant to the powers, duties and responsibilities vested in and imposed upon the Manager/Superintendent of the MCWD and his designee by provisions of the MCWD Sewer Use Rules and Regulations, have conducted an investigation of [Name of IU] and have determined that:

1. *The MCWD owns and operates the MCWD Wastewater Treatment Plant which can be adversely impacted by discharges from industrial users, including [Name of IU]. Therefore, the MCWD implements a Pretreatment Program to control such discharges into the sanitary sewer system of the MCWD.*
2. *[Name of IU] has consistently violated the pollutant discharge limitations in its Industrial User Permit as set forth in Exhibit I, attached hereto.*
3. *Therefore, to ensure that [Name of IU] is brought into compliance with its Industrial User Permit at the earliest possible date, IT IS HEREBY AGREED AND ORDERED, BETWEEN [Name of IU] AND THE MANAGER/SUPERINTENDENT OF THE MCWD, that [Name of IU] shall:*
 - a. *EX: By [Date], obtain the services of a licensed Professional Engineer specializing in wastewater treatment for the purpose of designing a pretreatment system which will bring [Name of IU] into compliance with its Industrial User Permit.*
 - b. *EX: By [Date], submit plans and specifications for the proposed pretreatment system to the Utility Manager for review.*
 - c. *EX: By [Date], install the pretreatment system in accordance with the plans and specifications submitted in item b above.*
 - d. *EX: By [Date], achieve compliance with the limits set forth in Exhibit I.*
 - e. *EX: [Name of IU] shall pay \$1,000 per day for each and every day it fails to comply with the schedule set out in items a-d above.*

4. *In the event that [Name of IU] fails to comply with any of the deadlines set forth above, [Name of IU] shall within one (1) working day after expiration of the deadline, notify the Manager/Superintendent in writing. This notice shall describe in detail the reasons for [Name of IU]'s failure to comply, the additional amount of time needed to complete the remaining work and the steps to be taken to avoid future delays. This notification in no way excuses [Name of IU] from its responsibility to meet any later milestones required by this Consent Order.*
5. *Compliance with the terms and conditions of the Consent Order shall not be construed to relieve [Name of IU] of its obligation to comply with its Industrial User Permit which remains in full force and effect. The MCWD reserves the right to seek any and all remedies available to it under Article IX of the MCWD Sewer Use Rules and Regulations.*
6. *Violation of this Consent Order shall constitute a further violation of the MCWD Sewer Use Rules and Regulations and subjects [Name of IU] to all penalties described by Section IX and X of the Sewer Use Rules and Regulations.*
7. *Nothing in this Consent Order shall be construed to limit any authority of the MCWD to issue any other orders or take any other enforcement action which it deems necessary to protect the wastewater treatment plant, the environment and/or the public health and safety.*

SIGNATORIES

FOR [NAME OF IU]:

Date

Name

[Industry]

FOR MCCREARY COUNTY WATER DISTRICT:

Date

Stephen Whitaker
MCWD Manager/Superintendent

IN THE MATTER OF

[Name of Industry]
[Address]

*
*
*
*
*
*
*

**ADMINISTRATIVE
SHOW CAUSE ORDER**
[Date]

LEGAL AUTHORITY

*The following findings are made and notice issued pursuant to the authority vested in the Manager/Superintendent or his designee by the **McCreary County Water District (MCWD) Sewer Use Rules and Regulations**. This order is based on findings of violation of the conditions of the Industrial User Permit issued under the authority of the District's Sewer Use Rules and Regulations.*

FINDINGS

1. [Name of IU] discharges non-domestic wastewater containing pollutants into the sanitary sewer system of the **MCWD**.
2. [Name of IU] is a "Significant Industrial User" as defined by Article I of the **MCWD Sewer Use Rules and Regulations**.
3. [Name of IU] was issued an Industrial User Permit on [Date] which contains prohibitions, restrictions and numerical limitations on the quality of the wastewater it discharges to the sanitary sewer system of the **MCWD**.
4. Pursuant to the Sewer Use Rules and Regulations and the above-referenced permit, data is routinely collected and submitted on the compliance status of [Name of IU].
5. This data shows that [Name of IU] has violated its Industrial User Permit in the following manner:
 - a. [Name of IU] has violated its permit limits for [Name of Pollutant] in each sample collected between [Date] and [Date], for a total of [Number of Violations] separate violations of the permit.
 - b. [Name of IU] has failed to submit a periodic compliance report due on [Date].
 - c. These violations satisfy the **MCWD's** definition of **Significant Noncompliance** as described in the District's Sewer Use Rules and Regulations.

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS, [NAME OF IU] IS HEREBY ORDERED TO:

1. *Appear at a meeting with the Manager/Superintendent of the MCWD to be held on [Date] at [Time], at the MCWD Main Office.*
2. *At this meeting, [Name of IU] must demonstrate why the MCWD should not pursue a judicial enforcement action, or other escalated enforcement action, against [Name of IU] at this time.*
3. *This meeting will be closed to the public.*
4. *Representatives of [Name of IU] may be accompanied by legal counsel if they so choose.*
5. *Failure to comply with this order shall also constitute a further violation of the MCWD's Sewer Use Rules and Regulations and may subject [Name of IU] to civil or criminal penalties or such other enforcement responses as may be necessary and appropriate.*
8. *This order, entered this _____ day of _____, 20__, shall be effective upon receipt by [Name of IU].*

Signed: _____

Stephen Whitaker
MCWD Manager/Superintendent

Section III

Technical Information Local Limits

SECTION III

TECHNICAL INFORMATION & CALCULATION OF LOCAL LIMITS

McCREARY COUNTY WATER DISTRICT PRETREATMENT PROGRAM

LOCAL LIMITS EVALUATION

MARCH 2019

**PREPARED BY CYNTHIA LEASOR, PRINCIPAL ENGINEER
HALL ENVIRONMENTAL CONSULTANTS LLC
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NICHOLASVILLE, KENTUCKY 40356
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McCREARY COUNTY WATER DISTRICT PRETREATMENT PROGRAM LOCAL LIMITS EVALUATION

I. INTRODUCTION

The McCreary County Water District (MCWD) owns and operates a municipal wastewater treatment plant (WWTP) treating domestic wastewater. A new industrial user is constructing a facility near the WWTP and will discharge process wastewater to the MCWD treatment facility. In accordance with 401 KAR 5:055 and 40 CFR 403, MCWD has developed a Pretreatment Program and, as part of this program, the MCWD Rules and Regulations must contain wastewater discharge limitations, i.e., Local Limits, calculated to control the quantity and quality of the industrial process wastewater that is discharged to the municipal sanitary sewer system. This is being done with this document.

MCWD will routinely conduct an evaluation of the Local Limits in order to ensure that the technical basis for each industrial discharge limit is adequate and the limits are protective of the receiving stream and WWTP treatment processes and biosolids. An evaluation is required at least once every five (5) years or with reapplication for the WWTP's KPDES permit. This evaluation has been conducted for the WWTP in accordance with state and federal regulations for approval of the Pretreatment Program and is being submitted to the KDOW for review and approval.

II. EVALUATION PROCEDURE

The calculations used in this evaluation were performed using an EXCEL computer model developed to meet all requirements of 40 CFR 403, as well as

being compatible with KDOW requirements. This computer model is designed to calculate the local limits in accordance with the KDOW's and the U.S. EPA's requirements, guidance and recommendations. The forms recommended by the KDOW and a copy of the results of this model are included in Attachment A of this report. The procedures that were followed and assumptions made during this reevaluation are described briefly in the following paragraphs.

A. Technical Criteria

This evaluation is technically based using four (4) different criteria to achieve and maintain the three (3) primary goals of the Federal Pretreatment Program.

These criteria are as follows:

- Kentucky Water Quality Standards - to protect the receiving stream;
- KPDES Permit Limitations – to maintain compliance with the WWTP's KPDES permit limits and protection of the receiving stream;
- Federal Biosolids Ceiling Criteria - to protect biosolids quality; and,
- Federal Inhibition Criteria - to protect the WWTP and its operations.

A brief description of each of these criteria and its basis is as follows:

- (1) **Kentucky Water Quality Standards** - Kentucky's water quality standards are used in this evaluation to ensure that the receiving water body, an unnamed tributary of Bridge Fork, is protected and warm water aquatic criteria are consistently achieved. These chronic and acute criteria were obtained from the DOW's Steady-State Wasteload Allocation Model (SSTWAM) for the unnamed tributary. A copy of the SSTWAM model for the receiving water body is included in Attachment B.

(2) **KPDES Permit Limitations** – Where applicable, the effluent permit limitations as given in the WWTP’s KPDES Permit No. KY0097837 are used in this evaluation to ensure that compliance with these limitations will be maintained consistently. A copy of the permit is included in Attachment C.

(3) **40 CFR 503 Federal Biosolids Regulations** - The biosolids generated by the WWTP are currently being beneficial reused through land application at the MCWD’s permitted landfarm. Therefore, in order to protect the quality of the biosolids for final disposal using beneficial reuse, the federal biosolids ceiling criteria as contained in 40 CFR 503, given as “Ceiling Limits”, were used in this reevaluation.

(3) **Inhibition criteria** - For this reevaluation, inhibition criteria were used to ensure the protection of the WWTP and its operations from upset and interference. These criteria were given by the U.S. EPA in the ***Local Limits Guidance Manual Appendices, July 2004***.

Where a range was given for the inhibition criteria, the 8th decile criteria of the range were used since the EPA criteria were based upon data obtained either from pilot plants or unknown sources. This is in accordance with accepted practice.

For pollutants where no criteria, standards or site-specific data were available, U.S. EPA guidance and recommendations were used as appropriate.

B. Domestic Concentrations

Domestic wastewater sampling was conducted on January 29, 2019 at the manhole located at the MCWD office. The analytical results from this sample event were used as background data for these calculations. A copy of the results is included in Attachment D. For nearly all pollutants, there was no detection. For those pollutants where the result was less than detection, a value of one-half the detection level was used. This is in accordance with EPA guidance as discussed in the *Local Limits Guidance Manual Appendices, July 2004*.

C. Removal Rates

For this reevaluation, average removal efficiencies for the WWTP were calculated from an influent and effluent toxic scan performed on January 29, 2019. Only one scan was conducted due to the urgency with which the MCWD must establish the Pretreatment Program to regulate the SIU that will begin production very soon. Copies of the analytical results of these scans are available upon request. A summary of these scans is included in Attachment E.

In the future, WWTP personnel will conduct a toxic scan of the influent, effluent and biosolids each year. For this evaluation, the removal efficiencies were calculated from the one sample event conducted in January and the results are provided in the DOW form as required. The EPA recommendations for removal efficiencies are also included for comparison.

Most of the site-specific data from the WWTP toxic scan demonstrated that most of the pollutants were not present in the WWTP influent, i.e.,

influent concentrations were less than the method detection levels. In those cases where there was no detection, the literature values for removal efficiencies given as medians in the EPA guidance manual were used. Where the data allowed site-specific removal efficiencies to be calculated, the results from the scan were used.

D. Safety Factor

In general, a safety factor of ten percent (10%) was used in determining the maximum allowable headworks loadings for all pollutants. This safety factor was used to provide protection against Whole Effluent Toxicity and allow for additional protection for treatment systems and biosolids disposal that are necessary due to the small amount of site-specific data. The minimum safety factor that would allow the necessary protection was selected.

The use of a safety factor also compensates for the inherent variations in average removal rates and flow rates that can occur over time. In addition, the safety factor protects a certain portion of the WWTP's capacity for both the addition of new industrial dischargers and future expansion.

E. Allocation Method

The Uniform Concentration Method was used to determine the final discharge limitations to be issued to the industrial user. This method is taken from U.S. EPA guidance and is recommended by the EPA for headworks loading allocations where no allocation concerns exist. In this method, the local limit for each pollutant is calculated using the total

process industrial flow from the industrial users. The maximum allowable headworks loading for each parameter is then allocated equally between each of the SIUs.

F. Industrial Information

All industrial data and information used in the evaluation were site-specific and were obtained from the sampling and analyses conducted at a sister facility to the one that is currently being constructed in McCreary County. There will be one (1) Significant Industrial User (SIU) regulated by the MCWD Pretreatment Program. This SIU will be regulated as a significant industrial user, meaning that the facility is subject to the local limits as calculated by this evaluation.

Information regarding the SIU is as follows:

- (1) ***Fibrotex USA*** – This facility manufactures camouflage and concealment textile products for the military and is regulated as an SIU. Pollutants of concern include antimony, chromium, copper and zinc.

III. TECHNICAL JUSTIFICATION OF LIMITS

Currently, the MCWD Rules and Regulations do not contain local limits. Therefore, the local limits calculated here will be included in the proposed Rules and Regulations for review and approval by DOW. The discharge limits calculated are daily maximum limits based on the more stringent of the acute and chronic water quality criteria, biosolids disposal criteria and activated sludge inhibition.

The technical basis for each of the proposed local limits and their adequacy to protect the receiving water and WWTP systems is as follows:

Arsenic - MCWD is proposing to adopt the calculated limit of 0.15 mg/l as the daily maximum discharge limit for this pollutant. This limit will provide protection against pass-through, inhibition and upset as well as biosolids contamination. The technical basis for the proposed daily maximum limit is the Kentucky Chronic Water Quality Standard for arsenic.

Cadmium – MCWD is proposing to adopt the calculated limit of 0.03 mg/l as the daily maximum discharge limit for this pollutant. This limit will provide protection against pass-through, inhibition and upset as well as biosolids contamination. The technical basis for the proposed daily maximum limit is the Kentucky Chronic Water Quality Standard for cadmium.

Chromium, Total – MCWD is proposing to adopt the calculated limit of 1.83 mg/l as the daily maximum discharge limit for this pollutant. This limit will provide protection against pass-through, inhibition and upset as well as biosolids contamination. The technical basis for the proposed limit is the Kentucky Chronic Water Quality Standard for total chromium.

Chromium, Hexavalent - MCWD is proposing to adopt the calculated limit of 0.75 mg/l as the daily maximum discharge limit for this pollutant. This limit will provide protection against pass-through, inhibition and upset as well as biosolids contamination. The technical basis for the proposed daily maximum limit is the Kentucky Chronic Water Quality Standard for hexavalent chromium.

Copper – MCWD is proposing to adopt the calculated limit of 0.53 as the daily maximum discharge limit for this pollutant. This limit will provide protection against pass-through, inhibition and upset as well as biosolids contamination. The technical basis for the proposed limit is the Kentucky Chronic Water Quality Standard for copper.

Cyanide, Amenable – MCWD is proposing to adopt the calculated limit of 0.12 mg/l as the daily maximum discharge limit for this pollutant. This limit will provide protection against pass-through, inhibition and upset as well as biosolids contamination. The technical basis for the calculated daily maximum limit is the Kentucky Chronic Water Quality Standard for amenable cyanide.

Lead – MCWD is proposing to adopt the calculated limit of 0.10 mg/l as the daily maximum discharge limit for this pollutant. This limit will provide protection against pass-through, inhibition and upset as well as biosolids contamination. The technical basis for the proposed daily maximum limit is the Kentucky Chronic Water Quality Standard for lead.

Mercury – MCWD is proposing to adopt the calculated limit of 0.001 mg/l as the daily maximum discharge limit for this pollutant. This limit will provide protection against pass-through, inhibition and upset as well as biosolids contamination. The technical basis for the proposed daily maximum limit is the Kentucky Chronic Water Quality Standard for mercury.

Molybdenum – MCWD is proposing to adopt the calculated limit of 6.9 mg/l as the daily maximum discharge limit for this pollutant. This limit will provide protection primarily of the biosolids for beneficial reuse but will also protect against pass-through, inhibition and upset. A larger safety factor was used for the limit

calculated for this pollutant in order to allow for daily changes in biosolids digestion and dewatering. The technical basis for the proposed daily maximum limit is the land application standard set in 40 CFR 503 for molybdenum.

Nickel – MCWD is proposing to adopt the calculated limit of 0.88 mg/l as the daily maximum discharge limit for this pollutant. This limit will provide protection against pass-through, inhibition and upset as well as biosolids contamination. The technical basis for the proposed daily maximum limit is the Kentucky Chronic Water Quality Standard for nickel.

Selenium – MCWD is proposing to adopt the calculated limit of 0.08 mg/l as the daily maximum discharge limit for this pollutant. This limit will provide protection against pass-through, inhibition and upset as well as biosolids contamination. The technical basis for the proposed daily maximum limit is the Kentucky Chronic Water Quality Standard for selenium.

Silver – MCWD is proposing to adopt the calculated limit of 0.13 mg/l as the daily maximum discharge limit for this pollutant. This limit will provide protection against pass-through, inhibition and upset as well as biosolids contamination. The technical basis for the proposed daily maximum limit is the Kentucky Chronic Water Quality Standard for silver.

