

OLDHAM COUNTY ENVIRONMENTAL AUTHORITY

SEWER USE REGULATIONS

July 2014



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**OLDHAM COUNTY ENVIROMENTAL AUTHORITY
SEWER USE REGULATIONS**

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SECTION 1—GENERAL PROVISIONS

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94

1.1 Purpose and Policy

95
96

97 These regulations set forth uniform requirements for Users of the Publicly Owned
98 Treatment Works for Oldham County Environmental Authority (OCEA). The
99 regulations are an exercise of OCEA's authority to impose requirements and restrictions
100 on Users to assure proper operation of OCEA's facilities and for it to comply with all
101 applicable State and Federal laws, including the Clean Water Act (33 United States Code
102 U.S.C. section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the
103 *Code of Federal Regulations* CFR Part 403). The objectives of these regulations are:
104

- 105 A. To prevent the introduction of pollutants into the Publicly Owned Treatment
106 Works that will interfere with its operation;
- 107
- 108 B. To prevent the introduction of pollutants into the Publicly Owned Treatment
109 Works that will pass through the Publicly Owned Treatment Works, inadequately
110 treated, into receiving waters, or otherwise be incompatible with the Publicly
111 Owned Treatment Works;
- 112
- 113 C. To protect both Publicly Owned Treatment Works personnel who may be
114 affected by wastewater and sludge in the course of their employment and the
115 general public;
- 116
- 117 D. To promote reuse and recycling of industrial wastewater and sludge from the
118 Publicly Owned Treatment Works;
- 119
- 120 E. To provide for fees for the equitable distribution of the cost of operation,
121 maintenance, and improvement of the Publicly Owned Treatment Works; and
122
- 123 F. To enable OCEA to comply with its National Pollutant Discharge Elimination
124 System permit conditions, sludge use and disposal requirements, and any other
125 Federal or State laws to which the Publicly Owned Treatment Works is subject.
126

127 These regulations shall apply to all Users of the Publicly Owned Treatment Works
128 located in the Service Area. The regulations authorize the issuance of individual
129 wastewater discharge permits; provide for monitoring, compliance, and enforcement
130 activities; establish administrative review procedures; require User reporting; and provide
131 for the setting of fees for the equitable distribution of costs resulting from the program
132 established herein, and impose obligations with regard to all wastewater generated within
133 the Service Area.
134

135 **1.2 Administration**

136

137 Except as otherwise provided herein, the Oldham County Environmental Authority shall
138 administer, implement, and enforce the provisions of these regulations. Any powers
139 granted to or duties imposed upon OCEA may be delegated by OCEA to a duly
140 authorized OCEA employee or contractor.

141

142 **1.3 Abbreviations**

143

144 The following abbreviations, when used in these regulations, shall have the designated
145 meanings:

146

147 BOD – Biochemical Oxygen Demand

148 BMP – Best Management Practice

149 BMR – Baseline Monitoring Report

150 CFR – *Code of Federal Regulations*

151 CIU – Categorical Industrial User

152 COD – Chemical Oxygen Demand

153 EPA – U.S. Environmental Protection Agency

154 gpd – gallons per day

155 IU – Industrial User

156 KPDES – Kentucky Pollutant Discharge Elimination System

157 KSRWWTP – Kentucky State Reformatory Wastewater Treatment Plant

158 mg/l – milligrams per liter

159 NPDES – National Pollutant Discharge Elimination System

160 NSCIU – Non-Significant Categorical Industrial User

161 OCEA – Oldham County Environmental Authority

162 POTW – Publicly Owned Treatment Works

163 RCRA – Resource Conservation and Recovery Act

164 SIU – Significant Industrial User

165 SNC – Significant Noncompliance

166 TSS – Total Suspended Solids

167 U.S.C. – United States Code

168

169 **1.4 Definitions**

170

171 Unless a provision explicitly states otherwise, the following terms and phrases, as used in
172 these regulations, shall have the meanings hereinafter designated.

173

174 **Act or “the Act.** The Federal Water Pollution Control Act, also known as the
175 Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.

176

177 **Approval Authority.** the Kentucky Division of Water.

178

Authorized or Duly Authorized Representative of the User.

(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 OCEA.

Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

Best Management Practices or BMPs. means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs may also include

225 alternative means (i.e., management plans) of complying with, or in place of
226 certain established categorical Pretreatment Standards and effluent limits.

227

228 **Building Drain.** That part of the lowest horizontal piping of a drainage system
229 which receives the discharge from soil, water, and other drainage pipes inside the
230 walls of the building and conveys it to the building sewer, beginning five (5) feet
231 outside the inner face of the building wall.

232

233 **Building Sewer.** The extension from the building drain to the public sewer or
234 other place of disposal; also called a "house connection."

235

236 **Building Sewer Permit.** As set forth in "Building Sewers and Connections"
237 (Section 4.9).

238

239 **Categorical Industrial User.** An Industrial User subject to a categorical
240 Pretreatment Standard or categorical Standard.

241

242 **Categorical Pretreatment Standard or Categorical Standard.** Any regulation
243 containing pollutant discharge limits promulgated by EPA in accordance with
244 sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific
245 category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts
246 405-471.

247

248 **County.** Oldham County Kentucky

249

250 **Chemical Oxygen Demand or COD.** A measure of the oxygen required to
251 oxidize all compounds, both organic and inorganic, in water.

252

253 **Control Authority.** The Oldham County Environmental Authority

254

255 **Daily Maximum.** The arithmetic average of all effluent samples for a pollutant
256 collected during a calendar day.

257

258 **Daily Maximum Limit.** The maximum allowable discharge limit of a pollutant
259 during a calendar day. Where Daily Maximum Limits are expressed in units of
260 mass, the daily discharge is the total mass discharged over the course of the day.
261 Where Daily Maximum Limits are expressed in terms of a concentration, the
262 daily discharge is the arithmetic average measurement of the pollutant
263 concentration derived from all measurements taken that day.

264

265 **Domestic Wastewater.** The water-carried wastes produced from non-
266 commercial or non-industrial activities and which result from normal human
267 living processes.

268

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

270

271 **Environmental Protection Agency or EPA.** The U.S. Environmental Protection
272 Agency or, where appropriate, the Regional Water Management Division
273 Director, the Regional Administrator, or other duly authorized official of said
274 agency.

275
276 **Existing Source.** Any source of discharge that is not a “New Source.”
277

278 **Flow Proportional Composite Sample.** Combination of individual samples
279 collected at a defined volume interval so that the composite sample is proportional
280 to the flow of the wastestream at the time of sampling.

281
282 **Grab Sample.** A sample that is taken from a wastestream without regard to the
283 flow in the wastestream and over a period of time not to exceed fifteen (15)
284 minutes.

285
286 **Indirect Discharge or Discharge.** The introduction of pollutants into the POTW
287 from any nondomestic source.

288
289 **Industrial User (IU).** A source of Indirect Discharge.
290

291 **Instantaneous Limit.** The maximum concentration of a pollutant allowed to be
292 discharged at any time, determined from the analysis of any discrete or
293 composited sample collected, independent of the industrial flow rate and the
294 duration of the sampling event.

295
296 **Interference.** A discharge that, alone or in conjunction with a discharge or
297 discharges from other sources, inhibits or disrupts the POTW, its treatment
298 processes or operations or its sludge processes, use or disposal; and therefore, is a
299 cause of a violation of OCEA's KPDES permit or of the prevention of sewage
300 sludge use or disposal in compliance with any of the following
301 statutory/regulatory provisions or permits issued thereunder, or any more stringent
302 State or local regulations: section 405 of the Act; the Solid Waste Disposal Act,
303 including Title II commonly referred to as the Resource Conservation and
304 Recovery Act (RCRA); any State regulations contained in any State sludge
305 management plan prepared pursuant to Subtitle D of the Solid Waste Disposal
306 Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine
307 Protection, Research, and Sanctuaries Act.

308
309 **Local Limit.** Specific discharge limits developed and enforced by OCEA upon
310 industrial or commercial facilities to implement the general and specific discharge
311 prohibitions listed in 40 CFR 403.5(a)(1) and (b).
312

313 **Medical Waste.** Isolation wastes, infectious agents, human blood and blood
314 products, pathological wastes, sharps, body parts, contaminated bedding, surgical
315 wastes, potentially contaminated laboratory wastes, and dialysis wastes.
316

317 **Monthly Average.** The sum of all “daily discharges” measured during a calendar
318 month divided by the number of “daily discharges” measured during that month.

