

Owensboro-Daviess County, Kentucky

REGIONAL WATER RESOURCE AGENCY

WASTEWATER SYSTEM USER REGULATION

WHEREAS, it is determined and declared to be necessary and conducive for the protection of the public health, safety, and welfare of the citizens of Owensboro and Daviess County, Kentucky; to protect the facilities of the Regional Water Resource Agency (hereinafter referred to as "Agency") and the operation thereof; and

WHEREAS, this Agency seeks to provide for the use of its wastewater treatment and collection systems without damage to the physical facilities, without impairment of the normal function of collection and treatment of the wastewater discharge by users, and without the release of pollutants into the environment; and

WHEREAS, it is unlawful to dispose of unpermitted waste or otherwise use the wastewater facilities except as in compliance with Federal Standards pursuant to the Clean Water Act and Kentucky State Law and Regulations;

NOW, THEREFORE, BE IT ORDAINED BY THE OWENSBORO-DAVIESS COUNTY, KENTUCKY REGIONAL WATER RESOURCE AGENCY AS FOLLOWS:

ARTICLE I

Section 1. Purpose.

This regulation provides the Agency with uniform requirements governing the connection to, and the contribution of, wastewater to Agency facilities through the issuance of permits to both domestic and non-domestic users; authorizes monitoring and enforcement activities, and allows the Agency the latitude to administer adequate penalties to users who violate provisions herein.

Section 2. Definitions.

Unless the context specifically indicates otherwise, the meanings of the terms used in this regulation shall be:

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

Agency: Regional Water Resource Agency.

Agency Facilities: Any structure, appurtenance, wastewater collection system line, lift station, wastewater treatment equipment, or any other part of the wastewater system owned by the Regional Water Resource Agency.

Authorized Industrial User Representative: A designated representative from an Industrial User authorized to act on the Industrial User's behalf, as per 40 CFR, part 403.

Baseline Monitoring Report (BMR): A report submitted by Categorical Industrial Users, as per 40 CFR, part 403.

BOD or Biochemical Oxygen Demand: The measure of decomposable organic

material in domestic or industrial wastewaters as represented by the oxygen utilized over a period of five (5) days at twenty (20) degrees Celsius and as determined by the appropriate procedure in "Standard Methods."

Building Drain: That part of the lowest horizontal piping of a private, commercial or industrial drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the wastewater service connection, beginning five (5) feet outside the inner face of the building wall.

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.

Categorical User: An Industrial User, subject to categorical pretreatment standards.

Combined Sewer: A sewer receiving both surface runoff and wastewater.

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).

Dilute Wastestream: Boiler blow down, sanitary wastewater, non-contact 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.

Direct Discharge: The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Kentucky.

Discharger. Any person, business, industry or entity that discharges or causes a discharge to a public sewer.

Domestic Wastewater. The water-carried wastes produced from noncommercial and non-industrial activities and which result from normal human living processes.

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

Effluent. The liquid outflow of any facility designed to treat, convey or retain wastewater.

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.

Executive Director (or their designee): The person designated by the Agency (or person so designated to act on behalf of the Director in their absence) to supervise the operations of the wastewater system, and who is charged with certain duties and responsibilities by this regulation.

Flow Recorder. A device installed on a customer's wastewater discharge line in such a manner as to accurately determine the wastewater flow entering the sanitary or combined sewer system.

Flow Weighted Averaging Formula (FWA): A procedure used to calculate alternative limits for a categorical pretreatment standard, where regulated and non-regulated wastestreams combine after treatment, but prior to the monitoring point as defined in 40 CFR 403.

Garbage: Animal and vegetable waste resulting from the handling, preparation, cooking and serving of food in home kitchens, stores, markets, restaurants, motels,

hotels and other places where food is stored, prepared or served. Specifically excluded are food processing wastes from canneries, slaughterhouses, packing plants and similar industries.

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).

Industrial User: A user who is the owner of record, the lessee, sublessee, licensee, permittee or other person in possession of real property used as a manufacturing or processing establishment or a commercial or industrial operation which contributes wastewater to the Agency treatment facilities.