Zinc – MCWD is proposing to adopt the calculated limit of 0.67 mg/l as the daily maximum discharge limit for this pollutant. This limit will provide protection against pass-through, inhibition and upset as well as biosolids contamination. The technical basis for the proposed daily maximum limit is the Kentucky Chronic Water Quality Standard for zinc.

Phosphorus, Total – Since there are currently no standards for this pollutant assessed to the MCWD WWTP, the District does not propose to adopt daily maximum local limit for this pollutant at this time. In the future, if a water quality standard for total phosphorus is added to the WWTP’s KPDES Permit, then the District will reevaluate a daily maximum discharge limit for this pollutant. The District may also elect to adopt the normal domestic concentration (14 mg/l) established by the Ten-State Standards implemented by the DOW. In the future, MCWD plans to assess surcharge fees to industrial users for all discharges containing concentrations that exceed normal domestic levels of 14 mg/l, should a limit be established in the KPDES Permit.

Antimony – This pollutant has been determined to be a pollutant of concern in the discharge from the SIU. Therefore, MCWD is proposing to adopt the calculated limit of 0.09 mg/l as the daily maximum discharge limit for this pollutant. This limit will provide protection against pass-through, inhibition and upset as well as biosolids contamination. The technical basis for the proposed daily maximum limit is the Kentucky Chronic Water Quality Standard for antimony.

Phenols, Total – This pollutant has been determined not to be a pollutant of concern for the MCWD WWTP, as verified by this evaluation. Therefore, MCWD does not propose to adopt a local limit for this pollutant at this time.

Chloride – This pollutant has been determined not to be a pollutant of concern for the MCWD WWTP, as verified by this evaluation. Therefore, MCWD does not propose to adopt a local limit for this pollutant at this time.

The local limits recommended for the MCWD WWTP are shown in Table 6 and Figure I of the attached DOW Local Limits Form. The proposed Sewer Use Rules

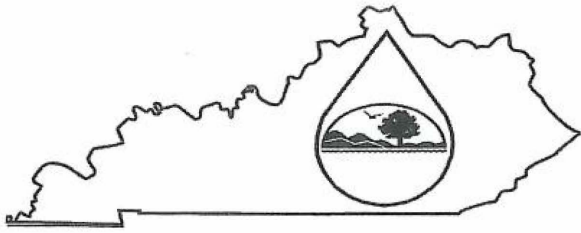
and Regulations included in Section II of the Pretreatment Program shows the recommended discharge limits that will be implemented by the District following DOW approval. MCWD reserves the right to modify these local limits in the future should such a modification prove necessary as a result of changes in SIU status, state or federal regulations, WWTP performance or other conditions affecting the MCWD WWTP. MCWD will continue the Pretreatment Program's policy of strict enforcement of all local limits to ensure protection of the receiving stream, the WWTP and its personnel and the sanitary sewer treatment systems and biosolids.

ATTACHMENT A

MCWD WWTP LOCAL LIMITS EVALUATION

KDOW LOCAL LIMITS EVALUATION FORM - 2019

MCCREARY COUNTY WATER DISTRICT PRETREATMENT PROGRAM
LOCAL LIMITS EVALUATION 2019



**KENTUCKY POLLUTANT DISCHARGE
ELIMINATION SYSTEM**

**Pretreatment Local Limits Re-evaluation
For Publicly Owned Treatment Works**

Publicly owned treatment works (POTW) with approved pretreatment programs must develop, implement and enforce technically based local limits in order to enforce specific and general prohibitions listed in 40 CFR 403.5 and to ensure that its discharges comply with state and federal requirements. In order to protect the operation of the POTW under review, to comply with regulatory requirements for the receiving waters of the Commonwealth, to satisfy local biosolids disposal requirements and to address any other operational concerns, local limits are based on site-specific conditions.

Federal and state regulations require a periodic review of local limits, and the local limits must continue to be developed as necessary. Site-specific conditions may change that trigger a re-evaluation. A change in water quality criteria, an upgraded or new wastewater treatment plant, a significant change in conditions at the POTW or with industrial users, POTW operational or performance problems, a change in biosolids disposal method, violations of KPDES permits or water quality effluent limits or other factors may also warrant the need to re-evaluate local limits. Also, federal regulations require a written technical evaluation of the need to revise local limits following permit issuance or reissuance. Local limit re-evaluations are a required condition of your Kentucky Pollutant Discharge Elimination System (KPDES) permit(s). Due to the five year duration of a KPDES permit, local limits should be re-evaluated every five years or earlier if warranted.

Please review this document carefully. Complete each of the tabs, as applicable, and please note all comments and instructions. Many of the fields in the calculation tables will pre-populate based on data from other sections of the spreadsheet.

CONTROL AUTHORITY INFORMATION

Name of Control Authority: **McCreary County Water District**
Wastewater Treatment Plant Name(s): **MCWD WWTP**
KPDES Number(s): **KY0097837**

LOCAL LIMITS RE-EVALUATION CONTACT INFORMATION

Name: **Cynthia Leasor**
Title: **Principal Engineer/Pretreatment Coordinator**
Phone: **859-885-3331**
Email Address: cleasor@hallenvironmental.net
Mailing Address: **Hall Environmental Consultants LLC**
Street: **1376 Danville Road, Loop 1**
City: **Nicholasville**
State: **KY**
Zip Code: **40356**

CERTIFICATION STATEMENT

Note: This certification statement must be signed by a duly authorized representative of the POTW.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: **Stephan Whitaker** Telephone number: **606-310-9604**
Title: **Manager/Superintendent** Date:
Signature:

**McCreary County Water District
MCWD WWTP**

WASTEWATER TREATMENT PLANT

WWTP DESCRIPTION	
Describe the treatment plant operations in this section (not in an optional narrative portion of the re-evaluation). Include all unit operations as well as systems for phosphorus removal and denitrification, if applicable. An additional WWTP schematic may be included.	
Water - Bar Screen, Oxidation Ditch, Clarifiers, Chlorination for disinfection, Dechlorination	
Solids - Aerobic digester, Belt press for dewatering, Disposal through land application	
See Attachment E for WWTP process schematic.	
Is the WWTP designed specifically to treat phosphorus removal?	No
Is the WWTP designed specifically for nitrification/denitrification?	No

FLOW INFORMATION	
WWTP design flow rate (mgd):	0.9
Annual average daily flow rate (mgd):	0.329
Local limits should be based on <u>average</u> flow rates to reflect current conditions.	
Numerical values must be entered for automatic calculations to calculate correctly in other tabs of the spreadsheet.	

HAULED WASTE	
Does the WWTP accept hauled industrial waste?	NO
Describe the designated discharge location:	N/A
If discharged into the collection system or at the headworks, indicate the average annual industrial hauled waste volume (mgd).	N/A
Does the WWTP accept any wastes identified as hazardous waste under Resource Conservation and Recovery Act (RCRA)?	NO
Note: In certain cases, hauled waste flows should be included in total POTW flow rates.	

COLLECTION SYSTEM & WORKER SAFETY CONCERNS
Describe any collection system or worker safety concerns:
N/A

COMMENTS

**McCreary County Water District
MCWD WWTP**

SLUDGE FLOW AND BIOSOLIDS

SLUDGE DISPOSAL	
Indicate the sludge flow to a digester (mgd)	0.05
Indicate the sludge flow to disposal (mgd)	0.05
Percent solids to disposal (%)	13
Method of sludge disposal	Land application
If other, describe the removal system:	

SLUDGE TOXICITY	
If sludge is being disposed of at a landfill, indicate date of last toxicity characteristic leaching procedure (TCLP) and attach a copy of the results.	N/A
Indicate the date of the last annual pretreatment scan and attach a copy of sludge sampling results even if they have been submitted with previous pretreatment annual reports.	N/A
If neither a TCLP nor a toxic scan has been conducted, please describe what method was used to demonstrate that the sludge is not considered to be hazardous waste.	
The WWTP biosolids complies with all requirements established by the Division of Waste Management (DWM) and is also in compliance with all land application regulations established in 40 CFR 503.	

BIOSOLIDS	
Is the POTW required to submit an Sewage Sludge Annual Report required by 40 CFR Part 503, to EPA Region VII?	Yes
If yes, include a copy of the of the most recent report with this re-evaluation, and the tab for 40 CFR Part 503 in this spreadsheet must be completed.	

COMMENTS

**McCreary County Water District
MCWD WWTP**

REMOVAL EFFICIENCIES

Representative removal efficiencies must be determined for each pollutant of concern. Site-specific data is always preferred however literature data is also available for removal efficiencies. The EPA median removal efficiency has already been entered into the table below using data from the 2004 EPA Local Limits Guidance Manual

Prior to the submission of a re-evaluation, a sampling plan to determine WWTP removal efficiencies should be submitted to the Division for approval. See the Sampling Plan tab for the requirements.

In the table below, enter the site-specific removal efficiencies for each parameter for the past 5 years (the KPDES permit cycle). This information should be available from the Annual Pretreatment Scans performed for each WWTP or from KPDES permit application data. A minimum of five sets of sampling results should be included. Add additional parameters as needed.

If the influent concentration of a parameter is at or below detection, enter "ND" in the cell since a true removal efficiency cannot be determined. If the effluent concentration is greater than the influent concentration, enter "N/A," and if no data is available, also enter "N/A". The removal efficiency for hexavalent chromium can be assumed to be the same as for total chromium if actual data is not available, and a removal efficiency of 50% can be used for molybdenum if actual data is not available.

The 5-year average column will calculate automatically from the data entered in the other columns.

Select the removal efficiency that you have decided to use in the calculations and complete the "selected removal efficiency" column. Make sure this is in a numerical format as the values will be used in other calculations.

Add comments at the bottom of the page if needed.

Removal Efficiencies

Parameter	Year 5	Year 4	Year 3	Year 2	Current Year	5-year average	EPA median removal efficiency	Selected removal efficiency
					2019			
Arsenic					ND	ND	45	45
Cadmium					ND	ND	91*	91
Chromium, Total					54	54	82	54
Chromium, Hexavalent					ND	ND	82	82
Copper					85	85	86	85
Cyanide, Amenable					ND	ND	69	69
Phosphorus, Total					96	96	N/A	96
Lead					ND	ND	61	61
Mercury					32	32	60	32
Molybdenum					ND	ND	50	50
Nickel					36	36	42	36
Selenium					ND	ND	50	50
Silver**					ND	ND	75	75
Zinc					45	45	79	45
Antimony					ND	ND	50	50
Phenols, Total					56	56	90	56
Chloride					18	18	0	0

Comments:

*For Cadmium, the EPA Eighth percentile recommendation for activated sludge treatment was used in the reevaluation due to the absence of the pollutant in the WWTP influent and effluent and this is not a pollutant of concern. In addition, the EPA recommendation for the median removal is based on data from only 19 WWTPs and does not accurately reflect the removal efficiency achieved by the MCWD WWTP, as evidenced by the effluent concentrations being below lab detection levels. **The EPA median removal efficiencies for amenable cyanide, hexavalent chromium, arsenic, lead, selenium, silver, antimony and molybdenum were used since all data was below the method detection level.

**McCreary County Water District
MCWD WWTP**

RESIDENTIAL AND COMMERCIAL POLLUTANT LOADINGS

Sampling should be performed to determine pollutants contributed by domestic and other uncontrollable sources (also referred to as domestic/commercial or background contributions.) Site-specific sampling results should be obtained for background pollutant concentrations for all parameters that are being evaluated, and a sampling plan should be submitted and approved prior to submission of the draft re-evaluation. See the Sampling Plan tab for a copy of the sampling plan form.

To determine the commercial and domestic pollutant loadings, complete the table below. Enter the actual lab results in the "average sampling results" column and the method detection limit (or the method reporting limit or the PDQ based on the information supplied by the laboratory performing the analysis) in the next column. Indicate the source of the result to be used for the calculations from the drop down menu and enter the result to be used for the calculations (actual result, 1/2 MDL or MDL) in the last column.

Domestic and Commercial Pollutant Loadings

Parameter	Average of Actual Sampling Results (mg/l)	MDL (or MRL/PDQ) (mg/l)	Indicate source of result to be used for calculations	Sampling results to be used for calculations (mg/l)
Arsenic	<0.001	0.001	1/2 MDL	0.0005
Cadmium	<0.001	0.0003	1/2 MDL	0.00015
Chromium, Total	0.0014	0.001	Actual result	0.0014
Chromium, Hexavalent	<0.0005	0.0005	1/2 MDL	0.00025
Copper	0.0179	0.001	Actual result	0.0179
Cyanide, Amenable	<0.005	0.005	1/2 MDL	0.0025
Phosphorus, Total	4.83	0.1	Actual result	4.83
Lead	0.0013	0.001	Actual result	0.0013
Mercury	0.000117	0.000005	MDL	0.000005
Molybdenum	<0.005	0.005	1/2 MDL	0.0025
Nickel	0.0019	0.001	Actual result	0.0019
Selenium	<0.002	0.002	1/2 MDL	0.001
Silver**	<0.001	0.001	1/2 MDL	0.0005
Zinc	0.14	0.01	Actual result	0.14
Antimony	<0.001	0.001	1/2 MDL	0.0005
Phenols, Total	0.086	0.04	Actual result	0.086
Chloride	34	1	Actual result	34

Comments:

The MCWD WWTP currently does not have a KPDES discharge limit for phosphorus. If such a limit is imposed, MCWD plans to modify the existing local limit for total phosphorus and make it a surchargeable parameter. For Mercury, the MDL was used in the calculation because the domestic sampling result was determined to have been invalidated by the sample collection. The field technician did not conduct a field blank.

**McCreary County Water District
MCWD WWTP**

WATER QUALITY STANDARDS

SSTWAM (steady-state toxics wasteload allocation model) is a uniform, steady-state mass-balance model that models water quality limits. It determines water quality effluent limits taking into account the flow, hardness, pH, and other characteristics of the WWTP effluent, the receiving water and drinking water intake. SSTWAM compares the results for the human health (domestic water supply and fish consumption) as well as warm water aquatic habitat (acute and chronic) based on 401 KAR 10:031 Water Quality Criteria, and selects the most protective.

Enter data from the SSTWAM results provided by the Division of Water and include a copy with the re-evaluation.

SSTWAM Results

Parameter	Daily Max (mg/l)	Monthly Ave (mg/l)
Arsenic	0.34	0.01
Cadmium	0.002	0.0003
Chromium, total		0.1
Chromium, hexavalent	0.016	0.016
Copper	0.014	0.012
Cyanide, Free	0.022	0.0052
Phosphorus, Total*		
Lead	0.082	0.005
Mercury	0.0014	0.00005
Molybdenum		
Nickel	0.469	0.068
Selenium	0.02	0.005
Silver	0.004	
Zinc	0.12	0.12
Antimony		0.0056
Phenols, Total		21
Chloride	1200	600

Comments:

**McCreary County Water District
MCWD WWTP**

SAMPLING PLAN

WASTEWATER INFLUENT & EFFLUENT SAMPLING

Identify the source of WWTP influent and effluent sampling results. The plan should include obtaining five (5) sets of results that are representation of the WWTP operations. The most current results that are available are to be used.¹

Annual WWTP sampling results

Was the hydraulic retention time considered?

Yes

If the sampling has not already been conducted, please describe the plan to obtain the information:

DOMESTIC & COMMERCIAL SAMPLING

The sampling locations and number of samples taken should ensure that the data is representative of domestic and uncontrollable sources in the POTWs system. See the EPA Local Limits Development Guidance for suggested sampling frequencies.

Identify the source of the domestic/commercial sampling results. At a minimum, one sampling result should be used however additional results are suggested and the number will vary based on the size of the WWTP.

Sampling dates:

1/30/2019

Sampling location:

Manhole at MCWD lift station

SLUDGE SAMPLING

Identify the source of the sludge sampling results.²

Other

If the sampling has not been conducted, please describe the plan to obtain the samples.

COMMENTS

Since this is a new Pretreatment Program with a new industry not yet discharging, monitoring was conducted on influent and effluent for this evaluation.

¹ Analyses must be performed in accordance with methods specified in 40 CFR Part 136. Samples should be 24-hour composites except for parameters that require grab samples.

² Analyses must be performed in accordance with methods specified in 40 CFR Part 503.