319
320 **Monthly Average Limit.** The highest allowable average of “daily discharges”
321 over a calendar month, calculated as the sum of all “daily discharges” measured
322 during a calendar month divided by the number of “daily discharges” measured
323 during that month.

324
325 **Multi-Unit Sewer Customer.** A location served where there are two or more
326 residential units or apartments, two or more businesses in the same building or
327 complex or where there is any combination of business and residence in the same
328 building or complex.

329
330 **New Source.**

331
332 (1) Any building, structure, facility, or installation from which there is (or
333 may be) a discharge of pollutants, the construction of which commenced
334 after the publication of proposed Pretreatment Standards under section
335 307(c) of the Act that will be applicable to such source if such Standards
336 are thereafter promulgated in accordance with that section, provided that:

337
338 (a) The building, structure, facility, or installation is constructed at a site at
339 which no other source is located; or

340 (b) The building, structure, facility, or installation totally replaces the
341 process or production equipment that causes the discharge of pollutants at
342 an Existing Source; or

343 (c) The production or wastewater generating processes of the building,
344 structure, facility, or installation are substantially independent of an
345 Existing Source at the same site. In determining whether these are
346 substantially independent, factors such as the extent to which the new
347 facility is integrated with the existing plant, and the extent to which the
348 new facility is engaged in the same general type of activity as the Existing
349 Source, should be considered.

350
351 (2) Construction on a site at which an Existing Source is located results in
352 a modification rather than a New Source if the construction does not create
353 a new building, structure, facility, or installation meeting the criteria of
354 Section (1)(b) or (c) above but otherwise alters, replaces, or adds to
355 existing process or production equipment.

356
357 (3) Construction of a New Source as defined under this paragraph has
358 commenced if the owner or operator has:

359
360 (a) Begun, or caused to begin, as part of a continuous onsite construction
361 program

362

- 363 (i) any placement, assembly, or installation of facilities or equipment;
364 or
365 (ii) significant site preparation work including clearing, excavation, or
366 removal of existing buildings, structures, or facilities which is
367 necessary for the placement, assembly, or installation of new source
368 facilities or equipment; or
369
370 (b) Entered into a binding contractual obligation for the purchase of
371 facilities or equipment which are intended to be used in its operation
372 within a reasonable time. Options to purchase or contracts which can
373 be terminated or modified without substantial loss, and contracts for
374 feasibility, engineering, and design studies do not constitute a
375 contractual obligation under this paragraph.
376

377 **Noncontact Cooling Water.** Water used for cooling that does not come into
378 direct contact with any raw material, intermediate product, waste product, or
379 finished product.
380

381 **OCEA Board.** The persons designated by Oldham County Fiscal Court to
382 supervise the operation of OCEA, and who is charged with certain duties and
383 responsibilities by these regulations.
384

385 **Pass Through.** A discharge which exits the POTW into waters of the United
386 States in quantities or concentrations which, alone or in conjunction with a
387 discharge or discharges from other sources, is a cause of a violation of any
388 requirement of OCEA's KPDES permit, including an increase in the magnitude or
389 duration of a violation.
390

391 **Person.** Any individual, partnership, copartnership, firm, company, corporation,
392 association, joint stock company, trust, estate, governmental entity, or any other
393 legal entity; or their legal representatives, agents, or assigns. This definition
394 includes all Federal, State, and local governmental entities.
395

396 **pH.** A measure of the acidity or alkalinity of a solution, expressed in standard
397 units.
398

399 **Pollutant.** Dredged spoil, solid waste, incinerator residue, filter backwash,
400 sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes,
401 biological materials, radioactive materials, heat, wrecked or discarded equipment,
402 rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain
403 characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD,
404 COD, toxicity, or odor).
405

406 **Pretreatment.** The reduction of the amount of pollutants, the elimination of
407 pollutants, or the alteration of the nature of pollutant properties in wastewater
408 prior to, or in lieu of, introducing such pollutants into the POTW. This reduction

409 or alteration can be obtained by physical, chemical, or biological processes; by
410 process changes; or by other means, except by diluting the concentration of the
411 pollutants unless allowed by an applicable Pretreatment Standard.

412
413 **Pretreatment Requirements.** Any substantive or procedural requirement related
414 to pretreatment imposed on a User, other than a Pretreatment Standard.

415
416 **Pretreatment Standards or Standards.** Pretreatment Standards shall mean
417 prohibited discharge standards, categorical Pretreatment Standards, and Local
418 Limits.

419
420 **Prohibited Discharge Standards or Prohibited Discharges.** Absolute
421 prohibitions against the discharge of certain substances; these prohibitions appear
422 in Section 2.1 of these regulations.

423
424 **Publicly Owned Treatment Works or POTW.** A treatment works, as defined
425 by section 212 of the Act (33 U.S.C. section 1292), which is owned or operated
426 by OCEA. This definition includes any devices or systems used in the collection,
427 storage, treatment, recycling, and reclamation of sewage or industrial wastes of a
428 liquid nature and any conveyances, which convey wastewater to a treatment plant.

429
430 **Public Sewer.** The sewer owned or controlled by OCEA. In general, the Public
431 Sewer shall include all pipes and structures owned by OCEA. This does not
432 include service lines that connect individual structures (or multiple structures in
433 the case of Siamese connections and connections to Multi-Unit Sewer Customers)
434 to OCEA-owned collection lines that convey wastewater generated on or at
435 multiple properties.

436
437 **Septic Tank Waste.** Any sewage from holding tanks such as vessels, chemical
438 toilets, campers, trailers, and septic tanks.

439
440 **Service Area.** When used without reference to a specific POTW, all property
441 within the County not located within the cities of Crestwood, LaGrange or Pee
442 Wee Valley. When used in connection with a specific POTW (e.g. the
443 KSRWWTP Service Area), all property connected to a Public Sewer that conveys
444 wastewater to the referenced POTW.

445
446 **Sewage.** Human excrement and gray water (household showers, dishwashing
447 operations, etc.).

448
449 **Significant Industrial User (SIU).**

450
451 Except as provided in paragraphs (3) and (4) of this Section, a Significant
452 Industrial User is:

453
454 (1) An Industrial User subject to categorical Pretreatment Standards; or

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(2) An Industrial User that:

(a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by OCEA on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

(3) OCEA may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(a) The Industrial User, prior to OCEA's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(b) The Industrial User annually submits the certification statement required in Section 6.14 B [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and

(c) The Industrial User never discharges any untreated concentrated wastewater.

(4) Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, OCEA may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

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

(A) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a

- 501 numeric Pretreatment Standard or Requirement, including instantaneous limits,
 502 as defined by 40 CFR 403.3(l);
- 503 (B) Technical Review Criteria (TRC) violations, defined here as those in which
 504 33 percent or more of all of the measurements taken for the same pollutant
 505 parameter during a 6-month period equal or exceed the product of the numeric
 506 Pretreatment Standard or Requirement including instantaneous limits, as
 507 defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for
 508 BOD, TOC, TSS, fats, oil, and grease, and 1.2 for all other pollutants except
 509 pH);
- 510 (C) Any other violation of a Pretreatment Standard or Requirement as defined by
 511 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or
 512 narrative Standard) that has caused, alone or in combination with other
 513 discharges, Interference or Pass Through (including endangering the health of
 514 WWTP and personnel or the general public);
- 515 (D) Any discharge of a pollutant that has caused imminent endangerment to
 516 human health, welfare or to the environment or has resulted in OCEA's
 517 exercise of its emergency authority at 40CFR 403.8 (f) (1)(vi)(B) to halt or
 518 prevent such a discharge;
- 519 (E) Failure to meet, within 90 days after the schedule date, a compliance schedule
 520 milestone contained in a local control mechanism or enforcement order for
 521 starting construction, completing construction, or attaining final compliance;
- 522 (F) Failure to provide, within 45 days after the due date, required reports such as
 523 baseline monitoring reports (BMR), 90-day compliance reports, periodic self-
 524 monitoring reports, and reports on compliance with compliance schedules;
- 525 (G) Failure to accurately report noncompliance;
- 526 (H) Any other violation or group of violations, which may include a violation of
 527 Best Management Practices (BMP), which OCEA determines will adversely
 528 affect the operation or implementation of the Pretreatment program.