Industrial Wastewater: All water-carried wastes and wastewater of the community excluding domestic wastewater and uncontaminated water, and shall include all wastewater from any producing, manufacturing, processing, institutional, commercial, agricultural or other operation where the wastewater discharged includes significant quantities of wastes of nonhuman origin.

Interference: A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (2) Therefore is a cause of a violation of any requirement of the Agency's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of wastewater 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 Clear Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Interceptor. A device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal waste, which permits normal wastewater, or liquid waste to discharge into the wastewater system by gravity. Interceptor as defined herein is commonly referred to as "grease, oil and sand" interceptor.

May: This is permissive (see "shall").

Mg/l: Milligrams of a material per liter of liquid.

Natural Outlet. Any gravity flow outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

New Source: Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307 (c) of the Act, which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, 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 or pollutants at an existing source; or
- (c) The production or wastewater generating processes of the building, structure, facility, or installation is substantially independent of an existing source at the same site. 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 when a determination is made concerning the substantial independence from the existing source.

Parameter: A component or property of wastewater that places an identifiable demand on the wastewater system.

Pass through: A discharge which exits the wastewater treatment facilities into the environment 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 Agency's NPDES permit (including an increase in the magnitude or duration of a violation).

Person: Any individual, partnership, committee, association, corporation, public agency, firm, company and any other organization or group or persons, public or private.

pH: The reciprocal of the logarithm of the hydrogen ion concentration that is the weight of hydrogen ions in grams per liter of solution.

Pollutant: Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical, wrecked or discharged equipment, rock, sand,

cellar dirt and industrial, municipal, and agricultural waste discharged into water.

Pretreatment Coordinator: A representative of the Agency who works with the industrial users to coordinate and implement the Agency's industrial pretreatment program.

Private Water System: Water from sources other than a public water system.

Private Wastewater Disposal System: A septic tank, package treatment plant, or any other non-Agency facility designed to process wastewater.

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 one-half inch in any dimension.

Public Sewer: Any sewer dedicated to public use and whose use is controlled by the Agency.

Publicly Owned Treatment Works (POTW): Used as a reference to any Agency Treatment Facility.

Public Wastewater System: See "Wastewater Facilities".

Sanitary Sewer: A sewer which carries domestic and/or industrial wastewater and to which stormwaters, surfacewaters and groundwaters are not intentionally admitted.

Sewer: A pipe or conduit for carrying wastewater.

Shall: Is mandatory (see "May").

Significant Industrial User (SIU): All Categorical Industrial Users; any non-categorical industrial discharges of 25,000 gallons per day or more of process wastewater, or contributes a process wastestream which makes up five percent (5%) or

more of the average dry weather hydraulic or organic capacity of the treatment plant, or has a reasonable potential, in the opinion of the Agency to adversely affect plant operation, receiving water, or the environment.

Slug Discharge or Load: Any pollutant (including Biochemical Oxygen Demand and Suspended Solids) released in a discharge at a flow rate or concentration that will cause interference or damage the operation of Agency facilities.

Standard Methods: The current edition of "Standard Methods for the Examination of Water and Wastewater" as published by the American Public Health Association.

State: Commonwealth of Kentucky.

Storm Drain (sometimes termed, "storm sewer"): A pipe or conduit for carrying storm and surface water drainage, but excludes any domestic or industrial wastewaters.

Stormwater: Water that enters inlets or drains connected to storm or combined sewers following wet weather events.

Surcharge: A charge for services in addition to the basic wastewater user and debt service charges, for those users whose contributions contain Biochemical Oxygen Demand (BOD), Suspended Solids (TSS), or any other parameter in concentrations that exceed limits specified herein for such pollutants. Where permitted by the Agency, 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): The insoluble solid matter suspended in wastewater that is separable by laboratory filtration in accordance with the procedure described in "Standard Methods".

Toxic Pollutant: Any pollutant or combination of pollutants listed as toxic in

regulations promulgated by the administrator of EPA under provisions of the Clean Water Act 307(a) or any amendments thereto.

Unregulated Wastestream: A wastestream that is not regulated by National Categorical Pretreatment Standards.

Upset: Disruption in the wastewater system caused by interference (as defined herein).

User: An owner or occupant, whether private, governmental or otherwise, of a unit, building, premises or lot in the Agency service area who is responsible for payment of metered water charges or who contributes to the wastewater system from sources other than those of public water.