McCreary County Water District
MCWD WWTP

Table 1
Local Limits Determination Based on SSTWAM Daily Max Limits

ENVIRONMENTAL CRITERIA AND PROCESS DATA BASE							MAXIMUM LOADING		INDUSTRIAL		
Pollutant	IU Pollut. Flow (MGD) (Qind)	POTW Flow (MGD) (Qpotw)	Removal Efficiency (%) (Rpotw)	NPDES Daily Limit (mg/l) (Ccrit)	Domestic Conc. (mg/l) (Cdom)	Commercial Flow (MGD) (Qdom)	Allowable Headworks (lbs/day) (Lhw)	Domestic/ Commercial (lbs/day) (Ldom)	Allowable Loading (lbs/day) (Lind)	Local Limit (mg/l) (Cind)	Safety * Factor (%) (SF)
Arsenic	0.035	0.329	45	0.34	0.0005	0.294	1.6962	0.0012	1.5254	5.226	10
Cadmium	0.035	0.329	91	0.002	0.00015	0.294	0.0610	0.0004	0.0545	0.187	10
Chromium, T	0.035	0.329	54	0	0.0014	0.294	-	0.0034	-	-	10
Hex. Chrom.	0.035	0.329	82	0.016	0.00025	0.294	0.2439	0.0006	0.2189	0.750	10
Copper	0.035	0.329	85	0.014	0.0179	0.294	0.2561	0.0439	0.1866	0.639	10
Cyanide, A	0.035	0.329	69	0.022	0.0025	0.294	0.1947	0.0061	0.1691	0.579	10
Phos, T	0.035	0.329	96	0	4.83	0.294	-	11.8430	-	-	10
Lead	0.035	0.329	61	0.082	0.0013	0.294	0.5769	0.0032	0.5160	1.768	10
Mercury	0.035	0.329	32	0.0014	0.000005	0.294	0.0056	0.0000	0.0051	0.017	10
Molybdenum	0.035	0.329	50	0	0.0025	0.294	-	0.0061	-	-	10
Nickel	0.035	0.329	36	0.469	0.0019	0.294	2.0107	0.0047	1.8050	6.184	10
Selenium	0.035	0.329	50	0.02	0.001	0.294	0.1098	0.0025	0.0963	0.330	10
Silver	0.035	0.329	75	0.004	0.0005	0.294	0.0439	0.0012	0.0383	0.131	10
Zinc	0.035	0.329	45	0.12	0.14	0.294	0.5987	0.3433	0.1955	0.670	10
Antimony	0.035	0.329	50	0.0000	0.0005	0.294	-	0.0012	-	-	10
Phenols, T	0.035	0.329	56	0.0000	0.086	0.294	-	0.2109	-	-	10
Chloride	0.035	0.329	0	1200	34	0.294	3292.6320	83.3666	2880.0022	9866.400	10

- (Qind) Industrial User total plant discharge flow in Million Gallons per Day (MGD) that contains a particular pollutant.
(Qpotw) POTW's average influent flow in MGD.
(Rpotw) Removal efficiency across POTW as percent.
(Ccrit) NPDES daily maximum permit limit for a particular pollutant in mg/l.
(Qdom) Domestic/commercial background flow in MGD.
(Cdom) Domestic/commercial background concentration for a particular pollutant in mg/l.
(Lhw) Maximum allowable headworks pollutant loading to the POTW in pounds per day (lbs/day).
(Ldom) Domestic/commercial background loading to the POTW for a particular pollutant in pounds per day (lbs/day).
(Lind) Maximum allowable industrial loading to the POTW in pounds per day.
(Cind) Industrial allowable local limit for a given pollutant in mg/l.
(SF) Safety factor as a percent.
8.34 Unit conversion factor
Lhw = $8.34 * Ccrit * Qpotw$
1 - Rpotw

McCreary County Water District
MCWD WWTP

Table 2
Local Limits Determination Based on SSTWAM Monthly Average Limits

ENVIRONMENTAL CRITERIA AND PROCESS DATA BASE							MAXIMUM LOADING		INDUSTRIAL		
Pollutant	IU Pollut. Flow (MGD) (Qind)	POTW Flow (MGD) (Qpotw)	Removal Efficiency (%) (Rpotw)	NPDES Monthly (mg/l) (Ccrit)	Domestic Conc. (mg/l) (Cdom)	Commercial Flow (MGD) (Qdom)	Allowable Headworks (lbs/day) (Lhw)	Domestic/ Commercial (lbs/day) (Ldom)	Allowable Loading (lbs/day) (Lind)	Local Limit (mg/l) (Cind)	Safety Factor (%) (SF)
Arsenic	0.035	0.329	45	0.01	0.0005	0.294	0.0499	0.0012	0.0437	0.150	10
Cadmium	0.035	0.329	91	0.0003	0.00015	0.294	0.0091	0.0004	0.0079	0.027	10
Chromium, T	0.035	0.329	54	0.1	0.0014	0.294	0.5965	0.0034	0.5334	1.827	10
Hex. Chrom.	0.035	0.329	82	0.016	0.00025	0.294	0.2439	0.0006	0.2189	0.750	10
Copper	0.035	0.329	85	0.012	0.0179	0.294	0.2195	0.0439	0.1537	0.526	10
Cyanide, A	0.035	0.329	69	0.0052	0.0025	0.294	0.0460	0.0061	0.0353	0.121	10
Phos, T	0.035	0.329	96	0	4.83	0.294	-	11.8430	-	-	10
Lead	0.035	0.329	61	0.005	0.0013	0.294	0.0352	0.0032	0.0285	0.098	10
Mercury	0.035	0.329	32	0.000050	0.000005	0.294	0.0002	0.0000	0.0002	0.001	10
Molybdenum	0.035	0.329	50	0	0.0025	0.294	-	0.0061	-	-	10
Nickel	0.035	0.329	36	0.068	0.0019	0.294	0.2915	0.0047	0.2577	0.883	10
Selenium	0.035	0.329	50	0.005	0.001	0.294	0.0274	0.0025	0.0222	0.076	10
Silver	0.035	0.329	75	0	0.0005	0.294	-	0.0012	-	-	10
Zinc	0.035	0.329	45	0.12	0.14	0.294	0.5987	0.3433	0.1955	0.670	10
Antimony	0.035	0.329	50	0.0056	0.0005	0.294	0.0307	0.0012	0.0264	0.091	10
Phenols, T	0.035	0.329	56	21	0.086	0.294	130.9570	0.2109	117.6504	403.050	10
Chloride	0.035	0.329	0	600	34	0.294	1646.3160	83.3666	1398.3178	4790.400	10

- (Qind) Industrial User total plant discharge flow in Million Gallons per Day (MGD) that contains a particular pollutant.
(Qpotw) POTW's average influent flow in MGD.
(Rpotw) Removal efficiency across POTW as percent.
(Ccrit) NPDES monthly maximum permit limit for a particular pollutant in mg/l.
(Qdom) Domestic/commercial background flow in MGD.
(Cdom) Domestic/commercial background concentration for a particular pollutant in mg/l.
(Lhw) Maximum allowable headworks pollutant loading to the POTW in pounds per day (lbs/day).
(Ldom) Domestic/commercial background loading to the POTW for a particular pollutant in pounds per day (lbs/day).
(Lind) Maximum allowable industrial loading to the POTW in pounds per day.
(Cind) Industrial allowable local limit for a given pollutant in mg/l.
(SF) Safety factor as a percent.
8.34 Unit conversion factor
Lhw = $8.34 * Ccrit * Qpotw$
 $1 - Rpotw$

McCreary County Water District
MCWD WWTP

Table 3
Local Limits Determination Based on Activated Sludge Inhibition Level

ENVIRONMENTAL CRITERIA AND PROCESS DATA BASE							MAXIMUM LOADING		INDUSTRIAL		
Pollutant	IU Pollut. Flow (MGD) (Qind)	POTW Flow (MGD) (Qpotw)	Removal Efficiency (%) (Rprim)	Activated Sludge Inhibition Level (mg/l) (Ccrit)	Domestic Conc. (mg/l) (Cdom)	Commercial Flow (MGD) (Qdom)	Allowable Headworks (lbs/day) (Lhw)	Domestic/Commercial (lbs/day) (Ldom)	Allowable Loading (lbs/day) (Lind)	Local Limit (mg/l) (Cind)	Safety Factor (%) (SF)
Arsenic	0.035	0.329	0	0.1	0.0005	0.294	0.2744	0.0012	0.2457	0.842	10
Cadmium	0.035	0.329	15	5	0.00015	0.294	16.1404	0.0004	14.5259	49.763	10
Chromium, T	0.035	0.329	27	50	0.0014	0.294	187.9356	0.0034	169.1386	579.440	10
Hex. Chrom.	0.035	0.329	27	1	0.00025	0.294	3.7587	0.0006	3.3822	11.587	10
Copper	0.035	0.329	22	1	0.0179	0.294	3.5178	0.0439	3.1221	10.696	10
Cyanide, A	0.035	0.329	27	5	0.0025	0.294	18.7936	0.0061	16.9081	57.924	10
Phos, T	0.035	0.329	0		4.83	0.294	-	11.8430	-	-	10
Lead	0.035	0.329	57	5	0.0013	0.294	31.9053	0.0032	28.7116	98.361	10
Mercury	0.035	0.329	10	0.5	0.000005	0.294	1.5244	0.0000	1.3719	4.700	10
Molybdenum	0.035	0.329	0		0.0025	0.294	-	0.0061	-	-	10
Nickel	0.035	0.329	14	2.5	0.0019	0.294	7.9763	0.0047	7.1740	24.577	10
Selenium	0.035	0.329	0		0.001	0.294	-	0.0025	-	-	10
Silver	0.035	0.329	20		0.0005	0.294	-	0.0012	-	-	10
Zinc	0.035	0.329	27	10	0.14	0.294	37.5871	0.3433	33.4851	114.714	10
Antimony	0.035	0.329	0		0.0005	0.294	-	0.0012	-	-	10
Phenols, T	0.035	0.329	0		0.086	0.294	-	0.2109	-	-	10
Chloride	0.035	0.329	0		34	0.294	-	83.3666	-	-	10

- (Qind) Industrial User total plant discharge flow in Million Gallons per Day (MGD) that contains a particular pollutant.
- (Qpotw) POTW's average influent flow in MGD.
- (Rprim) Removal efficiency across across primary treatment as percent.
- (Ccrit) Activated sludge threshold inhibition level, mg/l.
- (Qdom) Domestic/commercial background flow in MGD.
- (Cdom) Domestic/commercial background concentration for a particular pollutant in mg/l.
- (Lhw) Maximum allowable headworks pollutant loading to the POTW in pounds per day (lbs/day).
- (Ldom) Domestic/commercial background loading to the POTW for a particular pollutant in pounds per day (lbs/day).
- (Lind) Maximum allowable industrial loading to the POTW in pounds per day.
- (Cind) Industrial allowable local limit for a given pollutant in mg/l.
- (SF) Safety factor as a percent.
- 8.34 Unit conversion factor
- Lhw = $8.34 * Ccrit * Qpotw / (1 - Rprim)$

Note: Rprim values are from the EPA Local Limits Guidance Document

NOTE: THIS TABLE SHOULD ONLY BE USED IF THE WWTP HAS A NITRIFICATION/DE-NITRIFICATION PROCESS

McCreary County Water District
MCWD WWTP

Table 4
Local Limits Determination Based on Nitrification Inhibition Limits

ENVIRONMENTAL CRITERIA AND PROCESS DATA BASE							MAXIMUM LOADING		INDUSTRIAL		
Pollutant	IU Pollut. Flow (MGD) (Qind)	POTW Flow (MGD) (Qpotw)	Removal Efficiency (%) (Rsec)	Nitrification Inhibition Level (mg/l) (Ccrit)	Domestic Conc. (mg/l) (Cdom)	Commercial Flow (MGD) (Qdom)	Allowable Headworks (lbs/day) (Lhw)	Domestic/ Commercial (lbs/day) (Ldom)	Allowable Loading (lbs/day) (Lind)	Local Limit (mg/l) (Cind)	Safety Factor (%) (SF)
Arsenic	0.035	0.329	45		0.0005	0.294	-	0.0012	-	-	10
Cadmium	0.035	0.329	91		0.00015	0.294	-	0.0004	-	-	10
Chromium, T	0.035	0.329	54		0.0014	0.294	-	0.0034	-	-	10
Hex. Chrom.	0.035	0.329	82		0.00025	0.294	-	0.0006	-	-	10
Copper	0.035	0.329	85		0.0179	0.294	-	0.0439	-	-	10
Cyanide, A	0.035	0.329	69		0.0025	0.294	-	0.0061	-	-	10
Phos, T	0.035	0.329	96		4.83	0.294	-	11.8430	-	-	10
Lead	0.035	0.329	61		0.0013	0.294	-	0.0032	-	-	10
Mercury	0.035	0.329	32		0.000005	0.294	-	0.0000	-	-	10
Molybdenum	0.035	0.329	50		0.0025	0.294	-	0.0061	-	-	10
Nickel	0.035	0.329	36		0.0019	0.294	-	0.0047	-	-	10
Selenium	0.035	0.329	50		0.001	0.294	-	0.0025	-	-	10
Silver	0.035	0.329	75		0.0005	0.294	-	0.0012	-	-	10
Zinc	0.035	0.329	45		0.14	0.294	-	0.3433	-	-	10
Antimony	0.035	0.329	50		0.0005	0.294	-	0.0012	-	-	10
Phenols, T	0.035	0.329	56		0.086	0.294	-	0.2109	-	-	10
Chloride	0.035	0.329	0		34	0.294	-	83.3666	-	-	10

- (Qind) Industrial User total plant discharge flow in Million Gallons per Day (MGD) that contains a particular pollutant.
- (Qpotw) POTW's average influent flow in MGD.
- (Rsec) Removal efficiency across primary treatment and secondary treatment as percent.
- (Ccrit) Nitrification threshold inhibition level, mg/l.
- (Qdom) Domestic/commercial background flow in MGD.
- (Cdom) Domestic/commercial background concentration for a particular pollutant in mg/l.
- (Lhw) Maximum allowable headworks pollutant loading to the POTW in pounds per day (lbs/day).
- (Ldom) Domestic/commercial background loading to the POTW for a particular pollutant in pounds per day (lbs/day).
- (Lind) Maximum allowable industrial loading to the POTW in pounds per day.
- (Cind) Industrial allowable local limit for a given pollutant in mg/l.
- (SF) Safety factor as a percent.
- 8.34 Unit conversion factor
- Lhw = $8.34 * Ccrit * Qpotw * (1 - Rsec)$

McCreary County Water District
MCWD WWTP

Table 5
Local Limits Determination Based on US EPA 503 Sludge Regulations

ENVIRONMENTAL CRITERIA AND PROCESS DATA BASE									MAXIMUM LOADING		INDUSTRIAL		
Pollutant	IU Pollut. Flow (MGD) (Qind)	POTW Flow (MGD) (Qpotw)	Sludge Flow (MGD) (Qsldg)	Percent Solids (%) (PS)	Removal Efficiency (%) (Rpotw)	503 Sludge Criteria (mg/kg) (Cslcrit)	Domestic and Conc. (mg/l) (Cdom)	Commercial Flow (MGD) (Qdom)	Allowable Headworks (lbs/day) (Lhw)	Domestic/ Commercial (lbs/day) (Ldom)	Allowable Loading (lbs/day) (Lind)	Local Limit (mg/l) (Cind)	Safety Factor (%) (SF)
Arsenic	0.035	0.329	0.05	13	45	75	0.0005	0.294	9.0350	0.0012	8.1303	27.853	10
Cadmium	0.035	0.329	0.05	13	91	85	0.00015	0.294	5.0636	0.0004	4.5568	15.611	10
Chromium, T	0.035	0.329	0.05	13	54		0.0014	0.294	-	0.0034	-	-	10
Hex. Chrom.	0.035	0.329	0.05	13	82		0.00025	0.294	-	0.0006	-	-	10
Copper	0.035	0.329	0.05	13	85	4300	0.0179	0.294	274.2388	0.0439	246.7711	845.396	10
Cyanide, A	0.035	0.329	0.05	13	69		0.0025	0.294	-	0.0061	-	-	10
Phos, T	0.035	0.329	0.05	13	96		4.83	0.294	-	11.8430	-	-	10
Lead	0.035	0.329	0.05	13	61	840	0.0013	0.294	74.6498	0.0032	67.1817	230.153	10
Mercury	0.035	0.329	0.05	13	32	57	0.000005	0.294	9.6562	0.0000	8.6905	29.772	10
Molybdenum	0.035	0.329	0.05	13	50	75	0.0025	0.294	8.1315	0.0061	2.0267	6.943	75
Nickel	0.035	0.329	0.05	13	36	420	0.0019	0.294	63.2450	0.0047	56.9158	194.984	10
Selenium	0.035	0.329	0.05	13	50	100	0.001	0.294	10.8420	0.0025	9.7553	33.420	10
Silver	0.035	0.329	0.05	13	75		0.0005	0.294	-	0.0012	-	-	10
Zinc	0.035	0.329	0.05	13	45	7500	0.14	0.294	903.5000	0.3433	812.8067	2784.538	10
Antimony	0.035	0.329	0.05	13	50		0.0005	0.294	-	0.0012	-	-	10
Phenols, T	0.035	0.329	0.05	13	56		0.086	0.294	-	0.2109	-	-	10
Chloride	0.035	0.329	0.05	13	0		34	0.294	-	83.3666	-	-	10

- (Qind) Industrial User total plant discharge flow in Million Gallons per Day (MGD) that contains a particular pollutant.
(Qpotw) POTW's average influent flow in MGD.
(Qsldg) Sludge flow to disposal in MGD.
(PS) Percent solids of sludge to disposal.
(Rpotw) Removal efficiency across POTW as a percent.
(Cslcrit) 503 sludge criteria in mg/kg dry sludge.
(Qdom) Domestic/commercial background flow in MGD.
(Cdom) Domestic/commercial background concentration for a particular pollutant in mg/l.
(Lhw) Maximum allowable headworks pollutant loading to the POTW in pounds per day (lbs/day).
(Ldom) Domestic/commercial background loading to the POTW for a particular pollutant in pounds per day (lbs/day).
(Lind) Maximum allowable industrial loading to the POTW in pounds per day.
(Cind) Industrial allowable local limit for a given pollutant in mg/l.
(SF) Safety factor as a percent.
8.34 Unit conversion factor
Lhw = $8.34 * Cslcrit * (PS/100) * Qsldg$
Rpotw
::

Note: 503 Sludge Criteria from 40 CFR 503.13, Ceiling Concentrations, should be used.