529

530 When any action by the Industrial User meets one or more of the criteria for
 531 Significant Non-compliance (SNC) the Industrial User shall be designated SNC
 532 and reported in the Semiannual and Annual Pretreatment Program reports
 533 submitted by OCEA to the Kentucky Division of Water. OCEA will publish the
 534 list of each SNC Industrial User and associated SNC violations in the local
 535 newspaper annually.

536

537 **Slug Load or Slug Discharge.** Any discharge at a flow rate or concentration,
 538 which could cause a violation of the prohibited discharge standards in Section 2.1
 539 of these regulations. A Slug Discharge is any Discharge of a non-routine,
 540 episodic nature, including but not limited to an accidental spill or a
 541 non-customary batch Discharge, which has a reasonable potential to cause
 542 Interference or Pass Through, or in any other way violate the POTW's
 543 regulations, Local Limits or Permit conditions.

544

545 **Storm Water.** Any flow occurring during or following any form of natural
 546 precipitation, and resulting from such precipitation, including snowmelt.

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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), 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.

Time Proportional Composite Sample. Combination of individual samples with fixed volumes taken at specific time intervals.

Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

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

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

Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

SECTION 2—GENERAL SEWER USE REQUIREMENTS

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2.1 Prohibited Discharge Standards

A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
- (2) Wastewater having a pH less than 6.0 or more than 9.0, or otherwise causing corrosive structural damage to the POTW or equipment;
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference
- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
- (5) Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
- (6) Wastewater containing petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts greater than 25 mg/l;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Trucked or hauled pollutants, except at discharge points designated by the OCEA in accordance with Section 3.4 of these regulations;
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to

- 621 create a public nuisance or a hazard to life, or to prevent entry into the
 622 sewers for maintenance or repair;
 623
 624 (10) Wastewater which imparts color which cannot be removed by the
 625 treatment process, such as, but not limited to, dye wastes and vegetable
 626 tanning solutions, which consequently imparts color to the treatment
 627 plant's effluent, thereby violating OCEA's KPDES permit;
 628
 629 (11) Wastewater containing any radioactive wastes or isotopes except in
 630 compliance with applicable State or Federal regulations;
 631
 632 (12) Storm Water, surface water, ground water, artesian well water, roof
 633 runoff, subsurface drainage, swimming pool drainage, condensate,
 634 deionized water, Noncontact Cooling Water, and unpolluted wastewater,
 635 unless specifically authorized by OCEA;
 636
 637 (13) Sludges, screenings, or other residues from the pretreatment of
 638 industrial wastes;
 639
 640 (14) Medical Wastes, except as specifically authorized by OCEA in an
 641 individual wastewater discharge permit
 642
 643 (15) Wastewater causing, alone or in conjunction with other sources, the
 644 treatment plant's effluent to fail toxicity test;
 645
 646 (16) Detergents, surface-active agents, or other substances which that
 647 might cause excessive foaming in the POTW;
 648
 649 (17) Fats, oils, or greases of animal or vegetable origin in concentrations
 650 greater than 100 mg/l;
 651
 652 (18) Any water or waste which has characteristics based on a 24-hour
 653 composite sample, or a shorter period composite sample if more
 654 representative which exceed the following:
 655

<u>Parameter</u>	<u>Maximum allowable Concentration without Surcharge</u>
658 BOD	500 mg/l
660 TSS	500 mg/l
662 NH3-N	60 mg/l

668 Any person discharging wastewater exceeding the maximum allowable
 669 concentration as noted above, will be subject to a surcharge fee for each pound
 670 loading over and above the set limit as follows:
 671

Parameter	Concentration Limit	Surcharge
BOD	500 mg/l	\$0.18 per lb
TSS	500 mg/l	\$0.16 per lb
NH3-N	60 mg/l	\$0.15 per lb

672
 673 Any other amenable constituents requiring the addition of specific chemicals for
 674 proper treatment will also be subject to surcharge as noted on the Wastewater
 675 Discharge Permit. Exceedance of the effluent limits specified above shall not be
 676 deemed to constitute a violation of a permit condition or these regulations if the
 677 appropriate surcharge fee is paid and the discharge does not cause interference or
 678 pass through of the POTW.
 679

680 Pollutants, substances, or wastewater prohibited by this Section shall not be processed or
 681 stored in such a manner that they could be discharged to the POTW.
 682

683 **2.2 National Categorical Pretreatment Standards**
 684

685 Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter
 686 I, Subchapter N, Parts 405–471.
 687

688 A. Where a categorical Pretreatment Standard is expressed only in terms of either
 689 the mass or the concentration of a pollutant in wastewater, OCEA may impose
 690 equivalent concentration or mass limits in accordance with Section 2.2E and 2.2F.
 691

692 B. When the limits in a categorical Pretreatment Standard are expressed only in
 693 terms of mass of pollutant per unit of production, OCEA may convert the limits to
 694 equivalent limitations expressed either as mass of pollutant discharged per day or
 695 effluent concentration for purposes of calculating effluent limitations applicable
 696 to individual Industrial Users.
 697

698 C. When wastewater subject to a categorical Pretreatment Standard is mixed with
 699 wastewater not regulated by the same Standard, OCEA shall impose an alternate
 700 limit in accordance with 40 CFR 403.6(e).
 701

702 D. A CIU may obtain a net/gross adjustment to a categorical Pretreatment
 703 Standard in accordance with the following paragraphs of this Section.
 704

705 (1) Categorical Pretreatment Standards may be adjusted to reflect the
 706 presence of pollutants in the Industrial User’s intake water in accordance
 707 with this Section. Any Industrial User wishing to obtain credit for intake

708 pollutants must make application to OCEA. Upon request of the Industrial
709 User, the applicable Standard will be calculated on a “net” basis (i.e.,
710 adjusted to reflect credit for pollutants in the intake water) if the
711 requirements of paragraph (2) of this Section are met.

712 (2) Criteria.

- 713 a. Either (i) The applicable categorical Pretreatment Standards contained
714 in 40 CFR subchapter N specifically provide that they shall be applied
715 on a net basis; or (ii) The Industrial User demonstrates that the control
716 system it proposes or uses to meet applicable categorical Pretreatment
717 Standards would, if properly installed and operated, meet the
718 Standards in the absence of pollutants in the intake waters.
- 719 b. Credit for generic pollutants such as biochemical oxygen demand
720 (BOD), total suspended solids (TSS), and oil and grease should not be
721 granted unless the Industrial User demonstrates that the constituents of
722 the generic measure in the User’s effluent are substantially similar to
723 the constituents of the generic measure in the intake water or unless
724 appropriate additional limits are placed on process water pollutants
725 either at the outfall or elsewhere.
- 726 c. Credit shall be granted only to the extent necessary to meet the
727 applicable categorical Pretreatment Standard(s), up to a maximum
728 value equal to the influent value. Additional monitoring may be
729 necessary to determine eligibility for credits and compliance with
730 Standard(s) adjusted under this Section.
- 731 d. Credit shall be granted only if the User demonstrates that the intake
732 water is drawn from the same body of water as that into which the
733 POTW discharges. OCEA may waive this requirement if it finds that
734 no environmental degradation will result.

735
736 E. When a categorical Pretreatment Standard is expressed only in terms of
737 pollutant concentrations, an Industrial User may request that OCEA convert the
738 limits to equivalent mass limits. The determination to convert concentration limits
739 to mass limits is within the discretion of OCEA. OCEA may establish equivalent
740 mass limits only if the Industrial User meets all the conditions set forth in
741 Sections 2.2E(1)(a) through 2.2E(1)(e) below.