Wastewater: The water-carried wastes of the community derived from human or industrial sources, including both domestic and industrial wastewater. Rainwater, groundwater or drainage of uncontaminated water is only a constituent of wastewater in a combined sewer system.

Wastewater Discharge Permit: A permit issued by the Agency to industrial users that authorizes discharges to Agency facilities, as set forth in this regulation.

Wastewater Facilities (System): Any and all Agency facilities used for collecting, conveying, pumping, treating and disposing of wastewater.

Wastewater Service Line: The sewer that extends from a property, building, or facility to the wastewater system sewer tap. The construction and maintenance of the wastewater service line shall be the responsibility of the property owner.

Wastewater System Sewer Tap: The sewer that extends from the sewer main to a right-of-way or property line.

Wastewater Treatment Plant: Any arrangement of devices and structures used for treating wastewater.

Watercourse: A channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II

Section 1. Connection to Agency wastewater facilities required.

- (a) It shall be unlawful for any person to place, deposit, or permit to be deposited, any pollutant or other objectionable waste in an improper or unsanitary manner on public or private property within the jurisdiction of the Agency, except as in compliance with the provisions of this regulation and applicable state and federal laws.
- (b) It shall be unlawful to discharge to any natural outlet in any area under the jurisdiction of the Agency, any wastewater or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this regulation.
- (c) Except as hereinafter provided, it shall be unlawful to construct or maintain facilities intended or used for the disposal of wastewater within the Agency's service area, without review and approval of the Agency or its representative.
- (d) The owner of all houses, building or properties used for human occupancy, employment, recreation or other purposes, situated within the Agency

service area and abutting on any right-of-way or easement in which there is now located or may in the future be located a public wastewater system of the Agency, is hereby required at owner's expense to install suitable toilet facilities therein, and to connect such facilities directly to proper public sewers in accordance with the provisions of this regulation, within ninety (90) days after date of official notice to do so.

ARTICLE III

Section 1. Wastewater System Connection, Permitting, and Fees.

- (a) No person shall uncover, make any connections with or opening into, use, alter or disturb any public sanitary or combined sewer or appurtenance thereof without first obtaining permission from the Agency.
- (b) It shall be necessary for a licensed and bonded plumber representing the property owner to notify an Agency representative, and provide at least ten (10) days notice prior to intention to connect to the public wastewater system. Such notice shall be in the form of an application for a wastewater discharge permit. It shall be the duty of said representative to notify the permittee, at the time of issuance of the permit, the location at which the wastewater service connection is to be made.
- (c) All materials used for construction of connections to the wastewater system shall be in accordance with current Agency-approved ASTM standards.
- (d) All wastewater system connections will be installed so as to meet or exceed

the most current revision of the State Plumbing Code.

- (e) A separate and independent wastewater service connection shall be provided for every building. Where existing building locations and other physical features make this an unusual hardship and may prevent resolution of an undesirable wastewater problem, the Agency or its designee may approve exceptions; such exceptions to be in writing as part of the permit and recorded for future reference.
- (f) Old wastewater service connections may be used for new buildings only when they are found on examination by an Agency representative to meet all requirements of this regulation and be in sound and unobstructed condition.
- (g) There shall be three (3) types of wastewater discharge permits that may be issued by the Agency:
 - (1) Residential or commercial service (Article III, Section 1);
 - (2) Vehicle-transported waste hauler (Article IV, Section 2); and
 - (3) Industrial discharge permits (Article V)

The owner or their agent shall make application to the Agency for the appropriate wastewater discharge permit. The permit application shall be supplemented by any plans, specifications or other information considered pertinent by the Agency. Permit fees and connection charges as established by the Agency shall be paid prior to permit approval and wastewater system connection.