McCreary County Water District
MCWD WWTP

Table 6
Local Limits Determination Summary

Parameter	Limit Basis					Limiting Basis Most Stringent Limit (mg/l)	Proposed Pretreatment Limits			Current Local Limit Daily Max (mg/l)
	SSTWAM Daily Max (mg/l)	SSTWAM Monthly Avg (mg/l)	Activated Sludge Inhibition (mg/l)	Nitrification (mg/l)	40 CFR 503 Biosolids (mg/l)		Proposed Daily Max Limit (mg/l)	Technical Justification	Comments	
Arsenic	5.23	0.15	0.84	-	27.85	0.15	0.15	SSTWAM Monthly Average		NA
Cadmium	0.19	0.03	49.763	-	15.611	0.03	0.03	SSTWAM Monthly Average		NA
Chromium, Total	-	1.83	579.44	-	-	1.83	1.83	SSTWAM Monthly Average		NA
Hexavalent Chromium*	0.75	0.75	11.59	-	-	0.75	0.75	SSTWAM Monthly Average		NA
Copper	0.64	0.53	10.70	-	845.40	0.53	0.53	SSTWAM Monthly Average		NA
Cyanide, Amenable	0.58	0.12	57.92	-	-	0.12	0.12	SSTWAM Monthly Average		NA
Phosphorus, Total	-	-	-	-	-	0.00	None	Other - Explain the justification for any other selection in the comment section		NA
Lead	1.77	0.10	98.36	-	230.15	0.10	0.10	SSTWAM Monthly Average		NA
Mercury	0.02	0.001	4.700	-	29.772	0.001	0.001	SSTWAM Monthly Average		NA
Molybdenum*	-	-	-	-	6.94	6.94	6.9	40 CFR Part 503		NA
Nickel	6.18	0.88	24.58	-	194.98	0.88	0.88	SSTWAM Monthly Average		NA
Selenium*	0.33	0.08	-	-	33.42	0.08	0.08	SSTWAM Monthly Average		NA
Silver	0.13	-	-	-	-	0.13	0.13	SSTWAM Daily Max		NA
Zinc	0.67	0.67	114.71	-	2784.54	0.67	0.67	SSTWAM Monthly Average		NA
Antimony	-	0.09	-	-	-	0.09	0.09	SSTWAM Monthly Average		NA
Phenols, Total	-	403	-	-	-	403	None	SSTWAM Monthly Average		NA
Chloride	9866	4790	-	-	-	4790	None	SSTWAM Monthly Average		NA

PROPOSED LIMIT SELECTION

When selecting proposed limits, the local limits should pass the "common sense test." Some of the questions to consider are: Can the POTW and dischargers comply with the limits? Are limits sensible in light of actual conditions at the treatment plant and past compliance experience? Are the limits above the method detection limits? Are the limits within the normal range for that pollutant? Is the ratio of the limit for hexavalent chromium to total chromium reasonable? Will the limits allow the industrial user to relax their pretreatment processes? Will the limits protect sludge quality? Will the limit cause the WWTP to fail bio-monitoring or toxicity testing? Are the limits so low as to detract potential new industrial users? Is public or industrial user response expected?

Note: In many cases, the proposed limits will NOT be the current local limits. Local limits must be based on current conditions and be technically justifiable and defensible. It is possible for limits to become less stringent as a result of the re-evaluation; however, if the calculated limits seem to be excessively high, there are ways to establish a reasonable limit. Please contact the Division if you have any questions.

*Limits for selenium and hexavalent chromium must be established. If 40 CFR Part 503 applies, a limit for molybdenum must be developed.

** Indicate if a limit for amenable/free cyanide or total cyanide is being proposed in the comment section.

NOTES

Please see the Technical Narrative section of this evaluation for justification of the proposed local limits.

McCreary County Water District
MCWD WWTP

FIGURE I
PROPOSED LOCAL LIMITS

Parameter	Limit (mg/l)
Arsenic	0.15
Cadmium	0.03
Chromium, Total	1.83
Chromium, Hexavalent	0.75
Copper	0.53
Cyanide, Amenable	0.12
Phosphorus, Total	None
Lead	0.10
Mercury	0.0006
Molybdenum	6.94
Nickel	0.88
Selenium	0.08
Silver	0.13
Zinc	0.67
Antimony	0.09

Comments:

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ATTACHMENT B

MCWD WWTP

**RECEIVING STREAM WATER QUALITY CRITERIA (SSTWAM)
FOR UNNAMED TRIBUTARY TO BRIDGE FORK**

3.7. SSTWAM Output

Effluent Characteristic	Units	Average Limitation	Average Discharge %	Maximum Limitation	Maximum Discharge %	Justification	Requirement	REA
Antimony	µg/L	5.6	0.00	N/A	N/A	DWS	No Requirement	
Arsenic	µg/L	10	0.00	340	0.00	DWS	No Requirement	
Beryllium	µg/L	4	0.00	N/A	N/A	DWS	No Requirement	
Cadmium	µg/L	0.339862554	147.12	2.133184665	23.44	Chronic	Limit	X
Chromium	µg/L	100	0.00	N/A	N/A	DWS	No Requirement	
Copper	µg/L	12.13220637	0.00	13.99907631	0.00	Chronic	No Requirement	
Cyanide, Free	µg/L	5.2	0.00	22	0.00	Chronic	No Requirement	
Lead	µg/L	4.705865313	0.00	81.64508705	0.00	Chronic	No Requirement	
Mercury	µg/L	0.051	0.00	1.4	0.00	Fish	No Requirement	
Nickel	µg/L	67.66073547	0.00	469.1741293	0.00	Chronic	No Requirement	
Phenol	µg/L	21000	0.00	N/A	N/A	DWS	No Requirement	
Selenium	µg/L	5	0.00	20	0.00	Chronic	No Requirement	
Silver	µg/L	N/A	N/A	3.784420307	0.00	Acute	No Requirement	
Thallium	µg/L	0.24	0.00	N/A	N/A	DWS	No Requirement	
Zinc	µg/L	119.8164153	83.04	119.8164153	83.04	Acute	Monitoring	X

ATTACHMENT C

MCWD WWTP

KPDES PERMIT NO. KY0097837

MCWD WWTP -INFLUENT Data from Toxic Scans (continued)

sample date	01/29/19	01/00/00	01/00/00	01/00/00	01/00/00	01/00/00
b/n extractables						
Acenaphthene	<0.0010					
Acenaphthylene	<0.0010					
Anthracene	<0.0010					
Benzidine	<0.010					
Benzo(a)anthracene	<0.0010					
Benzo(b) fluoranthene	<0.0010					
Benzo (k) fluoranthene	<0.0010					
Benzo(g,h,i) perylene	<0.0010					
Benzo(a) pyrene	<0.0010					
bis(2-chlorethoxy)methane	<0.010					
Bis(2-chloroethyl) ether	<0.010					
Bis(2-chloroisopropyl) ether	<0.010					
4-bromophenyl-phenylether	<0.010					
2-Chloronaphthalene	<0.0010					
4-Chlorophenyl-phenylether	<0.010					
Chrysene	<0.0010					
Dibenz (a,h) anthracene	<0.0010					
3,3-Dichlorobenzidine	<0.010					
2,4-Dinitrotoluene	<0.010					
2,6-Dinitrotoluene	<0.010					
1,2-Diphenylhydrazine	<0.010					
Fluoranthene	<0.0010					
Fluorene	<0.0010					
Hexachlorobenzene	<0.0010					
Hexachlorobutadiene	<0.010					
Hexachlorocyclopentadiene	<0.010					
Hexachloroethane	<0.010					
Indeno (1,2,3-cd) pyrene	<0.0010					
Isophorone	<0.010					
Naphthalene	<0.0010					
Nitrobenzene	<0.010					
n-Nitrosodimethylamine	<0.010					
n-Nitrosodiphenylamine	<0.010					
n-Nitrosodi-n-propylamine	<0.010					
Phenanthrene	<0.0010					
Benzylbutyl phthalate	<0.0010					
Bis(2-ethylhexyl)phthalate	0.0021					
Di-n-butylphthalate	0.0014					
Diethyl phthalate	<0.0010					
Dimethyl phthalate	<0.0010					
Di-n-octyl phthalate	<0.0010					
Pyrene	<0.0010					

MCWD WWTP -INFLUENT Data from Toxic Scans (continued)

sample date	01/29/19	01/00/00	01/00/00	01/00/00	01/00/00	01/00/00
acid extractables						
4-chloro-3-methylphenol	<0.010					
2-chlorophenol	<0.010					
2,4-Dichlorophenol	<0.010					
2,4-Dimethylphenol	<0.010					
4,6-Dinitro-2-methylphenol	<0.010					
2,4-Dinitrophenol	<0.010					
2-Nitrophenol	<0.010					
4-Nitrophenol	<0.010					
Pentachlorophenol	<0.010					
Phenol	<0.010					
2,4,6-Trichlorophenol	<0.010					
volatile organics						
Acrolein	<0.050					
Acrylonitrile	<0.010					
Benzene	<0.0010					
Bromodichloromethane	<0.0010					
Bromoform	<0.0010					
Bromomethane	<0.0050					
Carbon Tetrachloride	<0.0010					
Chlorobenzene	<0.0010					
Chlorodibromomethane	0.0010					
Chloroethane	<0.0050					
2-chloroethyl vinyl ether	<0.050					
Chloroform	0.0050					
Chloromethane	<0.0025					
1,2-Dichlorobenzene	<0.0010					
1,3-Dichlorobenzene	<0.0010					
1,4-Dichlorobenzene	<0.0010					
1,1-Dichloroethane	<0.0010					
1,2-Dichloroethane	<0.0010					
1,1-Dichloroethene	<0.0010					
1,2-trans-Dichloroethene	<0.0010					
1,2-Dichloropropane	<0.0010					
cis 1,3-Dichloropropene	<0.0010					
trans 1,3-Dichloropropene	<0.0010					
Ethylbenzene	<0.0010					
Methylene Chloride	<0.0050					
1,1,2,2-Tetrachloroethane	<0.0010					
1,2,4-Trichlorobenzene	<0.0010					
Tetrachloroethene	<0.0010					
Toluene	0.037					
1,1,1-Trichloroethane	<0.0010					
1,1,2-Trichloroethane	<0.0010					
Trichloroethene	<0.0010					
Vinyl Chloride	<0.0010					

MCWD WWTP
EFFLUENT Data from Toxic Scans

Parameter	EFFLUENT Concentration (mg/L)						
	mon avg	wkly avg	01/29/19				
inorganics							
Chloride	600	1200	42				
Hardness, TOTAL (CaCO ₃)			86				
Chromium, Hexavalent	0.016	0.016	<0.0005				
Total Nitrogen			30.0				
Nitrate-nitrite			28.8				
Phosphorus, TOTAL			0.27				
TKN			1.24				
TDS (dissolved solids)			378				
Antimony	0.0056		<0.0020				
Arsenic	0.01	0.34	<0.001				
Cadmium	0.0003	0.002	<0.00030				
Beryllium	0.0040		<0.0010				
Chromium	0.10		<0.0010				
Copper	0.012	0.014	0.004				
Lead	0.005	0.082	<0.0010				
Molybdenum			<0.005				
Nickel	0.068	0.469	0.0014				
Selenium	0.005	0.02	<0.002				
Silver		0.004	<0.001				
Thallium	0.00024		<0.0010				
Zinc	0.120	0.120	0.078				
Iron	1	4	<0.10				
Potassium			13.5				
Cyanide, TOTAL			0.0067				
Cyanide, AMENABLE	0.0052	0.022	0.0067				
O&G, TOTAL			<5.9				
Phenols, TOTAL	21.000		0.044				
BOD	10	15	5				
TSS	10	15	4				
Ammonia as N			<0.10				
Temperature							
Mercury (ng/L)	51	1,400	7.85				

MCWD WWTP -EFFLUENT Data from Toxic Scans (continued)

sample date	01/29/19					
b/n extractables						
Acenaphthene	<0.0010					
Acenaphthylene	<0.0010					
Anthracene	<0.0010					
Benidine	<0.010					
Benzo(a)anthracene	<0.0010					
Benzo(b) fluoranthene	<0.0010					
Benzo (k) fluoranthene	<0.0010					
Benzo(g,h,i) perylene	<0.0010					
Benzo(a) pyrene	<0.0010					
bis(2-chlorethoxy)methane	<0.010					
Bis(2-chloroethyl) ether	<0.010					
Bis(2-chloroisopropyl) ether	<0.010					
4-bromophenyl-phenylether	<0.010					
2-Chloronaphthalene	<0.0010					
4-Chlorophenyl-phenylether	<0.010					
Chrysene	<0.0010					
Dibenz (a,h) anthracene	<0.0010					
3,3-Dichlorobenzidine	<0.010					
2,4-Dinitrotoluene	<0.010					
2,6-Dinitrotoluene	<0.010					
1,2-Diphenylhydrazine	<0.010					
Fluoranthene	<0.0010					
Fluorene	<0.0010					
Hexachlorobenzene	<0.0010					
Hexachlorobutadiene	<0.010					
Hexachlorocyclopentadiene	<0.010					
Hexachloroethane	<0.010					
Indeno (1,2,3-cd) pyrene	<0.0010					
Isophorone	<0.010					
Naphthalene	<0.0010					
Nitrobenzene	<0.010					
n-Nitrosodimethylamine	<0.010					
n-Nitrosodiphenylamine	<0.010					
n-Nitrosodi-n-propylamine	<0.010					
Phenanthrene	<0.0010					
Benzybutyl phthalate	<0.0030					
Bis(2-ethylhexyl)phthalate	<0.0030					
Di-n-butylphthalate	<0.0030					
Diethyl phthalate	<0.0030					
Dimethyl phthalate	<0.0030					
Di-n-octyl phthalate	<0.0030					
Pyrene	<0.0010					

MCWD WWTP -EFFLUENT Data from Toxic Scans (continued)

sample date	01/29/19						
acid extractables							
4-chloro-3-methylphenol	<0.010						
2-chlorophenol	<0.010						
2,4-Dichlorophenol	<0.010						
2,4-Dimethylphenol	<0.010						
4,6-Dinitro-2-methylphenol	<0.010						
2,4-Dinitrophenol	<0.010						
2-Nitrophenol	<0.010						
4-Nitrophenol	<0.010						
Pentachlorophenol	<0.010						
Phenol	<0.010						
2,4,6-Trichlorophenol	<0.010						
volatile organics							
Acrolein	<0.050						
Acrylonitrile	<0.010						
Benzene	<0.0010						
Bromodichloromethane	0.0017						
Bromoform	<0.0010						
Bromomethane	<0.0050						
Carbon Tetrachloride	<0.0010						
Chlorobenzene	<0.0010						
Chlorodibromomethane	<0.0010						
Chloroethane	<0.0050						
2-chloroethyl vinyl ether	<0.050						
Chloroform	0.012						
Chloromethane	<0.0025						
1,2-Dichlorobenzene	<0.0010						
1,3-Dichlorobenzene	<0.0010						
1,4-Dichlorobenzene	<0.0010						
1,1-Dichloroethane	<0.0010						
1,2-Dichloroethane	<0.0010						
1,1-Dichloroethene	<0.0010						
1,2-trans-Dichloroethene	<0.0010						
1,2-Dichloropropane	<0.0010						
cis 1,3-Dichloropropene	<0.0010						
trans 1,3-Dichloropropene	<0.0010						
Ethylbenzene	<0.0010						
Methylene Chloride	<0.0050						
1,1,2,2-Tetrachloroethane	<0.0010						
1,2,4-Trichlorobenzene	<0.0010						
Tetrachloroethene	<0.0010						
Toluene	<0.0010						
1,1,1-Trichloroethane	<0.0010						
1,1,2-Trichloroethane	<0.0010						
Trichloroethene	<0.0010						
Vinyl Chloride	<0.0010						



STEVEN L. BESHEAR
GOVERNOR

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER
200 FAIR OAKS LANE
FRANKFORT, KENTUCKY 40601
www.kentucky.gov

LEONARD K. PETERS
SECRETARY

September 25, 2013

Mr. Stephen Owens
McCreary County Wastewater Treatment Plant
Stearns Dumpster Road
Stearns, Kentucky 42647

Re: McCreary County WWTP
KPDES No.: KY0097837
AI No.: 3089
McCreary County, Kentucky

Dear Mr. Owens:

Enclosed is the Kentucky Pollutant Discharge Elimination System (KPDES) permit for the above-referenced facility. This action constitutes a final permit issuance under 401 KAR 5:075, pursuant to KRS 224.16-050.