- 742
743 (1) To be eligible for equivalent mass limits, the Industrial User must:
- 744 a. Employ, or demonstrate that it will employ, water conservation
745 methods and technologies that substantially reduce water use during
746 the term of its individual wastewater discharge permit;
- 747 b. Currently use control and treatment technologies adequate to achieve
748 compliance with the applicable categorical Pretreatment Standard, and
749 not have used dilution as a substitute for treatment;
- 750 c. Provide sufficient information to establish the facility’s actual average
751 daily flow rate for all wastestreams, based on data from a continuous
752 effluent flow monitoring device, as well as the facility’s long-term
753 average production rate. Both the actual average daily flow rate and

- 754 the long-term average production rate must be representative of
755 current operating conditions;
- 756 d. Not have daily flow rates, production levels, or pollutant levels that
757 vary so significantly that equivalent mass limits are not appropriate to
758 control the Discharge; and
- 759 e. Have consistently complied with all applicable categorical
760 Pretreatment Standards during the period prior to the Industrial User's
761 request for equivalent mass limits.
- 762 (2) An Industrial User subject to equivalent mass limits must:
- 763 a. Maintain and effectively operate control and treatment technologies
764 adequate to achieve compliance with the equivalent mass limits;
- 765 b. Continue to record the facility's flow rates through the use of a
766 continuous effluent flow monitoring device;
- 767 c. Continue to record the facility's production rates and notify OCEA
768 whenever production rates are expected to vary by more than 20
769 percent from its baseline production rates determined in paragraph
770 2.2F(1)(c) of this Section. Upon notification of a revised production
771 rate, OCEA will reassess the equivalent mass limit and revise the limit
772 as necessary to reflect changed conditions at the facility; and
- 773 d. Continue to employ the same or comparable water conservation
774 methods and technologies as those implemented pursuant to
775 paragraphs 2.2E(1)(a) of this Section so long as it discharges under an
776 equivalent mass limit.
- 777
- 778 (3) When developing equivalent mass limits, OCEA:
- 779 a. Will calculate the equivalent mass limit by multiplying the actual
780 average daily flow rate of the regulated process(es) of the Industrial
781 User by the concentration-based Daily Maximum and Monthly
782 Average Standard for the applicable categorical Pretreatment Standard
783 and the appropriate unit conversion factor;
- 784 b. Upon notification of a revised production rate, will reassess the
785 equivalent mass limit and recalculate the limit as necessary to reflect
786 changed conditions at the facility; and
- 787 c. May retain the same equivalent mass limit in subsequent individual
788 wastewater discharge permit terms if the Industrial User's actual
789 average daily flow rate was reduced solely as a result of the
790 implementation of water conservation methods and technologies, and
791 the actual average daily flow rates used in the original calculation of
792 the equivalent mass limit were not based on the use of dilution as a
793 substitute for treatment pursuant to Section 2.6. The Industrial User
794 must also be in compliance with Section 13.3 regarding the prohibition
795 of bypass.
- 796
- 797 F. OCEA may convert the mass limits of the categorical Pretreatment Standards
798 of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of
799 calculating limitations applicable to individual Industrial Users. The conversion
800 is at the discretion of OCEA.

801
 802 G. Once included in its permit, the Industrial User must comply with the
 803 equivalent limitations developed in this Section (2.2) in lieu of the promulgated
 804 categorical Standards from which the equivalent limitations were derived.
 805

806 H. Many categorical Pretreatment Standards specify one limit for calculating
 807 maximum daily discharge limitations and a second limit for calculating maximum
 808 Monthly Average, or 4-day average, limitations. Where such Standards are being
 809 applied, the same production or flow figure shall be used in calculating both the
 810 average and the maximum equivalent limitation.
 811

812 I. Any Industrial User operating under a permit incorporating equivalent mass or
 813 concentration limits calculated from a production-based Standard shall notify
 814 OCEA within two (2) business days after the User has a reasonable basis to know
 815 that the production level will significantly change within the next calendar month.
 816 Any User not notifying OCEA of such anticipated change will be required to meet
 817 the mass or concentration limits in its permit that were based on the original
 818 estimate of the long term average production rate.
 819

820 **2.3 State Pretreatment Standards**

821
 822 Users must comply with Kentucky Pretreatment Standards codified at 401 KAR
 823 5:057.
 824

825 **2.4 Conventional Pollutant and Local Limits**

826
 827 A. OCEA is authorized to establish Local Limits as needed for it to comply with
 828 40 CFR 403.5(c).
 829

830 B. The following pollutant limits are established to protect against Pass Through
 831 and Interference at the KSRWWTP. No person shall discharge wastewater to the
 832 KSRWWTP service area containing in excess of the following Daily Maximum
 833 Limits.
 834

<u>Parameter</u>	<u>Max. Daily Concentration (mg/l)</u>
837 arsenic	1.02
838 cadmium	0.005
839 chromium, Hex	0.21
840 chromium, T	5.00
841 copper	0.24
842 cyanide, T	0.07
843 lead	0.03
844 mercury	0.0003
845 nickel	0.82
846 oil and/or grease, Total	100
847 oil and/or grease, Hydrocarbon	25

	<u>Parameter</u>	<u>Max. Daily Concentration (mg/l)</u>
848		
849		
850	selenium	0.09
851	silver	0.15
852	zinc	0.65

853

854 The above limits apply at the point where the wastewater is discharged to the
855 POTW. All concentrations for metallic substances are for total metal unless
856 indicated otherwise. OCEA may impose mass limitations in addition to the
857 concentration-based limitations above.

858

859 C. OCEA may develop Best Management Practices (BMPs), by regulation or in
860 individual wastewater discharge permits, to implement Local Limits and the
861 requirements of Section 2.1.

862

863 **2.5 OCEA Right of Revision**

864

865 OCEA reserves the right to establish, by regulation or in individual wastewater discharge
866 permits, more stringent Standards or Requirements on discharges to the POTW consistent
867 with the purpose of these regulations.

868

869 **2.6 Dilution**

870

871 No User shall ever increase the use of process water, or in any way attempt to dilute a
872 discharge, as a partial or complete substitute for adequate treatment to achieve
873 compliance with a discharge limitation unless expressly authorized by an applicable
874 Pretreatment Standard or Requirement. OCEA may impose mass limitations on Users
875 who are using dilution to meet applicable Pretreatment Standards or Requirements or in
876 other cases when the imposition of mass limitations is appropriate.

877

878 **2.7 Mandatory Sewer Connection**

879

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

888

889 B. It shall be unlawful to construct or maintain any privy, privy vault, septic tank,
890 cesspool, or other facility intended or used for the disposal of wastewater where public
891 sanitary sewer service is available, as defined in paragraph 1 of this subsection, except as
892 provided for in "Private Wastewater Disposal" (Section 2.8).

893

894 C. At such time as a public sewer becomes available to a property served by a private
895 wastewater disposal system and notice is provided in accordance with Section 2.8 A, a
896 direct connection shall be made to the public system within sixty (60) days in compliance
897 with these regulations, and any septic tanks, cesspools and similar private wastewater
898 disposal facilities shall be cleaned of sludge and filled with suitable material or salvaged
899 and removed.

900

901 **2.8 Private Wastewater Disposal**

902

903 A. Where a public sanitary sewer is not available under the provisions of Section 2.7, the
904 building sewer shall be connected, until the public sewer is available, to a private
905 wastewater disposal system complying with the provisions of the Oldham County Health
906 Department and all applicable local and state regulations.

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

909 C. No statement contained in this Section shall be construed to interfere with any
910 additional requirements that may be imposed by applicable local or state regulations.

911 D. Holders of NPDES/KPDES Permits may be excepted. Industries with current
912 NPDES/KPDES permits may discharge at permitted discharge points provided they are
913 in compliance with the issuing authority.