- (h) It shall be necessary for permit applicants to obtain and file a bond with corporate surety to be approved by, and in the amount to be fixed, by the Agency or its representative, prior to acquiring permits, in order to insure that the permittee shall satisfy the requirements as set forth in Article III, Section 2(c) of this regulation. The bond shall be for a period of three years, and shall be renewed on an annual basis.
- (i) The Agency shall establish a wastewater system connection fee. The connection fee shall offset the costs of administering Agency functions, which includes but is not limited to, maintaining customer records for billing purposes, recording and mapping locations for wastewater system connection, providing wastewater system information and connection location to contractors, developers, and property owners, and the inspection of connections to the wastewater system, etc. This fee shall be assessed for all new wastewater system connections, whether or not a wastewater system sewer tap exists.
- (j) The Agency shall establish a fee for properties requiring the installation of a wastewater system sewer tap. The fee shall be adequate to cover the installation costs of the tap from the sewer main to the right-of-way or property line, and shall be in addition to the wastewater system connection fee outlined previously in item (i) of this section. Said installation shall be performed by the Agency or its designated representative.
- (k) The Agency may establish fees and/or surcharges for areas that require new or expanded wastewater services. These fees and/or surcharges will

offset costs to provide service to those areas.

Section 2. Installation, inspection, and repair costs.

- (a) The applicant must contact the Agency prior to the physical connection of the property's wastewater service line to the wastewater system sewer tap. This connection shall be made under the supervision or authorization of the Agency. All connections shall be tested according to Agency-approved guidelines.
- (b) All costs and expenses associated with the installation and connection to Agency facilities shall be the responsibility of the owner or applicant. The owner shall indemnify the Agency for any loss or damage that may be directly or indirectly be resulting from the installation of, or connection to, Agency facilities.
- (c) Permit applicants shall replace, backfill, or reconstruct, in accordance to Agency standards and specifications, any disturbed properties which may include, but are not limited to, openings or cuts in any sidewalk, grass plot, or other public way which becomes necessary in order to connect to Agency facilities. All costs associated with said replacement shall be the responsibility of the applicant.
- (d) The owner or applicant shall insure that all excavations for repair or connection to Agency facilities shall be adequately guarded with barricades and/or any other safety devices necessary to protect the public.
- (e) In the event it should become necessary to make a cut in a public street in

order to repair a wastewater system sewer tap, the Agency or its representative at the specific request of the plumber shall, after a reasonable notice, perform the necessary work and charge the plumber based upon a time and material cost. Street surface repair costs will also be the responsibility of the plumber requesting the wastewater service connection repair.

Section 3. Inflow sources prohibited.

- (a) Connection of roof, foundation, inlet, or any other drains (whether connected directly or indirectly) or any other intentional source of stormwater, surface water runoff, or groundwater inflow to Agency sanitary sewers is prohibited.
- (b) Wastewater service lines serving structures which have been demolished or otherwise destroyed shall be disconnected at or near the right-of-way or easement line and sealed as approved by a representative of the Agency to prevent water, dirt, etc., from entering the public wastewater system.

Section 4. Easement Restrictions.

The Agency shall prohibit the placement of any permanent structures on Agency easements. Any non-permanent structures (i.e., fences, storage buildings, etc.) or vegetation (i.e., trees, shrubs, flower beds, etc.) placed on Agency easements are placed on said easement at the risk of the property owner. Any damage to such structures or vegetation due to sewer failure, sewer repair work, or other sewer-related problems are

not the responsibility of the Agency. Replacement costs are also the responsibility of the property owner.

ARTICLE IV

Section 1. Private Wastewater Disposal.

- (a) Where public wastewater service is not available, the Agency may allow connection to a private wastewater disposal system complying with the requirements of the Agency or the Daviess County Health Department and with the provisions of this regulation.
- (b) At such time as public wastewater service becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public wastewater system within ninety (90) days after notification by the Agency and in compliance with this regulation. The private wastewater disposal facility shall be abandoned and filled with suitable material, or removed, in accordance with requirements of the Daviess County Health Department, the Regional Water Resource Agency, or any future agency of jurisdiction.
- (c) The owner shall operate and maintain the private wastewater disposal facility in a sanitary manner at all times, at no expense to the Agency.
- (d) No statement contained in this regulation shall be construed to interfere with any additional requirements that may be imposed by the Daviess County Health Department, the Kentucky Department for Natural Resources and Environmental Protection, or any other state or federal

agency having authority over such matters.

**ARTICLE V – VII Adopted as Regional Water Resource Agency Pretreatment
Regulation**

**ARTICLE VIII Adopted as Regional Water Resource Enforcement Response Plan
and Guide**

Adopted November 2009
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