This permit will become effective on the date indicated in the attached permit provided that no request for adjudication is granted. All provisions of the permit will be effective and enforceable in accordance with 401 KAR 5:075, unless stayed by the Hearing Officer under Sections 11 and 13.

Any demand for a hearing on the permit shall be filed in accordance with the procedures specified in KRS 224.10-420, 224.10-440, 224.10-470 and any regulations promulgated thereto. Any person aggrieved by the issuance of a permit final decision may demand a hearing, pursuant to KRS 224.10-420(2), within thirty (30) days from the date of the issuance of this letter. Two (2) copies of request for hearing should be submitted in writing to the Energy and Environment Cabinet, Office of Administrative Hearings, 35-36 Fountain Place, Frankfort, Kentucky 40601 and the Commonwealth of Kentucky, Energy and Environment Cabinet, Division of Water, 200 Fair Oaks Lane, Frankfort, Kentucky 40601. For your record keeping purposes, it is recommended that these requests be sent by certified mail. The written request must conform to the appropriate statutes referenced above.

If you have any questions regarding the KPDES decision, please contact Dan Juett, Operational Permits Section, Surface Water Permits Branch, at (502) 564-3410, extension 4894.

Further information on procedures and legal matters pertaining to the hearing request may be obtained by contacting the Office of Administrative Hearings at (502) 564-7312.

Sincerely,

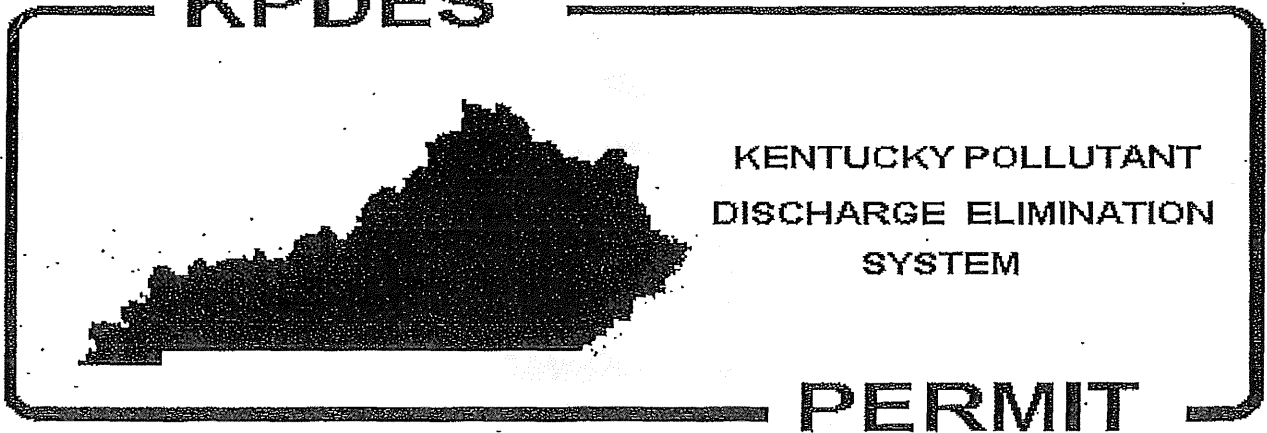
Peter T. Goodmann, Acting Director
Division of Water

SLG:TJB:tjb

Enclosure

c: Division of Water

KPDES



**KENTUCKY POLLUTANT
DISCHARGE ELIMINATION
SYSTEM**

PERMIT

PERMIT NO.: KY0097837

AI NO.: 3089

**AUTHORIZATION TO DISCHARGE UNDER THE
KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM**

Pursuant to Authority in KRS 224,

McCreary County Water District
P. O. Box 488
Whitley City, Kentucky 42653

is authorized to discharge from a facility located at

McCreary County Water District WWTP # 1 & # 2
Stearns Sewer Plant Road
Stearns, McCreary County, Kentucky

to receiving waters named

Unnamed Tributary to Bridge Fork at Latitude 36° 42' 40" Longitude 84° 28' 17"

in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit.

This permit shall become effective on November 1, 2013.

This permit and the authorization to discharge shall expire at midnight, October 31, 2018.

September 25, 2013

Date Signed

Peter T. Goodmann, Acting Director
Division of Water

DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Water, 200 Fair Oaks Lane, Frankfort, Kentucky 40601

1. EFFLUENT AND MONITORING REQUIREMENTS

1.1. Monitoring Locations

The following table lists the outfalls authorized by this permit, the latitude and longitude of each and the DOW assigned KPDES outfall number.

MONITORING LOCATIONS				
Number	Type	Latitude (N)	Longitude (W)	Description of Outfall
001	Effluent	36° 42' 39.9"	84° 28' 16.8"	Municipal Wastewater

1.2. Effluent Limitations and Monitoring Requirements

Beginning on the effective date and lasting through the term of this permit discharges from Outfall 001 and land application of treated wastewater shall comply with the effluent limitations.

Effluent Characteristic	EFFLUENT LIMITATIONS						MONITORING REQUIREMENTS		
	Loadings (lbs/day)		Minimum	Concentrations (specify units)			Monitoring		Sample Type
	Monthly Average	Weekly Average		Monthly Average	Weekly Average	Maximum	Location	Frequency	
Flow (Design 0.9 MGD)	Report	Report	N/A	N/A	N/A	N/A	Effluent	Continuous	Recorder
Flow (MGD)	Report	Report	N/A	N/A	N/A	N/A	Influent	Continuous	Recorder
CBOD ₅	113	169	N/A	15 mg/l	22.5 mg/l	N/A	Effluent	1/Week	24-Hr Composite
CBOD ₅	Report	Report	N/A	Report, mg/l	Report, mg/l	N/A	Influent	1/Week	24-Hr Composite
Percent Removal CBOD ₅	N/A	N/A	N/A	85%	N/A	N/A	N/A	1/Month	Calculated
TSS	225	338	N/A	30 mg/l	45 mg/l	N/A	Effluent	1/Week	24-Hr Composite
TSS	Report	Report	N/A	Report, mg/l	Report, mg/l	N/A	Influent	1/Week	24-Hr Composite
Percent Removal TSS	N/A	N/A	N/A	85%	N/A	N/A	N/A	1/Month	Calculated
Ammonia (as NH ₃ N)									
May 1 – October 31	15	23	N/A	2.0 mg/l	3.0 mg/l	N/A	Effluent	1/Week	24-Hr Composite
November 1 – April 30	75	113	N/A	10.0 mg/l	15.0 mg/l	N/A	Effluent	1/Week	24-Hr Composite
E. Coli (colonies/100 ml) ¹	N/A	N/A	N/A	130	240	N/A	Effluent	1/Week	Grab
Dissolved Oxygen	N/A	N/A	7.0 mg/l	N/A	N/A	N/A	Effluent	1/Week	Grab
pH (Standard Units)	N/A	N/A	6.0	N/A	N/A	9.0	Effluent	1/Week	Grab
Hardness as mg/l CaCO ₃	N/A	N/A	N/A	Report	Report	N/A	Effluent	1/Month	24-Hr Composite

Effluent Characteristic	EFFLUENT LIMITATIONS						MONITORING REQUIREMENTS		
	Loadings (lbs/day)			Concentrations (specify units)			Monitoring		Sample Type
	Monthly Average	Weekly Average	Minimum	Monthly Average	Weekly Average	Maximum	Location	Frequency	
Total Recoverable Cadmium	N/A	N/A	N/A	0.3399 µg/l	Report, µg/l	N/A	Effluent	1/Month	24-Hr Composite
Total Recoverable Zinc	N/A	N/A	N/A	Report, µg/l	Report, µg/l	N/A	Effluent	1/Month	24-Hr Composite
Total Residual Chlorine	N/A	N/A	N/A	0.011 mg/l	0.019 mg/l	N/A	Effluent	1/Week	Grab
Total Phosphorus									
May 1 – October 31	7.5	11.25	N/A	1.0 mg/l	1.5 mg/l	N/A	Effluent	1/Week	24-Hr Composite
November 1 – April 30	15.0	22.5	N/A	2.0 mg/l	3.0 mg/l	N/A	Effluent	1/Week	24-Hr Composite
Total Nitrogen (mg/l)	N/A	N/A	N/A	Report	Report	N/A	Effluent	1/Week	24-Hr Composite
¹ The effluent limitations for <i>Escherichia Coli</i> are 30 day and 7 day Geometric Means. Total Nitrogen is the summation of the analytical results for Total Nitrates, Total Nitrites, and Total Kjeldahl Nitrogen.									

1.3. Standard Effluent Requirements

The discharges to waters of the Commonwealth shall not produce floating solids, visible foam or a visible sheen on the surface of the receiving waters.

Samples and measurements taken in accordance with the requirements of specified Section 1.2 shall be representative of the volume and nature of the monitored discharge and shall be taken at nearest accessible point after final treatment, but prior to actual discharge to or mixing with the receiving waters or wastestreams from other outfalls.

ATTACHMENT D

MCWD WWTP

2019 DOMESTIC SAMPLE RESULTS



ANALYTICAL REPORT

February 11, 2019

Hall Environmental Consultants, LLC

Sample Delivery Group: L1065132
Samples Received: 01/30/2019
Project Number: McCreary
Description: residential


Report To: Cyndy Leasor
1376 Danville Road Loop 1
Nicholasville, KY 40356

Entire Report Reviewed By:

Stacy Kennedy
Project Manager

Results relate only to the items tested or calibrated and are reported as rounded values. This test report shall not be reproduced, except in full, without written approval of the laboratory. Where applicable, sampling conducted by Pace National is performed per guidance provided in laboratory standard operating procedures: 060302, 060303, and 060304.

SAMPLE SUMMARY

ONE LAB. NATIONWIDE. 

COMPOSITE L1065132-01 WW	Collected by Eric Lee	Collected date/time 01/29/19 10:40	Received date/time 01/30/19 08:45
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Method	Batch	Dilution	Preparation date/time	Analysis date/time	Analyst
Wet Chemistry by Method 300.0	WG1230304	1	01/30/19 21:25	01/30/19 21:25	ST
Wet Chemistry by Method 365.4	WG1233517	1	02/02/19 11:02	02/06/19 19:10	JER
Metals (ICP) by Method 200.7	WG1230428	1	01/30/19 21:49	01/31/19 09:53	TRB
Metals (ICPMS) by Method 200.8	WG1231153	1	02/03/19 14:07	02/04/19 02:02	LAT
Metals (ICPMS) by Method 200.8	WG1231153	1	02/03/19 14:07	02/04/19 14:50	LAT

GRAB L1065132-02 WW	Collected by Eric Lee	Collected date/time 01/29/19 10:40	Received date/time 01/30/19 08:45
---------------------	--------------------------	---------------------------------------	--------------------------------------

Method	Batch	Dilution	Preparation date/time	Analysis date/time	Analyst
Wet Chemistry by Method 420.4	WG1232411	1	02/05/19 08:00	02/08/19 14:22	JER
Wet Chemistry by Method 4500CN E-2011	WG1234147	1	02/08/19 08:47	02/08/19 13:50	JER
Wet Chemistry by Method Calc.	WG1234147	1	02/08/19 13:50	02/08/19 13:50	JER



All sample aliquots were received at the correct temperature, in the proper containers, with the appropriate preservatives, and within method specified holding times, unless qualified or notated within the report. Where applicable, all MDL (LOD) and RDL (LOQ) values reported for environmental samples have been corrected for the dilution factor used in the analysis. All Method and Batch Quality Control are within established criteria except where addressed in this case narrative, a non-conformance form or properly qualified within the sample results. By my digital signature below, I affirm to the best of my knowledge, all problems/anomalies observed by the laboratory as having the potential to affect the quality of the data have been identified by the laboratory, and no information or data have been knowingly withheld that would affect the quality of the data.

Stacy Kennedy
Project Manager

Project Narrative

L1065132 -03 contains subout data that is included after the chain of custody.

COMPOSITE

Collected date/time: 01/29/19 10:40

SAMPLE RESULTS - 01

L1065132

ONE LAB. NATIONWIDE.



Wet Chemistry by Method 300.0

Analyte	Result mg/l	Qualifier	RDL mg/l	Dilution	Analysis date / time	Batch
Chloride	34.4		1.00	1	01/30/2019 21:25	WG1230304

Wet Chemistry by Method 365.4

Analyte	Result mg/l	Qualifier	RDL mg/l	Dilution	Analysis date / time	Batch
Phosphorus,Total	4.83		0.100	1	02/06/2019 19:10	WG1233517

Metals (ICP) by Method 200.7

Analyte	Result mg/l	Qualifier	RDL mg/l	Dilution	Analysis date / time	Batch
Iron	0.621		0.100	1	01/31/2019 09:53	WG1230428

Metals (ICPMS) by Method 200.8

Analyte	Result mg/l	Qualifier	RDL mg/l	Dilution	Analysis date / time	Batch
Arsenic	ND		0.00100	1	02/04/2019 02:02	WG1231153
Cadmium	ND		0.00100	1	02/04/2019 02:02	WG1231153
Chromium	0.00144		0.00100	1	02/04/2019 02:02	WG1231153
Copper	0.0179		0.00100	1	02/04/2019 14:50	WG1231153
Lead	0.00130		0.00100	1	02/04/2019 02:02	WG1231153
Molybdenum	ND		0.00500	1	02/04/2019 02:02	WG1231153
Nickel	0.00195		0.00100	1	02/04/2019 14:50	WG1231153
Selenium	ND		0.00200	1	02/04/2019 02:02	WG1231153
Silver	ND		0.00100	1	02/04/2019 02:02	WG1231153
Zinc	0.143		0.0100	1	02/04/2019 14:50	WG1231153

GRAB

Collected date/time: 01/29/19 10:40

SAMPLE RESULTS - 02

L1065132

Additional Information

Analyte	Result	Units
pH (On Site)	6.96	su

Wet Chemistry by Method 420.4

Analyte	Result mg/l	Qualifier	RDL mg/l	Dilution	Analysis date / time	Batch
Total Phenol by 4AAP	0.0865		0.0400	1	02/08/2019 14:22	WG1232411

Wet Chemistry by Method 4500CN E-2011

Analyte	Result mg/l	Qualifier	RDL mg/l	Dilution	Analysis date / time	Batch
Cyanide	ND		0.00500	1	02/08/2019 13:50	WG1234147

Wet Chemistry by Method Calc.

Analyte	Result mg/l	Qualifier	RDL mg/l	Dilution	Analysis date / time	Batch
Cyanide,amenable	ND		0.00500	1	02/08/2019 13:50	WG1234147



Guide to Reading and Understanding Your Laboratory Report


The information below is designed to better explain the various terms used in your report of analytical results from the Laboratory. This is not intended as a comprehensive explanation, and if you have additional questions please contact your project representative.