914

915 **2.9 Prohibited Connections**

916

917 A, Prohibited Connections

918

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

930

931 **2.10 Design and Installations**

932

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

940

- 941 B. Old building sewers may be used in connection with new buildings only when they
942 are found, on examination and test by OCEA, to meet all requirements of these
943 regulations. Permit and inspection fees for new buildings using existing building sewers
944 shall be the same as for new building sewers. If additional sewer customers are added to
945 the old building sewers, additional sewer tap fees shall be charged accordingly even
946 though no new sewer tap is actually made into the OCEA system.
947
- 948 C. Extension of customer service lines from any point on the customer's side of the tap
949 for delivery of waste from any location other than that of the customer in whose name the
950 tap is registered shall not be permitted.
951
- 952 D. The building sewer shall be cast iron soil pipe, ASTM A-74, latest revision, PVC
953 (polyvinyl-chloride) sewer pipe, ASTM D-3034, latest revision, or ductile iron pipe,
954 AWWA specification C-151 cement lined, and shall meet requirements of State plumbing
955 code. Joints shall be as set out hereinafter. Any part of the building sewer that is located
956 within five feet of a water service pipe shall be constructed with cast iron soil pipe or
957 ductile iron pipe, unless the building sewer is at least one foot deeper in the ground than
958 the water service line. Cast iron soil pipe or ductile iron pipe may be required by OCEA
959 where the building sewer is exposed to damage or stoppage by tree roots. Cast iron soil
960 pipe or ductile iron pipe shall be used in filled or unstable ground, in areas where the
961 cover over the building sewer is less than three feet, or in areas where the sewer is subject
962 to vehicular or other external loads.
963
- 964 E. The size, slope, alignment, materials of construction of a building sewer, and the
965 methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling
966 the trench, shall all conform to the requirements of the local and state building and
967 plumbing codes and other applicable rules and regulations of OCEA.
968
- 969 F. All costs and expenses incidental to the installation and connection to the building
970 sewer shall be borne by the owner(s). The owner(s) shall indemnify OCEA for any loss
971 of damage that may directly or indirectly be occasioned by the installation of the building
972 sewer. Fees for connection shall be as established by OCEA.
973
- 974 G. The owner shall ensure that all excavations for building sewer installation shall be
975 adequately guarded with barricades and lights so as to protect the public from hazard.
976 Streets, sidewalks, parkways, and other public property disturbed in the course of the
977 work shall be restored in a manner satisfactory to OCEA.
978
- 979 H. In all buildings in which any sanitary facility drain is too low to permit gravity flow
980 to the public sewer, sanitary sewage carried by such drain shall be lifted by an approved
981 means and discharged to the same building sewer. Drainpipe and sump for collection of
982 such sanitary drainage shall be above basement floor or in separately watertight or
983 drained sump or channel.
984
- 985 I. The building sewer shall be connected into the public sewer at the main line sewer tap.
986 Where no property located service branch is available, an authorized agent of OCEA

987 shall cut a neat hole into the main line of the public sewer and a suitable wye or tee
988 saddle installed to receive the building sewer. The invert of the building sewer at such
989 point of connection with a saddle shall be in the upper quadrant to the main line of the
990 public sewer. A neat workmanlike connection, not extending past the inner surface of the
991 public sewer, shall be made and the saddle made secure and watertight by encasement in
992 epoxy cement specially prepared for this purpose. This fitting shall serve the purpose of
993 a clean out and for applying the smoke test during inspection of the line. After testing, a
994 cast iron or ductile iron riser will be inserted in this fitting and brought flush with the
995 ground surface. A stopper or plug, outfitted with a type joint applicable to the pipe used,
996 shall seal this riser against the intrusion of ground or surface water.

997
998 J. All building sanitary sewer lines will be installed so as to meet or exceed the most
999 current revision of the State Plumbing Code.

1000

1001 **2.11 Inspection of Installations**

1002

1003 A. The applicant for the building sewer permit shall notify OCEA when the building
1004 sewer is ready for connection to the public sewer. The connection shall be made under
1005 the supervision of OCEA or its representative. The connections shall be made gastight
1006 and watertight and verified by proper testing.

1007

1008 B. All building sewers shall be smoke tested through the wye branch at the public sewer
1009 connection, with public sewer tightly plugged off, after connections at both ends are
1010 made and after all pipe is properly bedded and backfilled at least to top of pipe and if
1011 backfill is completed, within two weeks after completion of backfill. At time of test, any
1012 openings into the building drain inside the building shall be water trapped or plugged.
1013 Any leakage of smoke from building sewer or building drain and plumbing shall be
1014 located at test and repaired to stand repetition of smoke test without leakage. When
1015 smoke testing is completed, the temporary flow line plug shall be removed and a
1016 permanent watertight plug shall be placed in branch of test wye-branch and carefully
1017 backfilled by hand and tamped to at least six inches above the top of the branch.

1018

1019 **2.12 Fees**

1020

1021 A. OCEA may adopt reasonable fees for reimbursement of costs of setting up and
1022 operating the Pretreatment Program, which may include:

1023

- 1024 1. Fees for wastewater discharge permit applications including the cost of
1025 processing such applications;
- 1026 2. Fees for monitoring, inspection, and surveillance procedures including the
1027 cost of collection and analyzing a User's discharge, and reviewing
1028 monitoring reports and certification statements submitted by Users;
- 1029 3. Fees for reviewing and responding to accidental discharge procedures and
1030 construction;
- 1031 4. Fees for defending appeals;

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1066
5. Fees to recover administrative and legal costs (not included in Section 15.1 B) associated with the enforcement activity taken by OCEA to address IU noncompliance; and
 6. Other fees as OCEA may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by these regulations and are separate from all other fees, fines, and penalties chargeable by OCEA.
 7. Until such time as more specific fees are adapted, OCEA quarterly will determine the cost it incurred during the prior quarter to administer and operate its pretreatment program, allocate that cost among its Industrial Users based on OCEA's estimate of the relative amount of effort required to implement the pretreatment program for each Industrial User sufficient to recover its share of cost of the pretreatment program. Such fee shall be assessed quarterly and become due and payable within thirty (30) days of receipt by the Industrial User.
 8. All users must pay all applicable capacity fees prior to Kentucky Division of Water approval of plans for sewer extensions if applicable, or prior to OCEA locating a tap on existing sewers. Capacity fees are not transferable to other property. Authorization to connect to the OCEA sewer obtained by payment of a capacity fee shall expire five (5) years after payment if such connection has not been completed. No capacity fee paid will be refunded unless a written refund request is received by OCEA within twelve (12) months of the date the capacity fee is received by OCEA and it contains evidence satisfactory to OCEA of the following:
 1. The developer has withdrawn all plans submitted to the Oldham County Planning and Zoning Commission for the development; or
 2. The developer has obtained preliminary approval from the Oldham County Planning and Zoning Commission for an amended development plan for the same property and which depicts a development that requires a smaller capacity fee; and
 3. The Kentucky Division of Water has approved all plans for sewers that will serve the development in that amended development plan.

1067 **SECTION 3—PRETREATMENT OF WASTEWATER**

1068

1069 **3.1 Pretreatment Facilities**

1070

1071 Users shall provide wastewater treatment as necessary to comply with these regulations
1072 and shall achieve compliance with all categorical Pretreatment Standards, Local Limits,
1073 and the prohibitions set out in Section 2.1 of these regulations within the time limitations
1074 specified by EPA, the State, or OCEA, whichever is more stringent. Any facilities
1075 necessary for compliance shall be provided, operated, and maintained at the User’s
1076 expense. Detailed plans describing such facilities and operating procedures shall be
1077 submitted to OCEA for review, and shall be acceptable to OCEA before such facilities
1078 are constructed. The review of such plans and operating procedures shall in no way
1079 relieve the User from the responsibility of modifying such facilities as necessary to
1080 produce a discharge acceptable to OCEA under the provisions of these regulations.

1081

1082 **3.2 Additional Pretreatment Measures**

1083

1084 A. Whenever deemed necessary, OCEA may require Users to restrict their
1085 discharge during peak flow periods, designate that certain wastewater be
1086 discharged only into specific sewers, relocate and/or consolidate points of
1087 discharge, separate sewage wastestreams from industrial wastestreams, and such
1088 other conditions as may be necessary to protect the POTW and determine the
1089 User’s compliance with the requirements of these regulations.

1090

1091 B. OCEA may require any person discharging into the POTW to install and
1092 maintain, on their property and at their expense, a suitable storage and
1093 flow-control facility to ensure equalization of flow. An individual wastewater
1094 discharge permit may be issued solely for flow equalization.

1095

1096 C. Grease, oil, and sand interceptors shall be provided when, in the opinion of
1097 OCEA, they are necessary for the proper handling of wastewater containing
1098 excessive amounts of grease and oil, or sand; except that such interceptors shall
1099 not be required for residential users. All interception units shall be of a type and
1100 capacity approved by OCEA, and shall be so located to be easily accessible for
1101 cleaning and inspection. Such interceptors shall be inspected, cleaned, and
1102 repaired by the User at their expense.

1103

1104 D. Users with the potential to discharge flammable substances may be required to
1105 install and maintain an approved combustible gas detection meter.