Abbreviations and Definitions

ND	Not detected at the Reporting Limit (or MDL where applicable).
RDL	Reported Detection Limit.
SDG	Sample Delivery Group.
Analyte	The name of the particular compound or analysis performed. Some Analyses and Methods will have multiple analytes reported.
Dilution	If the sample matrix contains an interfering material, the sample preparation volume or weight values differ from the standard, or if concentrations of analytes in the sample are higher than the highest limit of concentration that the laboratory can accurately report, the sample may be diluted for analysis. If a value different than 1 is used in this field, the result reported has already been corrected for this factor.
Qualifier	This column provides a letter and/or number designation that corresponds to additional information concerning the result reported. If a Qualifier is present, a definition per Qualifier is provided within the Glossary and Definitions page and potentially a discussion of possible implications of the Qualifier in the Case Narrative if applicable.
Result	The actual analytical final result (corrected for any sample specific characteristics) reported for your sample. If there was no measurable result returned for a specific analyte, the result in this column may state "ND" (Not Detected) or "BDL" (Below Detectable Levels). The information in the results column should always be accompanied by either an MDL (Method Detection Limit) or RDL (Reporting Detection Limit) that defines the lowest value that the laboratory could detect or report for this analyte.
Uncertainty (Radiochemistry)	Confidence level of 2 sigma.
Case Narrative (Cn)	A brief discussion about the included sample results, including a discussion of any non-conformances to protocol observed either at sample receipt by the laboratory from the field or during the analytical process. If present, there will be a section in the Case Narrative to discuss the meaning of any data qualifiers used in the report.
Sample Chain of Custody (Sc)	This is the document created in the field when your samples were initially collected. This is used to verify the time and date of collection, the person collecting the samples, and the analyses that the laboratory is requested to perform. This chain of custody also documents all persons (excluding commercial shippers) that have had control or possession of the samples from the time of collection until delivery to the laboratory for analysis.
Sample Results (Sr)	This section of your report will provide the results of all testing performed on your samples. These results are provided by sample ID and are separated by the analyses performed on each sample. The header line of each analysis section for each sample will provide the name and method number for the analysis reported.
Sample Summary (Ss)	This section of the Analytical Report defines the specific analyses performed for each sample ID, including the dates and times of preparation and/or analysis.

Qualifier	Description
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The remainder of this page intentionally left blank, there are no qualifiers applied to this SDG.

Hall Environmental Consultants, LLC 1376 Danville Road Loop 1 Nicholasville, KY 40356		Pulling Information: Ms. Cynthia M. Leasor 1376 Danville Road Loop 1 Nicholasville, KY 40356		Pres. Cont.		Analysis / Container / Preservation						Chain of Custody Page <u>1</u> of <u>1</u>		
Report No.		Email: info@hallenv.com										 12065 Lebanon Rd Mount Vernon, TN 37122 Phone: 615-732-5888 Phone: 615-732-5889 Fax: 615-732-5024		
Project Description: Residential		City/State Collected:										11065132 F229		
Phone: 859-885-3331 Fax: 859-885-4613		Client Project # McCreary		Job Project # HALLKY-MCCREARY RES								Account: HALLKY Template: T145193 Prelogin: P690406 TSN: 650 - Linda Cashman PB: 1-17-19 M/LB		
Collected by (print): <i>C.M. Leasor</i>		Site/Facility ID #		P.O. #								Shipped Via: FedEx Ground		
Collected by (signature): <i>[Signature]</i>		Rush? (Lead MUST be notified) <input type="checkbox"/> Same Day <input type="checkbox"/> Five Day <input type="checkbox"/> Next Day <input type="checkbox"/> 5 Day (Lead Only) <input type="checkbox"/> Two Day <input type="checkbox"/> 10 Day (Lead Only) <input type="checkbox"/> Three Day		Quote #								No. of Samples		
Immediately Packed on Ice: <input type="checkbox"/> N <input checked="" type="checkbox"/> Y		Date Results Needed										Bins/Boxes Sample # (lab only)		
Sample ID		Comp/Grab	Matrix *	Depth	Date	Time	No. of Samples	CHLORIDE 125mlHDPE-NbPres	CN/CNAM 250mlHDPEAmb-NaOH	CR6ICFFP 50mlTube/plungerPres	HG1631 250mlCr-HCl	Metals 250mlHDPE-HNO3	PHT 250mlAmb-H2SO4	PT 250mlHDPE-H2SO4
COMPOSITE		<i>Grab</i>	WW	<i>11/20/19</i>	<i>10:40</i>	4	X	X	X	X	X	X	X	X
GRAB		<i>Grab</i>	WW	<i>11/20/19</i>	<i>10:40</i>	2	X	X	X	X	X	X	X	X
GRAB		<i>Grab</i>	WW	<i>11/20/19</i>	<i>10:40</i>	1	X	X	X	X	X	X	X	X
* Matrix: SS - Soil AIR - Air F - Fiber GW - Groundwater B - Bioassay WW - Waste Water DW - Drinking Water OT - Other		Remarks:		Samples returned via: <input type="checkbox"/> UPS <input checked="" type="checkbox"/> FedEx <input type="checkbox"/> Courier		Tracking #: 4757 5082 7468		pH: <i>7.2</i> Temp: _____ Flow: _____ Other: _____		Sample Receipt Checklist: CAC Seal Present/Intact: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N CAC Signed/Accessed: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N Bottled active/Intact: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N Correct bottle used: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N Sufficient volume used: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N CAC Seal Reattached: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N Preservation Correct/Checked: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N				
Relinquished by: (Signature) <i>[Signature]</i>		Date: <i>11/20/19</i>	Time: <i>10:40</i>	Received by: (Signature) <i>[Signature]</i>		Trip Blank Received: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> HCL / Meant TAP		Temp: _____ °C Bottles Received: _____		If preservation required by Login: Date/Time		Hold: _____ Condition: NCF / <input checked="" type="checkbox"/>		
Relinquished by: (Signature)		Date:	Time:	Received by: (Signature)		Temp: _____ °C Bottles Received: _____		Date: <i>11/20/19</i> Time: <i>7:45</i>		Hold: _____ Condition: NCF / <input checked="" type="checkbox"/>				



ANALYTICAL RESULTS

Project: McCreary/WG1230242
Pace Project No.: 50215987

Sample: GRAB	Lab ID: 50215987001	Collected: 01/29/19 10:40	Received: 02/01/19 10:55	Matrix: Water				
Parameters	Results	Units	Report Limit	DF	Prepared	Analyzed	CAS No.	Qual
1631E Mercury, Low Level								
Analytical Method: EPA 1631E Preparation Method: EPA 1631E								
Initial Volume/Weight: 50 mL Final Volume/Weight: 51 mL								
Mercury	117	ng/L	5.1	10	02/02/19 12:37	02/04/19 23:03	7439-97-6	

REPORT OF LABORATORY ANALYSIS

This report shall not be reproduced, except in full,
without the written consent of Pace Analytical Services, LLC.

Andy Vann



Login #: L1065132	Client: HALLKY	Date: 1/30/19	Evaluated by: Troy Dunlap
-------------------	----------------	---------------	---------------------------

Non-Conformance (check applicable items)

Sample Integrity		Chain of Custody Clarification	
Parameter(s) past holding time	X	Login Clarification Needed	If Broken Container:
Temperature not in range		Chain of custody is incomplete	Insufficient packing material around container
Improper container type		Please specify Metals requested.	Insufficient packing material inside cooler
pH not in range.		Please specify TCLP requested.	Improper handling by carrier (FedEx / UPS / Couri
Insufficient sample volume.		Received additional samples not listed on coc.	Sample was frozen
Sample is biphasic.		Sample ids on containers do not match ids on coc	Container lid not intact
Vials received with headspace.		Trip Blank not received.	If no Chain of Custody:
Broken container		Client did not "X" analysis.	Received by:
Broken container:		Chain of Custody is missing	Date/Time:
Sufficient sample remains			Temp./Cont. Rec./pH:
			Carrier:
			Tracking#

Login Comments: Did not receive the CR61CFPP container.

Client informed by:	X	Call	Email	Voice Mail	Date: 1-31-19	Time: 11:30
TSR Initials: LC	Client Contact: Eric Lee					

Login Instructions:

Eric is notifying Cyndy Leasor about this and they will decide if they need to resample.

ATTACHMENT E

MCWD WWTP

SUMMARY OF TOXIC SCANS 2019

MCWD WWTP

INFLUENT Data from Toxic Scans

Parameter	INFLUENT Concentration (mg/L)					
	01/29/19					
inorganics						
BOD	266					
Chloride	51					
Hardness, TOTAL (CaCO ₃)	76					
Ammonia as N	40.2					
Nitrate-nitrite	<0.10					
Phosphorus, TOTAL	6.9					
TKN	51.5					
TDS (dissolved solids)	271					
TSS	65					
Chromium, Hexavalent	<0.0005					
Total Nitrogen	39.2					
Antimony	<0.0020					
Arsenic	<0.001					
Cadmium	<0.001					
Beryllium	<0.001					
Chromium	0.0011					
Copper	0.026					
Lead	<0.001					
Molybdenum	<0.005					
Nickel	0.0022					
Selenium	<0.002					
Silver	<0.001					
Thallium	<0.001					
Zinc	0.14					
Iron	0.69					
Potassium	16.2					
Cyanide, TOTAL	<0.0050					
Cyanide, AMENABLE	<0.0050					
O&G, TOTAL	38					
Phenols, TOTAL	0.100					
Mercury (ng/L)	11.6					

MCWD WWTP -INFLUENT Data from Toxic Scans (page 2)

sample date	01/29/19	01/00/00	01/00/00	01/00/00	01/00/00	01/00/00
b/n extractables						
Acenaphthene	<0.0010					
Acenaphthylene	<0.0010					
Anthracene	<0.0010					
Benzidine	<0.010					
Benzo(a)anthracene	<0.0010					
Benzo(b) fluoranthene	<0.0010					
Benzo (k) fluoranthene	<0.0010					
Benzo(g,h,i) perylene	<0.0010					
Benzo(a) pyrene	<0.0010					
bis(2-chlorethoxy)methane	<0.010					
Bis(2-chloroethyl) ether	<0.010					
Bis(2-chloroisopropyl) ether	<0.010					
4-bromophenyl-phenylether	<0.010					
2-Chloronaphthalene	<0.0010					
4-Chlorophenyl-phenylether	<0.010					
Chrysene	<0.0010					
Dibenz (a,h) anthracene	<0.0010					
3,3-Dichlorobenzidine	<0.010					
2,4-Dinitrotoluene	<0.010					
2,6-Dinitrotoluene	<0.010					
1,2-Diphenylhydrazine	<0.010					
Fluoranthene	<0.0010					
Fluorene	<0.0010					
Hexachlorobenzene	<0.0010					
Hexachlorobutadiene	<0.010					
Hexachlorocyclopentadiene	<0.010					
Hexachloroethane	<0.010					
Indeno (1,2,3-cd) pyrene	<0.0010					
Isophorone	<0.010					
Naphthalene	<0.0010					
Nitrobenzene	<0.010					
n-Nitrosodimethylamine	<0.010					
n-Nitrosodiphenylamine	<0.010					
n-Nitrosodi-n-propylamine	<0.010					
Phenanthrene	<0.0010					
Benzylbutyl phthalate	<0.0010					
Bis(2-ethylhexyl)phthalate	0.0021					
Di-n-butylphthalate	0.0014					
Diethyl phthalate	<0.0010					
Dimethyl phthalate	<0.0010					
Di-n-octyl phthalate	<0.0010					
Pyrene	<0.0010					

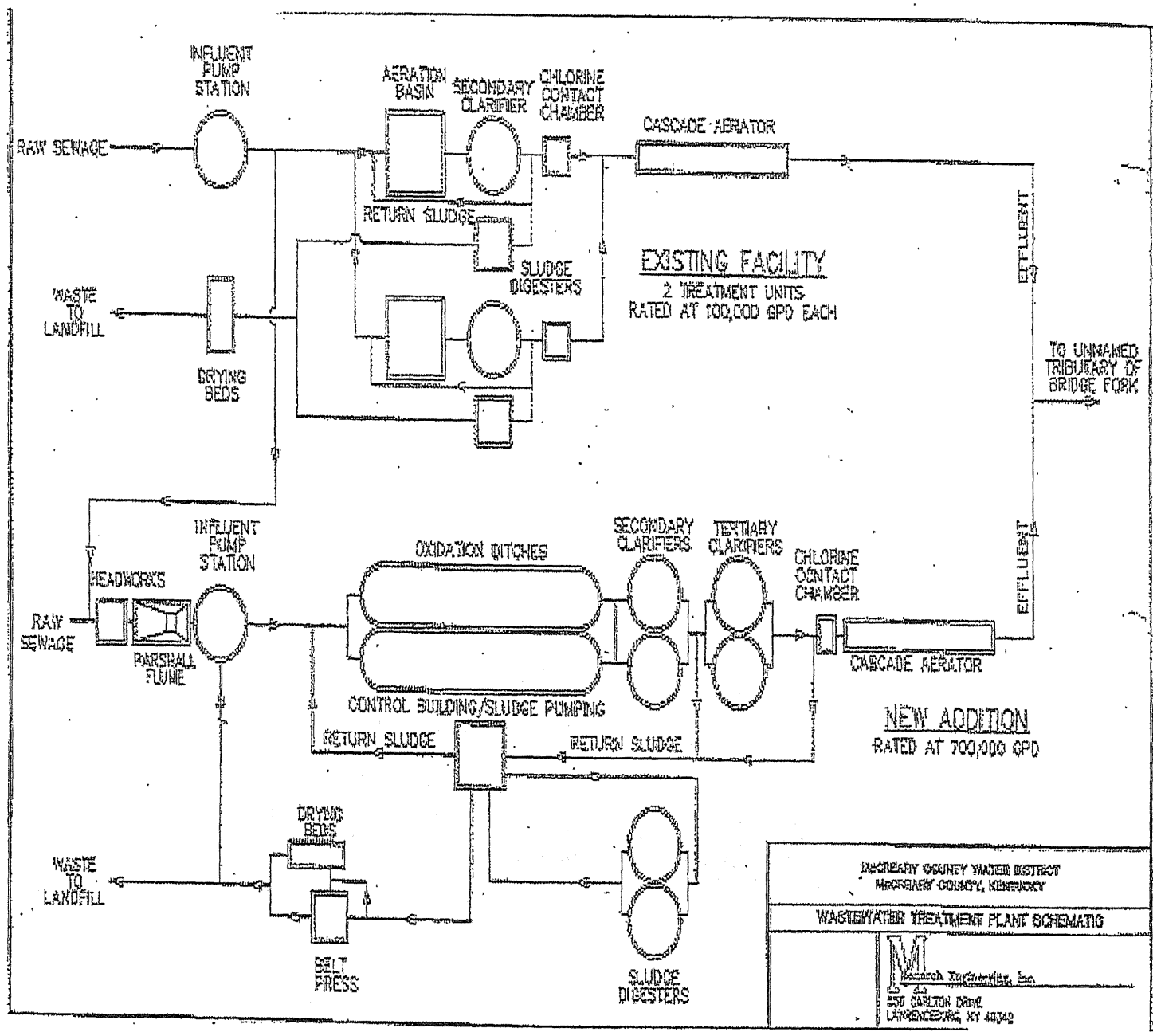
ATTACHMENT F

MCWD WWTP

MCWD WWTP PROCESS SCHEMATIC

3.5.

Plant Flow Diagram



Section IV

Monitoring Program

SECTION IV

MONITORING & INSPECTION PROGRAM

SECTION IV - MONITORING PROGRAM

INTRODUCTION

Two key elements required for effective implementation of a Pretreatment Program are the comprehensive monitoring of discharges from all Significant Industrial Users (SIUs) and a thorough site inspection of each facility. This effectiveness is ensured by the use of inspections conducted by WWTP representatives and monitoring performed by the District. Self-monitoring conducted by the SIU may also be used. These inspections and monitoring events should be on both random and routine schedules.

Monitoring is essential for detecting noncompliance with the MCWD Sewer Use Rules and Regulations, the Industrial User Permit and applicable federal categorical pretreatment standards. Additionally, the monitoring program confirms surcharges and provides data for use in required pretreatment reports to the state and EPA. Monitoring must be conducted at a frequency appropriate to the type and volume of the discharge in order to be representative of the SIU's effluent.

The District's Industrial Monitoring Program will consist of four (4) types of monitoring. These are scheduled, unscheduled, demand and self-monitoring. These types of monitoring are described in the following paragraphs.

MONITORING PROGRAM

(1) Scheduled Compliance Monitoring

Scheduled compliance monitoring involves the systematic sampling and comprehensive inspection of each SIU by the District in accordance with a predetermined schedule. This monitoring will be performed annually at each facility classified as an SIU. Each SIU will be monitored for all pollutants regulated by the District's Sewer Use Rules and Regulations. In addition, all pollutants regulated by an SIU's Industrial User Permit will also be monitored.

Composite and grab samples will be collected as applicable from the approved monitoring location(s) as noted in the individual Industrial User Permit. The on-site monitoring events will be scheduled so that monitoring is not performed during

plant shutdowns and holidays. Proper chain-of-custody procedures will be observed at all times and are discussed later in this section in more detail.

(2) Unscheduled Compliance Monitoring

Unscheduled compliance monitoring may be conducted to randomly check each SIU for compliance with all pretreatment regulations. A complete inspection of each facility may also be conducted at that time. These unannounced visits and sampling events are useful in verifying compliance for users that can easily and quickly alter their processes or operations to obtain more favorable analytical results. These events will also be used when the WWTP is experiencing interference, upset and/or pass-through.

Monitoring will be performed on an unannounced basis with the facility at normal operation. The date and time of monitoring and inspections will be kept strictly confidential so that the facility will not be aware of when the monitoring is being performed.