1106

1107 **3.3 Accidental Discharge/Slug Discharge Control Plans**

1108

1109 OCEA shall evaluate whether each SIU needs an accidental discharge/slug discharge
1110 control plan or other action to control Slug Discharges. OCEA may require any User to
1111 develop, submit for approval, and implement such a plan or take such other action that
1112 may be necessary to control Slug Discharges. Alternatively, OCEA may develop such a

1113 plan for any User. An accidental discharge/slug discharge control plan shall address, at a
1114 minimum, the following:

1115

1116 A. Description of discharge practices, including non-routine batch discharges;

1117

1118 B. Description of stored chemicals;

1119

1120 C. Procedures for immediately notifying OCEA of any accidental or Slug
1121 Discharge, as required by Section 6.6 of these regulations; and

1122

1123 D. Procedures to prevent adverse impact from any accidental or Slug Discharge.
1124 Such procedures include, but are not limited to, inspection and maintenance of
1125 storage areas, handling and transfer of materials, loading and unloading
1126 operations, control of plant site runoff, worker training, building of containment
1127 structures or equipment, measures for containing toxic organic pollutants,
1128 including solvents, and/or measures and equipment for emergency response.

1129

1130 **3.4 Hauled Wastewater**

1131

1132 A. Septic tank waste may be introduced into the POTW only at locations
1133 designated by OCEA, and at such times as are established by OCEA. Such waste
1134 shall not violate Section 2 of these regulations or any other requirements
1135 established by OCEA. OCEA may require septic tank waste haulers to obtain
1136 individual wastewater discharge permits.

1137

1138 B. OCEA may require haulers of industrial waste to obtain individual wastewater
1139 discharge permits. OCEA may require generators of hauled industrial waste to
1140 obtain individual wastewater discharge permits. OCEA also may prohibit the
1141 disposal of hauled industrial waste. The discharge of hauled industrial waste is
1142 subject to all other requirements of these regulations.

1143

1144 C. Industrial waste haulers may discharge loads only at locations designated by
1145 OCEA. No load may be discharged without prior consent of OCEA. OCEA may
1146 collect samples of each hauled load to ensure compliance with applicable
1147 Standards. OCEA may require the industrial waste hauler to provide a waste
1148 analysis of any load prior to discharge.

1149

1150 D. Industrial waste haulers must provide a waste-tracking form for every load.
1151 This form shall include, at a minimum, the name and address of the industrial
1152 waste hauler, permit number, truck identification, names and addresses of sources
1153 of waste, and volume and characteristics of waste. The form shall identify the
1154 type of industry, known or suspected waste constituents, and whether any wastes
1155 are RCRA hazardous wastes.

1156

1157

1158 **SECTION 4—PERMITS**

1159

1160 **4.1 Wastewater Analysis**

1161

1162 When requested by OCEA, a User must submit information on the nature and
1163 characteristics of its wastewater within 30 days of the request. OCEA is authorized to
1164 prepare a form for this purpose and may periodically require Users to update this
1165 information.

1166

1167 **4.2 Individual Wastewater Discharge Permit Requirement**

1168

1169 A. No Significant Industrial User shall discharge wastewater into the POTW
1170 without first obtaining an individual wastewater discharge permit from OCEA,
1171 except that a Significant Industrial User that has filed a timely application
1172 pursuant to Section 4.3 of these regulations may continue to discharge for the time
1173 period specified therein.

1174

1175 B. OCEA may require other Users to obtain individual wastewater discharge
1176 permits as necessary to carry out the purposes of these regulations.

1177

1178 C. Any violation of the terms and conditions of an individual wastewater
1179 discharge permit shall be deemed a violation of these regulations and subjects the
1180 wastewater discharge permittee to the sanctions set out in Sections 10 through 12
1181 of these regulations. Obtaining an individual wastewater discharge permit does
1182 not relieve a permittee of its obligation to comply with all Federal and State
1183 Pretreatment Standards or Requirements or with any other requirements of
1184 Federal, State, and local law.

1185

1186 **4.3 Individual Wastewater Discharge Permitting: Existing Connections**

1187

1188 Any User required to obtain an individual wastewater discharge permit who was
1189 discharging wastewater into the POTW prior to the effective date of these regulations and
1190 who wishes to continue such discharges in the future, shall, within 60 days after said date,
1191 apply to OCEA for an individual wastewater discharge permit in accordance with Section
1192 4.5 of these regulations, and shall not cause or allow discharges to the POTW to continue
1193 after 60 days of the effective date of these regulations except in accordance with an
1194 individual wastewater discharge permit issued by OCEA.

1195

1196 **4.4 Individual Wastewater Discharge Permitting: New Connections**

1197

1198 Any User required to obtain an individual wastewater discharge permit who proposes to
1199 begin or recommence discharging into the POTW must obtain such permit prior to the
1200 beginning or recommencing of such discharge. An application for this individual
1201 wastewater discharge permit, in accordance with Section 4.5 of these regulations, must be
1202 filed at least 60 days prior to the date upon which any discharge will begin or
1203 recommence.

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4.5 Individual Wastewater Discharge Permit Application Contents

A. All Users required to obtain an individual wastewater discharge permit must submit a permit application. OCEA may require Users to submit all or some of the following information as part of a permit application:

(1) Identifying Information.

- a. The name and address of the facility, including the name of the operator and owner.
- b. Contact information, description of activities, facilities, and plant production processes on the premises;

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

(3) Description of Operations.

- a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
- b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- d. Type and amount of raw materials processed (average and maximum per day);
- e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(4) Time and duration of discharges;

(5) The location for monitoring all wastes covered by the permit;

(6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 2.2C (40 CFR 403.6(e)).

(7) Measurement of Pollutants.

- 1248 a. The categorical Pretreatment Standards applicable to each regulated
1249 process and any new categorically regulated processes for Existing
1250 Sources.
- 1251 b. The results of sampling and analysis identifying the nature and
1252 concentration, and/or mass, where required by the Standard or by
1253 OCEA, of regulated pollutants in the discharge from each regulated
1254 process.
- 1255 c. Instantaneous, Daily Maximum, and long-term average concentrations,
1256 or mass, where required, shall be reported.
- 1257 d. The sample shall be representative of daily operations and shall be
1258 analyzed in accordance with procedures set out in Section 6.10 of
1259 these regulations. Where the Standard requires compliance with a
1260 BMP or pollution prevention alternative, the User shall submit
1261 documentation as required by OCEA or the applicable Standards to
1262 determine compliance with the Standard.
- 1263 e. Sampling must be performed in accordance with procedures set out in
1264 Section 6.11 of these regulations.
1265

1266 (8) Any requests for a monitoring waiver (or a renewal of an approved
1267 monitoring waiver) for a pollutant neither present nor expected to be
1268 present in the discharge based on Section 6.4 B [40 CFR 403.12(e)(2)].

1269 (9) Any other information as may be deemed necessary by OCEA to
1270 evaluate the permit application.
1271

1272 B. Incomplete or inaccurate applications will not be processed and will be
1273 returned to the User for revision.
1274

1275 **4.6 Wastewater Discharge Permitting: General Permits**

1276

1277 A. OCEA will not use general permits to control SIU discharges to the POTW.
1278 However, OCEA may develop and implement the use of general permits in the
1279 future if appropriate.
1280

1281 **4.7 Application Signatories and Certifications**

1282

1283 A. All wastewater discharge permit applications, User reports and certification
1284 statements must be signed by an Authorized Representative of the User and
1285 contain the certification statement in Section 6.14 A.
1286

1287 B. If the designation of an Authorized Representative is no longer accurate
1288 because a different individual or position has responsibility for the overall
1289 operation of the facility or overall responsibility for environmental matters for the
1290 company, a new written authorization satisfying the requirements of this Section
1291 must be submitted to OCEA prior to or together with any reports to be signed by
1292 an Authorized Representative.
1293

1294 C. A facility determined to be a Non-Significant Categorical Industrial User by
1295 OCEA pursuant to 1.4 must annually submit the signed certification statement in
1296 Section 6.1 B.
1297

1298 **4.8 Individual Wastewater Discharge Permit Decisions**
1299

1300 OCEA will evaluate the data furnished by the User and may require additional
1301 information. Within 60 days of receipt of a complete permit application, OCEA will
1302 determine whether to issue an individual wastewater discharge permit. OCEA may deny
1303 any application for an individual wastewater discharge permit.
1304
1305

1306 **4.9 Building Sewer and Connection Permits**
1307

1308 1. There shall be two (2) classes of building sewer permits required; (a) for residential
1309 and (b) for service to commercial and industrial establishments. In either case, the
1310 owner(s) or his agent shall make application on a special form furnished by OCEA.
1311 Applicants for service to commercial and industrial establishments shall be required to
1312 furnish information about all waste producing activities, wastewater characteristics and
1313 constituents. The permit application shall be supplemented by any plans, specifications,
1314 or other information considered pertinent in the judgment of the OCEA. Details
1315 regarding commercial and industrial permits include, but are not limited to those required
1316 by these regulations. Permit and inspection fees shall be paid to OCEA at the time the
1317 application is filed.
1318