(3) Demand Monitoring

Demand monitoring means that when a violation is detected, sampling is initiated immediately. Demand monitoring will be conducted in response to known or suspected violations discovered in self-monitoring reports, compliance monitoring or by public complaint. Additionally, this type of monitoring will be conducted to investigate incidents of interference, upset, pass-through or other disruption of the WWTP. Demand monitoring will be completely unannounced and unscheduled. Since information collected by this type of monitoring could be used in enforcement proceedings against an SIU, proper sample collection and preservation techniques and chain-of-custody procedures will be observed at all times.

(4) Self-Monitoring

Self-monitoring is sampling and analysis performed by the SIU itself on its own wastewater discharge. Under federal pretreatment regulations, if the Control Authority, in this case the District, does not perform monitoring, then the SIU must

conduct self-monitoring at least once every six (6) months for all parameters required by the Control Authority. Additionally, self-monitoring provides data, the accuracy of which the SIU cannot dispute since it has obtained the results itself. This is very effective and useful data when an SIU is disputing the results of compliance monitoring gathered by the District.

Currently, the SIUs regulated by the MCWD Pretreatment Program will not be required to conduct self-monitoring as the District intends to conduct all monitoring at the regulated industrial sites. This may be changed if the MCWD Manager/Superintendent and/or Pretreatment Coordinator determines, on a case-by-case basis, that self-monitoring would improve the information and data being obtained for an individual industrial user. If this occurs, the SIU's self-monitoring and reporting frequencies and parameters will be outlined in the Industrial User Permit.

MONITORING SCHEDULE

Table A has been prepared as a guide for the establishment of monitoring frequencies for any SIUs that are now or might become regulated by the MCWD Pretreatment Program. This table is a guide only. Any new industrial user desiring to discharge to the MCWD WWTP will be placed on a monitoring schedule through the Industrial User Permit. The required monitoring frequencies established in that permit will be based upon volume of discharge, type of industry, concentration of pollutants, and adequacy of treatment.

Table B lists the parameters for which certain types of industries may be monitored. This table also is only to be used as a guide and may be modified on a case-by-case basis. After a database is established for each facility and it is evident that consistent compliance with permit limits is being achieved, the frequency of sampling and pollutants to be analyzed may be reduced. Conversely, noncompliance with any permit limit, a change in operation or process or other modification that affects the wastewater discharge may result in an increase in each type of monitoring and/or pollutants. Both Tables A and B are subject to change as necessary, depending upon the actual wastewater volume and

characteristics to be discharged.

REPORTING PROCEDURES

Each SIU will report the analytical results from self-monitoring on an "Industrial User Self-Monitoring Report Form". A copy of this form is included in this section. The report form includes the analytical results, sample collection dates and times, analytical method used, as well as other site-specific information. The laboratory data sheets must also be submitted with the report form.

All properly signed self-monitoring reports must be submitted to the Pretreatment Coordinator no later than the fifteenth (15th) day of the month following the month in which the sampling is performed. In accordance with federal pretreatment regulations and the MCWD Sewer Use Rules and Regulations, all sampling and analyses conducted by an SIU using approved EPA methods must be submitted to the Pretreatment Coordinator, whether or not the sampling was required by the District.

CHAIN-OF-CUSTODY PROCEDURES

Once an appropriate sample is obtained and preserved, it is essential that sampling personnel properly document the methods used to collect the sample as well as the chain of possession of the sample from collection to analysis. Chain-of-custody procedures are a critical aspect in monitoring industrial users. Since it is impossible to predict which violations will require legal action, it should be assumed that all data generated from sampling will be used in court. If a case ultimately goes to trial, the integrity of the data must be well established. The sampling results will only be admissible in court if it can be proven that a sample has been properly collected, preserved and analyzed, and has not been tampered with or mishandled.

This role is filled by the Chain-of-Custody form. This form has been developed for use by WWTP sampling personnel during implementation of the MCWD Pretreatment Program. A copy of this form is included in this section. The form properly documents the protocols followed during sampling of each significant industrial user. It will accompany the

samples at all times and will be fully completed by each person handling the samples, both in the field and at the laboratory. Following completion of sampling activities, the Chain-of-Custody forms will be attached to the appropriate analytical results and filed in each user's pretreatment file. In lieu of the use of this Chain-of-Custody form, sampling personnel may use a form provided by the contract laboratory performing analysis of the samples.

INSPECTION PROCEDURES

The Pretreatment Coordinator, or his/her designee, will conduct inspections at least annually at each SIU as part of the implementation of this program. This will fulfill the federal inspection regulations given in 40 CFR 403. The inspection will consist of a review of all pretreatment records kept by the SIU, inspection of process and production areas, chemical and hazardous waste storage areas, and any wastewater treatment facilities and/or equipment.

The Pretreatment Coordinator, or his/her designee will document all site inspections using the "Industrial User Inspection Form". A copy of this form is included in this section. The inspection form includes information regarding the general facility, wastewater treatment facilities and equipment, monitoring and recordkeeping procedures, sludge generation, handling and disposal and chemical/hazardous waste storage areas.

McCREARY CO. WATER DISTRICT

INDUSTRIAL USER SELF MONITORING REPORT FORM

Company Name _____ Lab. _____
 Contact _____ Reporting _____
 Phone Number _____ Month _____

ANALYTICAL RESULTS

FREQ.	PARAMETER	UNIT	LIMITS		RESULTS		ANALYTICAL	SAMPLE
			Mon Avg	Daily Max	Mon Avg	Daily Max	METHODS	PRESERV.
Continuous	Flow	gpd		REPORT				
		S.U.						
		mg/L						
		mg/L						
		mg/L						
		mg/L						
		mg/L						
		mg/L						
		mg/L						
		mg/L						
		mg/L						

SAMPLING INFORMATION

TYPE	TIME	DATE	SAMPLED BY	LOCATION
Time Composite				
Flow Proportional Comp				
Grab (s)				
Special Conditions				

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signed _____
Title _____ **Date** _____

This report must be submitted no later than the **15th day** of the month following the month during which analysis is required. Report forms must be submitted with a copy of the laboratory data sheets to: **Cynthia Leasor, Pretreatment Coord., Hall Environmental Consultants, 1376 Danville Loop 1 Road, Nicholasville, KY 40356.**

McCreary County Water District

P.O. Box 488

Whitley City, Kentucky 42653

INDUSTRIAL USER INSPECTION REPORT

General Inspection Information

Facility Name: _____

Date of Inspection: _____

Time of Inspection: _____

Inspector: _____

Type of Inspection:

Scheduled [] Unscheduled [] Demand []

Did the previous inspection identify any deficiencies?

Yes [] No [] N/A []

Has the IU corrected these deficiencies?

Yes [] No [] N/A []

Persons present during the inspection:

Name

Title

Representing

_____	_____	_____
_____	_____	_____
_____	_____	_____

Pre-Inspection Checklist

Renewal date of permit? _____

Any changes needed in permit?

Yes [] No [] N/A []

Are periodic compliance reports submitted on time?

Yes [] No [] N/A []

Has a BMR been submitted?

Yes [] No [] N/A []

Type of flow:

Process [] Total []

Continuous [] Batch []

Have NOV's been issued to the industry recently?

Yes [] No [] N/A []

Is this industry currently under enforcement action?

Yes [] No [] N/A []

Comments: _____

General Facility Information

Industry Name: _____

Site Address: _____

City: Shepherdsville State: KY Zip Code: 40165

Contact: _____ Phone Number: _____

Industry Type: _____

SIC Code(s): _____

Permit Type: _____ Industrial User Permit: General Permit:

Categorical: Yes No Category Name: _____

Work days per week: _____ Hours of Operation per day: _____

Changes since last inspection: _____ Production level _____

Raw Materials _____

Process Type _____

Did the facility report these changes to POTW? Yes No N/A

Are there any planned changes to the site? Yes No N/A

If so, will there be any effect upon wastewater: _____

volume? Yes No N/A

characteristics? Yes No N/A

Comments: _____

Pretreatment Facility

Does this IU treat process wastewater prior to discharge to the POTW?

Yes [] No []

Description of wastewater pretreatment :

Were all Pretreatment units in operation during the inspection?

Yes [] No [] N/A []

If no, explain:

Was the Pretreatment area clean and equipment maintained?

Yes [] No [] N/A []

If no, explain:

Condition of the effluent :

Clear Murky_ Oily Sheen

Other:

Any evidence of dilution of wastestream?

Yes [] No [] N/A []

Any evidence of bypass potential?

Yes [] No [] N/A []

Has the system experienced any upsets in the past year?

Yes [] No [] N/A []

If yes, explain:

Monitoring and Reporting

- | | |
|--|---|
| Is self-monitoring required for this facility? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] N/A [<input type="checkbox"/>] |
| Is the correct sampling location being utilized? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] N/A [<input type="checkbox"/>] |
| Is the required sampling frequency being followed? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] N/A [<input type="checkbox"/>] |
| Are the correct sample types being utilized? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] N/A [<input type="checkbox"/>] |
| Is the Chain of Custody being maintained? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] N/A [<input type="checkbox"/>] |
| Are 40 CFR 136 analytical methods being used? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] N/A [<input type="checkbox"/>] |

Name of Laboratory used : _____

- | | |
|--|---|
| Were all records available for inspection? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] N/A [<input type="checkbox"/>] |
| Are all records maintained for at least 3 years? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] N/A [<input type="checkbox"/>] |
| Are samples taken during process discharges? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] N/A [<input type="checkbox"/>] |
| Were all sampling results reported? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] N/A [<input type="checkbox"/>] |
| Were all violations reported within 24 hours? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] N/A [<input type="checkbox"/>] |
| Were any unusual flows reported? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] N/A [<input type="checkbox"/>] |
| Were any unusual discharges reported? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] N/A [<input type="checkbox"/>] |
| Were all upsets reported within 24 hours? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] N/A [<input type="checkbox"/>] |

Comments :

TABLE A

MCWD PRETREATMENT PROGRAM

Monitoring Frequencies and Parameters

INDUSTRIAL FLOW VOLUME	UNSCHEDULED MONITORING	SCHEDULED MONITORING	SELF-MONITORING
Flow <2,500 gpd	None	None	None
Flow 2,500 - 10,000 gpd	Semi-Annual	Annual	None
Flow 10,000 - 25,000 gpd	Monthly - Quarterly	Semi-Annual	None
Flow >25,000 gpd	Weekly	Quarterly/Semi-Annual	None

TABLE B

MCWD PRETREATMENT PROGRAM

Regulated Pollutants for Industry Types

INDUSTRY TYPE	REGULATED POLLUTANTS
Apparel & Textile Products	pH, CBOD, TSS, NH ₃ -N, O&G(T), Phosphorus (T)
Chemicals & Allied Products	Volatile & Semi-volatile organics
Electrical & Electronic Products	pH, Cd, Cr, Cu, Hg, Pb, Ni, Ag, Se, Mo, Zn, O&G(TPH)
Food (Human, Animal, Dairy) and Related Products	pH, CBOD, TSS, NH ₃ -N, Phosphorus, COD, O&G(T), TKN, Total Nitrogen
Hospitals & Related Healthcare	pH, CBOD, TSS, NH ₃ -N, Ag, Hg, O&G(T), Phenols, Phosphorus(T)
Metal Casting/Forming	pH, Cd, Cr(T), Cr VI, Cu, Pb, Ni, Ag, Se, Mo, Zn, CN(A), Volatile & Semi-volatile Organics, Phenols, TPH, COD, CBOD, TSS, Phos(T)
Metal Finishing	pH, Cd, Cr(T), Cr VI, Cu, Pb, Ni, Ag, Se, Mo, Zn, CN(A), Volatile & Semi-volatile Organics, Phenols, TPH, COD, CBOD, TSS, Phos(T)

Section V

Program Implementation Procedures

SECTION V

PROGRAM IMPLEMENTATION PROCEDURES

SECTION V - PROGRAM IMPLEMENTATION PROCEDURES

INTRODUCTION

The General Pretreatment Regulations outlined by the EPA in 40 CFR 403.8 describe the procedures necessary for an effective and efficient pretreatment program. Specifically, the District must have procedures to identify and locate all possible SIUs, obtain information describing the character and volume of wastewater discharged by industrial users, review self-monitoring reports and other compliance data, randomly sample and analyze discharges, conduct on-site inspections, investigate instances of noncompliance with pretreatment standards and requirements, and comply with public participation requirements.

The procedures used by the District in implementing the MCWD Pretreatment Program are easy to understand for all SIUs, the public, and WWTP staff personnel. The procedures are flexible and will allow appropriate responses to various operating situations. The following paragraphs outline these implementation procedures and describe them briefly.

PROGRAM IMPLEMENTATION

Industrial Waste Survey Update

Up-to-date information is essential for determining the nature and quantity of wastes entering the sanitary sewer system and for scheduling pretreatment activities and allocating resources to meet changing program needs.

Therefore, in order to gather information on new industrial users and maintain current data on existing facilities, the District will require that all new industries complete an "Industrial User Permit Application" at least sixty (60) days prior to commencement of discharge. All existing SIUs must complete this application upon renewal of their Industrial User Permits. The permits will expire each year, thus providing an annual update of the Industrial Waste Survey/Application.

Since the District provides all water and sewer service throughout the service area, communication with other departments for water and sewer taps and building permit information will be easily obtained. The District will also communicate closely with the local Industrial Board to obtain listings of new industrial facilities.

The Industrial User Permit requires notification of changes in industrial processes, wastewater discharges, ownership, etc. In addition, ongoing inspection and monitoring activities by WWTP personnel will provide for continually current information.

Notification of Applicable Pretreatment Standards and Requirements

The District is responsible for being up-to-date on all federal pretreatment standards and applicable requirements under the Clean Water Act and the General Pretreatment Regulations. The District is also responsible for notifying any industrial user that may be affected by existing or newly promulgated state and/or federal standards and requirements.

In order to stay abreast of the status of all applicable standards and regulations, the District's Pretreatment Consultant will be contacted periodically. This consultant has access to Federal Register notices, state and EPA Pretreatment officials and EPA training and will inform the Pretreatment Coordinator of any new and/or changing regulations as much in advance as possible.

Pretreatment Program personnel will notify industrial users of new and/or changed regulations on an as-needed basis through the use of permit modification and reissuance, individual letters to pretreatment contacts, and telephone calls. Where notices or permits are mailed to the facility, certified mail may be used to verify receipt. A telephone log will be used to record verbal notifications made in this manner.

Review of Compliance and Self-Monitoring Reports

The District's compliance monitoring reports form the basis of the District's compliance

program by providing information on an industrial user's discharge and its compliance with federal, state and local pretreatment standards, limitations and other requirements. In conjunction with this, self-monitoring provides an effective means of controlling industrial wastewater discharges since the industrial user is providing analytical data collected by it's own personnel and cannot dispute the manner in which the sampling was performed.

A process flow diagram of a typical review process is shown in Figure I of this section. It indicates how both self-monitoring reports and District compliance monitoring results are received and logged, then compared to the user's permit limits, and referred for enforcement action when necessary. Following review, the reports are filed in the appropriate SIU's pretreatment file.

Due to the small size of the MCWD Pretreatment Program at this time, data management will be manual with the option of computerization in the future, if necessary.

Investigation of Noncompliance

Various instances of noncompliance are likely to occur throughout the implementation of the MCWD Pretreatment Program. Such violations will be detected primarily through the review of District sampling and compliance reports, inspection activities, sampling at the WWTP and complaints from the public. The WWTP personnel must conduct procedures to quickly investigate and properly respond to any and all violations as they occur.

For this reason, the Enforcement Response Plan (ERP) was written and adopted by the District. The ERP classifies all violations into three basic types:

- An emergency situation that reasonably appears to present a danger to the environment, WWTP operations, and/or the environment; and,
- A non-emergency situation where the discharge presents a danger to the environment or to WWTP operations; and,
- A non-emergency situation where the SIU fails to comply with sampling, reporting,

recordkeeping, and other requirements but there is no harm to the environment and/or WWTP.

The District must be capable of resolving each of these types of violations in an efficient, effective and equitable way. The ERP was prepared as a guide for the Pretreatment Coordinator to ensure that this occurs. This guide is designed to outline the appropriate response(s) to each potential violation that might occur.

The ERP also outlines the criteria to be used to classify violations according to the three types listed above. Procedures for notifying the SIU of non-compliant incidents are listed along with the methods to be used in allowing the SIU to respond to the notification. Escalating enforcement responses are outlined to ensure that the SIU remedies the violation(s) as quickly as possible to the satisfaction of the District.

Inspection Entry Procedures

The Pretreatment Coordinator will review the District's files prior to conducting the SIU inspection and will document each inspection using the inspection form provided in Section IV of this document. The completed form shall then be filed in the appropriate SIU's pretreatment file. Regarding entry procedures, if an SIU denies the inspector entry to the facility, the inspector will report such refusal to the District Manager/Superintendent and the District's Attorney will be notified. The attorney will obtain a search warrant from the McCreary Circuit/District court and the inspector shall then return to the SIU and conduct the inspection. Any enforcement actions found to be necessary as a result of the inspection will be taken by the Pretreatment Coordinator as outlined in the Enforcement Response Plan (ERP).