1319 2. Users shall promptly notify OCEA in advance of any introduction of wastewater
1320 constituents or any substantial change in the volume or character of the wastewater
1321 constituents being introduced into the POTW. OCEA may deny or condition the new
1322 introduction or change in discharge based on the information submitted in the notification
1323 or additional information as may be requested.
1324

1325 3. No person(s) shall uncover, plug or make any connection with or opening into, use,
1326 alter, or disturb any public sewer or appurtenance thereof without first obtaining
1327 permission from the OCEA.
1328
1329

1330 **SECTION 5—INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE**

1331

1332 **5.1 Individual Wastewater Discharge Permit Duration**

1333

1334 An individual wastewater discharge permit shall be issued for a specified time period, not
1335 to exceed five (5) years from the effective date of the permit. An individual wastewater
1336 discharge permit may be issued for a period less than five (5) years, at the discretion of
1337 OCEA. Each individual wastewater discharge permit will indicate a specific date upon
1338 which it will expire.

1339

1340 **5.2 Individual Wastewater Discharge Permit Contents**

1341

1342 An individual wastewater discharge permit shall include such conditions as are deemed
1343 reasonably necessary by OCEA to prevent Pass Through or Interference, protect the
1344 quality of the water body receiving the treatment plant’s effluent, protect worker health
1345 and safety, facilitate sludge management and disposal, and protect against damage to the
1346 POTW.

1347

1348 A. Individual wastewater discharge permits must contain:

1349

1350 (1) A statement that indicates the wastewater discharge permit issuance
1351 date, expiration date and effective date;

1352

1353 (2) A statement that the wastewater discharge permit is nontransferable
1354 without prior notification to OCEA in accordance with Section 5.5 of
1355 these regulations, and provisions for furnishing the new owner or operator
1356 with a copy of the existing wastewater discharge permit;

1357

1358 (3) Effluent limits, including Best Management Practices, based on
1359 applicable Pretreatment Standards;

1360

1361 (4) Self-monitoring, sampling, reporting, notification, and record-keeping
1362 requirements. These requirements shall include an identification of
1363 pollutants (or best management practice) to be monitored, sampling
1364 location, sampling frequency, and sample type based on Federal, State,
1365 and local law.

1366

1367 (5) The process for seeking a waiver from monitoring for a pollutant
1368 neither present nor expected to be present in the Discharge in accordance
1369 with Section

1370

1371 6.4 B.

1372 (6) A statement of applicable civil and criminal penalties for violation of
1373 Pretreatment Standards and Requirements, and any applicable compliance
1374 schedule. Such schedule may not extend the time for compliance beyond

1375 that required by applicable Federal, State, or local law.

1376

1377 (7) Requirements to control Slug Discharge, if determined by OCEA to be
1378 necessary.

1379

1380 (8) Any grant of the monitoring waiver by OCEA (Section 6.4 B) must be
1381 included as a condition in the User's permit.

1382

1383 B. Individual wastewater discharge permits may contain, but need not be limited
1384 to, the following conditions:

1385

1386 (1) Limits on the average and/or maximum rate of discharge, time of
1387 discharge, and/or requirements for flow regulation and equalization;

1388

1389 (2) Requirements for the installation of pretreatment technology, pollution
1390 control, or construction of appropriate containment devices, designed to
1391 reduce, eliminate, or prevent the introduction of pollutants into the
1392 treatment works;

1393

1394 (3) Requirements for the development and implementation of spill control
1395 plans or other special conditions including management practices
1396 necessary to adequately prevent accidental, unanticipated, or nonroutine
1397 discharges;

1398

1399 (4) Development and implementation of waste minimization plans to
1400 reduce the amount of pollutants discharged to the POTW;

1401

1402 (5) The unit charge or schedule of User charges and fees for the
1403 management of the wastewater discharged to the POTW;

1404

1405 (6) Requirements for installation and maintenance of inspection and
1406 sampling facilities and equipment, including flow measurement devices;

1407

1408 (7) A statement that compliance with the individual wastewater discharge
1409 permit does not relieve the permittee of responsibility for compliance with
1410 all applicable Federal and State Pretreatment Standards, including those
1411 which become effective during the term of the individual wastewater
1412 discharge permit; and

1413

1414 (8) Other conditions as deemed appropriate by OCEA to ensure
1415 compliance with these regulations, and State and Federal laws, rules, and
1416 regulations.

1417

1418 **5.3 Permit Issuance Process**

1419

1420 A. Permit Appeals. OCEA shall provide notice of the issuance of an individual
1421 wastewater discharge permit to the Industrial User. The User may petition OCEA
1422 to reconsider the terms of an individual wastewater discharge permit within 30
1423 days of notice of its issuance.

1424

1425 (1) Failure to submit a timely petition for review shall be deemed to be a
1426 waiver of the administrative appeal.

1427

1428 (2) In its petition, the appealing party must indicate the individual
1429 wastewater discharge permit provisions objected to, the reasons for this
1430 objection, and the alternative condition, if any, it seeks to place in the
1431 individual wastewater discharge permit.

1432

1433 (3) The effectiveness of the individual wastewater discharge permit shall
1434 not be stayed pending the appeal.

1435

1436 (4) If OCEA fails to act within 30 days, a request for reconsideration shall
1437 be deemed to be denied. Decisions not to reconsider an individual
1438 wastewater discharge permit, not to issue an individual wastewater
1439 discharge permit, or not to modify an individual wastewater discharge
1440 permit shall be considered final administrative actions for purposes of
1441 judicial review.

1442

1443 (5) Aggrieved parties seeking judicial review of the final administrative
1444 individual wastewater discharge permit decision must do so by filing a
1445 complaint in the Oldham Circuit Court

1446

1447 **5.4 Permit Modification**

1448

1449 A. OCEA may modify an individual wastewater discharge permit for good cause,
1450 including, but not limited to, the following reasons:

1451

1452 (1) To incorporate any new or revised Federal, State, or local Pretreatment
1453 Standards or Requirements;

1454

1455 (2) To address significant alterations or additions to the User's operation,
1456 processes, or wastewater volume or character since the time of the
1457 individual wastewater discharge permit issuance;

1458

1459 (3) A change in the POTW that requires either a temporary or permanent
1460 reduction or elimination of the authorized discharge;

1461

1462 (4) Information indicating that the permitted discharge poses a threat to the
1463 POTW, OCEA personnel, or the receiving waters;

- 1464
- 1465 (5) Violation of any terms or conditions of the individual wastewater
- 1466 discharge permit;
- 1467
- 1468 (6) Misrepresentations or failure to fully disclose all relevant facts in the
- 1469 wastewater discharge permit application or in any required reporting;
- 1470
- 1471 (7) Revision of or a grant of variance from categorical Pretreatment Standards
- 1472 pursuant to 40 CFR 403.13;
- 1473
- 1474 (8) To correct typographical or other errors in the individual wastewater
- 1475 discharge permit; or
- 1476
- 1477 (9) To reflect a transfer of the facility ownership or operation to a new owner
- 1478 or operator where requested in accordance with Section 5.5.
- 1479

1480 B. OCEA may modify a general permit for good cause, including, but not limited to, the
 1481 following reasons:

- 1482
- 1483 (1) To incorporate any new or revised Federal, State, or local Pretreatment
- 1484 Standards or Requirements;
- 1485
- 1486 (2) A change in the POTW that requires either a temporary or permanent
- 1487 reduction or elimination of the authorized discharge;
- 1488
- 1489 (3) To correct typographical or other errors in the individual wastewater
- 1490 discharge permit; or
- 1491
- 1492 (4) To reflect a transfer of the facility ownership or operation to a new owner
- 1493 or operator where requested in accordance with Section 5.5.
- 1494

1495 **5.5 Individual Wastewater Discharge Permit Transfer**

1496

1497 Individual wastewater discharge permits may be transferred to a new owner or operator
 1498 only if the permittee gives at least 60 days advance notice to OCEA and OCEA approves
 1499 the individual wastewater discharge permit transfer. The notice to OCEA must include a
 1500 written certification by the new owner or operator which:

- 1501
- 1502 A. States that the new owner and/or operator has no immediate intent to change
- 1503 the facility’s operations and processes;
- 1504
- 1505 B. Identifies the specific date on which the transfer is to occur; and
- 1506
- 1507 C. Acknowledges full responsibility for complying with the existing individual
- 1508 wastewater discharge permit.
- 1509

1510 Failure to provide advance notice of a transfer renders the individual wastewater
1511 discharge permit void as of the date of facility transfer.