Public Participation Activities

The District will use public participation activities to build effective working relationships with all industries and educate the entire community on the benefits and work of the Pretreatment Program. This participation began with the development of this program and will continue after its implementation is underway. Such activities will establish

constructive relationships with both industrial users and the general public.

Public activities during program development included a hearing held as part of the District's adoption of the Sewer Use Rules and Regulations. During this hearing, all members of the public were allowed to comment on the tariff and the discharge limitations and ask questions. The District also notified all industrial users of the development of the discharge limitations and notification is also conducted whenever those limitations are modified.

Another public participation activity involves public notification of significant noncompliance (SNC). The District will publish the names of all SIUs that are identified in Significant Noncompliance (SNC) on an annual basis as required by 40 CFR 403. This publication will be made in the first calendar quarter of each year and will include all SNC for the previous year. The publication will be run in the largest daily newspaper with circulation in Whitley City. If there is no newspaper with daily circulation, the District may issue the publication in the largest local newspaper.

Members of the public will have access to all documents and files not regarded as confidential that are a part of the MCWD Pretreatment Program. These files will be kept at the District's main office and will be available for viewing and copying during office hours. All effluent sampling results shall be regarded as public record.

If an industry requests in writing that the permit application be kept confidential, this information will not be available for public review. In the event that any member of the public requests a copy of a permit application marked as confidential, the Pretreatment Coordinator shall then obtain an opinion from the Office of the Kentucky Attorney General as to whether or not the document constitutes material which would be exempt from the Kentucky Open Records Act or other applicable law.

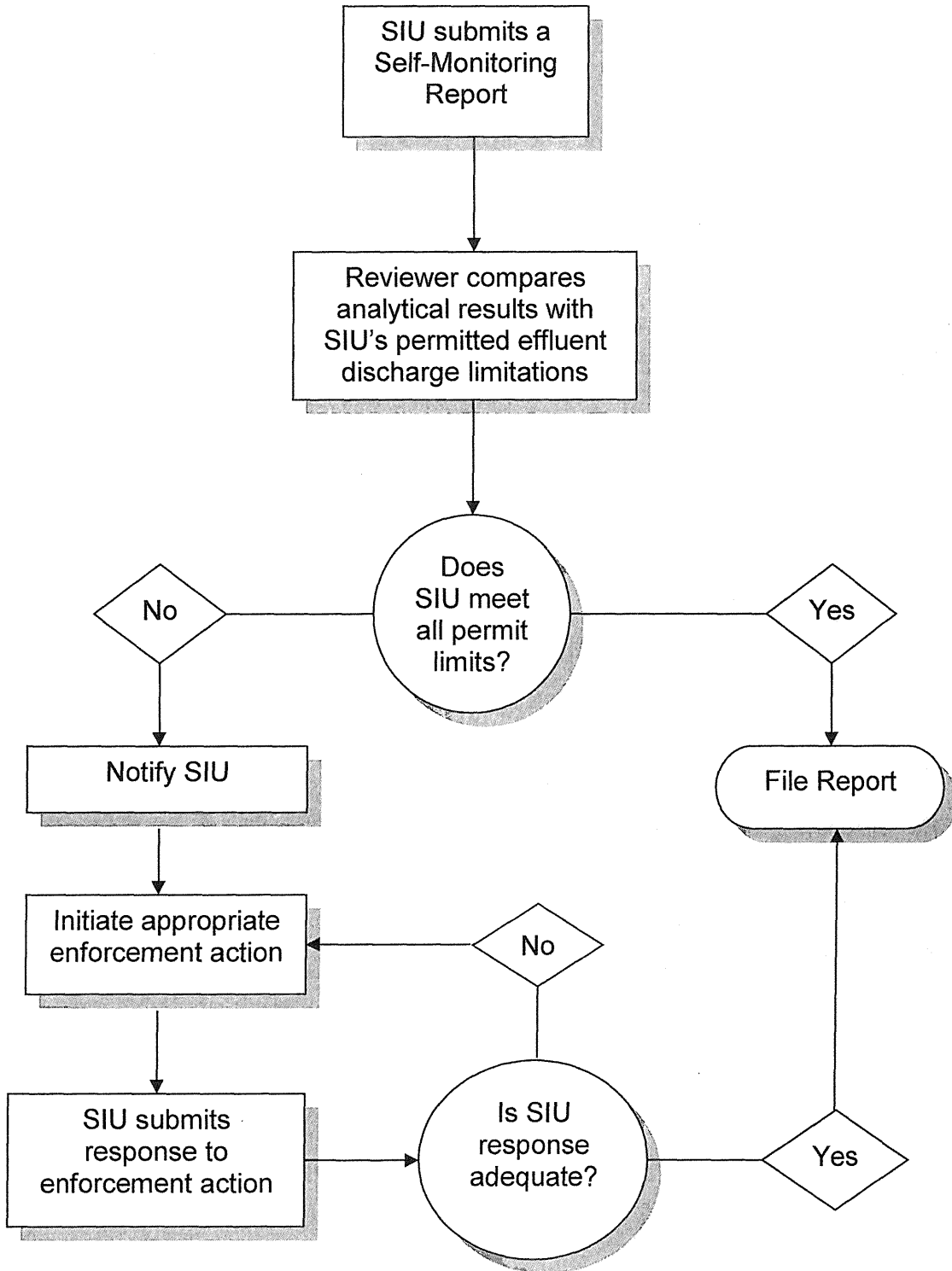
Upon receipt of this written opinion and in the event that the Attorney General finds that the document is not confidential and is within the scope of the Kentucky Open Records Act, then the Pretreatment Coordinator shall be released from any claim by the industry and will release the information to the public. All confidential information will be kept in a

separate, locked file cabinet. Should the Attorney General find that the document is confidential, that information shall not be released to the public, in accordance with the Attorney General's written opinion.

Anyone desiring to view and/or copy any document from the MCWD Pretreatment Program must submit a request in writing to the Pretreatment Coordinator a minimum of ten (10) days prior to the date requested for viewing. This will allow the WWTP staff to make adequate preparations and have someone available to provide assistance.

Figure 1

Review Process for Industrial Self-Monitoring Reports



Section VI

Program Organization, Staffing & Resources

SECTION VI

PROGRAM ORGANIZATION, STAFFING AND RESOURCES

Section VI - Program Organization, Staffing and Resources

INTRODUCTION

In accordance with 40 CFR 403.8(f)(3), the District has appointed sufficient staff and resources to implement the MCWD Pretreatment Program. To ensure that this implementation is effective and efficient, qualified personnel, adequate funding and resources have been organized. The ability to implement a successful Pretreatment Program depends upon these factors perhaps more than any others.

This section describes the WWTP personnel and their assignments as they relate to the MCWD Pretreatment Program. Also included is a description of the Program's organizational structure and lines of authority. Figure II is a flow chart demonstrating this staff organization. The financial programs and revenue sources to be used in funding the program are also discussed in this section.

ORGANIZATION AND STAFFING

The scope of any pretreatment program depends upon a number of inter-related factors. Among these factors are size of the sewage system, number and type of SIUs, and the size and type of treatment provided by the WWTP. The larger the system and/or SIUs, the larger the pretreatment staff should be and vice versa.

For the District, these factors are easily accounted for by the current WWTP staff. The District's present role in operating and maintaining the sanitary sewer system makes it an ideal organization to implement the Pretreatment Program. A stable governmental structure with defined roles for each task is already in place and by merely expanding them slightly, the District can implement an efficient and effective pretreatment program.

The chart displayed in Figure II outlines the organizational structure of the MCWD Pretreatment Program and its lines of authority. It is important that clear lines of authority be structured for efficient implementation of the program. Overlapping of authority is avoided as much as possible to avoid confusion. To this end, certain District and contract personnel have been assigned various tasks to perform as part of the program's

implementation. These staffing assignments are outlined in Figure III of this document.

Each of these assignments will be handled by a staff member familiar with that given task and training will be updated as needed to maintain peak efficiency. Where current staff personnel are unable to accomplish a certain task, a pretreatment consultant is available for immediate assistance. At present, one employee on a full-time basis and a pretreatment consultant on a part-time basis will be available to implement the MCWD Pretreatment Program.

FINANCIAL PROGRAM

Significant industrial users, no matter the size, are users of the WWTP and as such their discharges contribute to both operational, pretreatment program and maintenance costs. In general, the District should look to each SIU to provide its proportionate share of these costs. Additionally, in accordance with the loan agreement that is a part of the WWTP's SRF funding, the WWTP must surcharge SIUs when their discharges exceed the limits for compatible pollutants contained in the District's Sewer Use Rules and Regulations.

As specified in the Sewer Use Ordinance, charges and fees to the SIUs are required for the recovery of costs for the implementation of the Pretreatment Program. These charges and fees are outlined in the Ordinance. On this basis, all direct costs incurred by the District to implement and administer the Pretreatment Program will be billed to each regulated SIU.

An estimate of the annual expenses for implementing and administering the MCWD Pretreatment Program based on the presence of one (1) SIU is contained in Figure IV. This estimate will vary with time since new SIUs may be added in the future. Expenses will also fluctuate as personnel at both the WWTP and the SIU become increasingly familiar with program implementation. The commercial lab costs incurred by the District as a result of any sampling that is necessary will be billed to the SIU(s) that were sampled.

Revenue generation, as stated previously, will occur through the billing of each SIU for its share of direct costs and through surcharging. Permit fees may also be assessed prior

to issuance or reissuance of Industrial User Permits. Other costs, i.e., emergencies, spills, etc., shall be recovered through administrative fines, direct billing and/or court action.

The MCWD Board has declared its intention to provide adequate funding, through the District's budget, to implement and administer the Pretreatment Program in accordance with all federal and state regulations. The District's budget is adopted annually and the Pretreatment Program will be included as a part of that budget.

EQUIPMENT

The WWTP is equipped to continuously monitor its effluent discharge to the receiving stream for all parameters required by the KPDES Permit. Most of the equipment to be used by the Pretreatment Program is already available at the WWTP and will not have to be purchased prior to implementation. Any additional equipment can be purchased as necessary. A commercial lab is also available for collection and/or analysis of samples collected at each SIU.

Figure V is a list of the equipment needs that will meet the basic inspection and sampling requirements of the Program. Portable samplers, weirs and flow meters will be rented from a commercial lab specializing in the use of such equipment. In fact, much of the equipment listed in Figure V may prove not to be necessary should a commercial lab be used to collect, preserve and analyze samples.

Analyses of heavy metals will be performed by a commercial lab using an ICP unit and/or Mass Spectrometer (ICP/MS). Analyses of volatile and semi-volatile organics will be performed by a commercial lab using a Gas Chromatograph/Mass Spectrometer (GC/MS). The commercial lab will be required to perform all analyses in accordance with 40 CFR 136. Analyses for conventional pollutants will be performed by a contract lab. Any analyses performed by WWTP personnel will occasionally be verified by using a commercial lab to provide QA/QC.

FIGURE II

Organization Chart MCWD Pretreatment Program

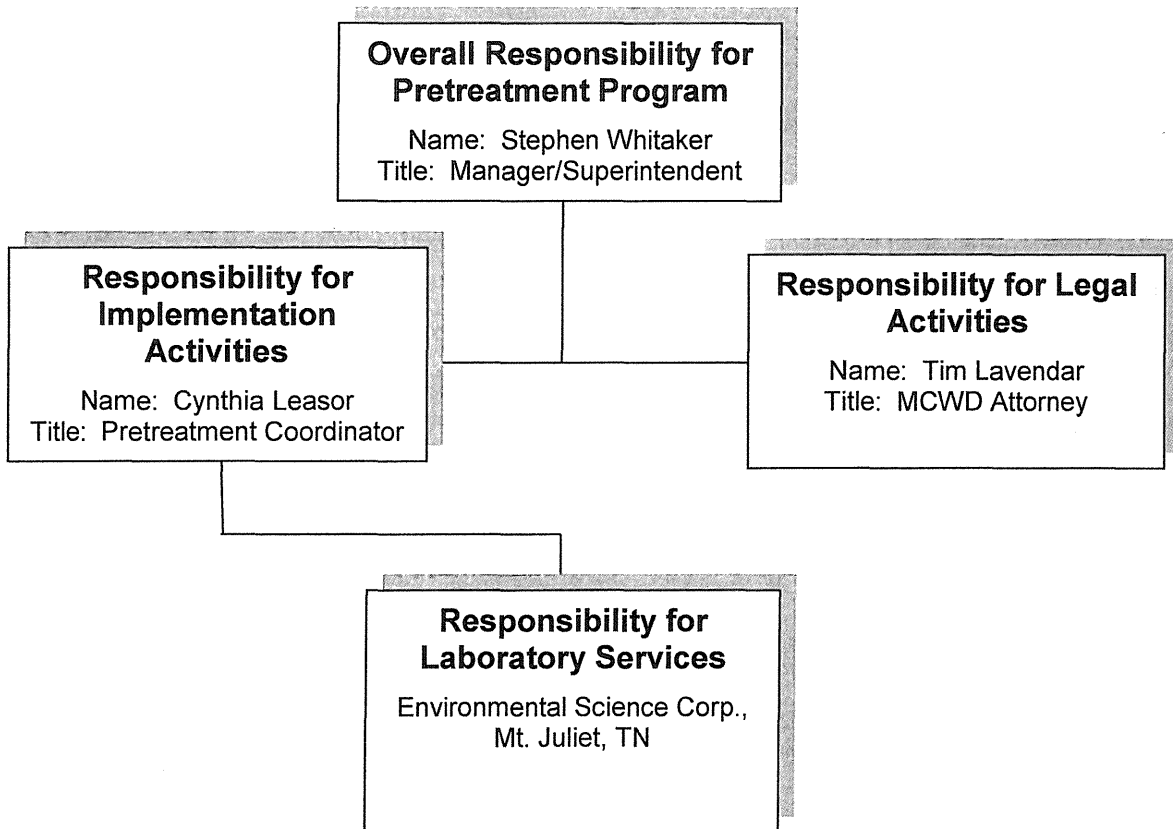


FIGURE III

Staff Assignments

District Manager/Superintendent

- Oversight of all enforcement activities
- Ultimate authority to enforce, modify and review Sewer Use Ordinance
- Respond to Open Records requests
- Obtain search warrants and injunctions when necessary

Pretreatment Coordinator / District Manager/Superintendent

- Receive notifications of slug loads or accidental spills
- Review Industrial Users Permits
- Review Local Limits
- Maintain Pretreatment Program equipment

Pretreatment Consultant

- Notify Industrial Users of applicable standards, local limits, reporting requirements, new and/or changed pretreatment regulations
- Update and maintain Industrial Waste Survey
- Maintain data management system
- Review Industrial Users' Self-Monitoring Reports
- Prepare Annual Pretreatment Program Report for DOW
- Review and make modifications to Sewer Use Rules and Regulations
- Identify Categorical and Significant Industrial Users
- Develop, receive and/or review compliance schedules
- Prepare Industrial User Permits
- Conduct Industrial User inspection activities as needed
- Investigate incidents of noncompliance
- Conduct compliance monitoring activities as needed
- Provide technical assistance in emergency situations and as needed

FIGURE IV
MCWD PRETREATMENT PROGRAM
Estimation of Annual Operating Costs

I. Direct Labor

	Annual Labor Hours	Average Hourly Rate Estimate	Annual Program Cost
Program Mgmt.	120	\$110	\$13,200
Legal	4	\$300	\$1,200
Engineering	8	\$100	\$800
		Subtotal:	\$15,200

II. Other Costs:

	Amount
Commercial Lab	\$8,000
	Subtotal:
	\$8,000
Total Annual Operating Expense Estimate	\$23,200

FIGURE V

MCWD Pretreatment Program Equipment List

Plastic Sample Bottles (500 and 1000 ml)

Portable Sampling Meter for:
pH
Temperature

Grab sample collection kits and storage containers, including coolers

Stainless steel sampling cup for grab samples

Flashlight

Aluminum Ladder

Miscellaneous tools and equipment (including shovel, manhole tool, pipe wrench, crescent wrenches, pick, hammer, tape, etc.)

Ropes & Buckets

First Aid Kit

Cones, Barricades and Flags

Hydrogen Sulfide and Carbon Monoxide Field Test Kit

Reagents for sample preservation (hydrochloric acid, sulfuric acid, etc.)

Coolers for sample transport

Personal Protective Equipment - Hard hats, gloves, boots, face shields, safety glasses, safety vests and other safety equipment

Fire Extinguisher (A.B.D.-type dry chemical)

Other equipment may be rented/purchased as needed