1512

1513 **5.6 Individual Wastewater Discharge Permit Revocation**

1514

1515 OCEA may revoke an individual wastewater discharge permit for good cause, including,
1516 but not limited to, the following reasons:

1517

1518 A. Failure to notify OCEA of significant changes to the wastewater prior to the
1519 changed discharge;

1520

1521 B. Failure to provide prior notification to OCEA of changed conditions pursuant
1522 to Section 6.5 of these regulations;

1523

1524 C. Misrepresentation or failure to fully disclose all relevant facts in the
1525 wastewater discharge permit application;

1526

1527 D. Falsifying self-monitoring reports and certification statements;

1528

1529 E. Tampering with monitoring equipment;

1530

1531 F. Refusing to allow OCEA timely access to the facility premises and records;

1532

1533 G. Failure to meet effluent limitations;

1534

1535 H. Failure to pay fines;

1536

1537 I. Failure to pay sewer charges;

1538

1539 J. Failure to meet compliance schedules;

1540

1541 K. Failure to complete a wastewater survey or the wastewater discharge permit
1542 application;

1543

1544 L. Failure to provide advance notice of the transfer of business ownership of a
1545 permitted facility; or

1546

1547 M. Violation of any Pretreatment Standard or Requirement, or any terms of the
1548 wastewater discharge permit or these regulations.

1549

1550 Individual wastewater discharge permits shall be voidable upon cessation of operations or
1551 transfer of business ownership. All individual wastewater discharge permits issued to a
1552 User are void upon the issuance of a new individual wastewater discharge permit to that
1553 User.

1554

1555 **5.7 Individual Wastewater Discharge Permit Reissuance**

1556

1557 A User with an expiring individual wastewater discharge permit shall apply for individual
1558 wastewater discharge permit reissuance by submitting a complete permit application, in
1559 accordance with Section 4.5 of these regulations, a minimum of 60 days prior to the
1560 expiration of the User’s existing individual wastewater discharge permit.

1561

1562 **5.8 Regulation of Waste Received from Other Jurisdictions**

1563

1564 A. If another municipality, or User located within another municipality,
1565 contributes wastewater to the POTW, OCEA shall enter into an Interlocal
1566 agreement with the contributing municipality.

1567

1568 B. Prior to entering into an agreement required by paragraph A, above, OCEA
1569 shall request the following information from the contributing municipality:

1570

1571 (1) A description of the quality and volume of wastewater discharged to
1572 the POTW by the contributing municipality;

1573

1574 (2) An inventory of all Users located within the contributing municipality
1575 that are discharging to the POTW; and

1576

1577 (3) Such other information as OCEA may deem necessary.

1578

1579 C. An interlocal agreement, as required by paragraph A, above, shall contain the
1580 following conditions:

1581

1582 (1) A requirement for the contributing municipality to adopt sewer use
1583 regulations which are at least as stringent as these regulations and Local
1584 Limits, including required Baseline Monitoring Reports (BMRs) which
1585 are at least as stringent as those set out in Section 2.4 of these regulations.
1586 The requirement shall specify that such regulations and limits must be
1587 revised as necessary to reflect changes made to the OCEA regulations or
1588 Local Limits;

1589

1590 (2) A requirement for the contributing municipality to submit a revised
1591 User inventory on at least an annual basis;

1592

1593 (3) A provision specifying which pretreatment implementation activities,
1594 including individual wastewater discharge permit issuance, inspection and
1595 sampling, and enforcement, will be conducted by the contributing
1596 municipality; which of these activities will be conducted by OCEA; and
1597 which of these activities will be conducted jointly by the contributing
1598 municipality and OCEA;

1599

- 1600 (4) A requirement for the contributing municipality to provide OCEA with
1601 access to all information that the contributing municipality obtains as part
1602 of its pretreatment activities;
1603
- 1604 (5) Limits on the nature, quality, and volume of the contributing
1605 municipality's wastewater at the point where it discharges to the POTW;
1606
- 1607 (6) Requirements for monitoring the contributing municipality's
1608 discharge;
1609
- 1610 (7) A provision ensuring OCEA access to the facilities of Users located
1611 within the contributing municipality's jurisdictional boundaries for the
1612 purpose of inspection, sampling, and any other duties deemed necessary
1613 by OCEA; and
1614
- 1615 (8) A provision specifying remedies available for breach of the terms of
1616 the interlocal agreement.
1617
1618

1619 **SECTION 6—REPORTING REQUIREMENTS**

1620

1621 **6.1 Baseline Monitoring Reports**

1622

1623 A. Within either one hundred eighty (180) days after the effective date of a
 1624 categorical Pretreatment Standard, or the final administrative decision on a
 1625 category determination under 40 CFR 403.6(a)(4), whichever is later, existing
 1626 Categorical Industrial Users currently discharging to or scheduled to discharge to
 1627 the POTW shall submit to OCEA a report which contains the information listed in
 1628 paragraph B, below. At least ninety (90) days prior to commencement of their
 1629 discharge, New Sources, and sources that become Categorical Industrial Users
 1630 subsequent to the promulgation of an applicable categorical Standard, shall
 1631 submit to OCEA a report which contains the information listed in paragraph B,
 1632 below. A New Source shall report the method of pretreatment it intends to use to
 1633 meet applicable categorical Standards. A New Source also shall give estimates of
 1634 its anticipated flow and quantity of pollutants to be discharged.

1635

1636 B. Users described above shall submit the information set forth below.

1637

1638 (1) All information required in Section 4.5A (1) (a), Section 4.5A (2),
 1639 Section 4.5A (3) (a), and Section 4.5A (6).

1640

1641 (2) Measurement of pollutants.

1642 a. The User shall provide the information required in Section 4.5 A (7)
 1643 (a) through (d).

1644 b. The User shall take a minimum of one representative sample to
 1645 compile that data necessary to comply with the requirements of this
 1646 paragraph.

1647 c. Samples should be taken immediately downstream from pretreatment
 1648 facilities if such exist or immediately downstream from the regulated
 1649 process if no pretreatment exists. If other wastewaters are mixed with
 1650 the regulated wastewater prior to pretreatment the User should
 1651 measure the flows and concentrations necessary to allow use of the
 1652 combined wastestream formula in 40 CFR 403.6(e) to evaluate
 1653 compliance with the Pretreatment Standards. Where an alternate
 1654 concentration or mass limit has been calculated in accordance with 40
 1655 CFR 403.6(e) this adjusted limit along with supporting data shall be
 1656 submitted to the Control Authority;

1657 d. Sampling and analysis shall be performed in accordance with Section
 1658 6.10;

1659 e. OCEA may allow the submission of a baseline report which utilizes
 1660 only historical data so long as the data provides information sufficient
 1661 to determine the need for industrial pretreatment measures;

1662 f. The baseline report shall indicate the time, date and place of sampling
 1663 and methods of analysis, and shall certify that such sampling and

1664 analysis is representative of normal work cycles and expected
1665 pollutant Discharges to the POTW.

1666

1667 (3) Compliance Certification. A statement, reviewed by the User's
1668 Authorized Representative as defined in Section 1.4 and certified by a
1669 qualified professional, indicating whether Pretreatment Standards are
1670 being met on a consistent basis, and, if not, whether additional operation
1671 and maintenance (O&M) and/or additional pretreatment is required to
1672 meet the Pretreatment Standards and Requirements.

1673

1674 (4) Compliance Schedule. If additional pretreatment and/or O&M will be
1675 required to meet the Pretreatment Standards, the shortest schedule by
1676 which the User will provide such additional pretreatment and/or O&M
1677 must be provided. The completion date in this schedule shall not be later
1678 than the compliance date established for the applicable Pretreatment
1679 Standard. A compliance schedule pursuant to this Section must meet the
1680 requirements set out in Section 6.2 of these regulations.

1681

1682 (5) Signature and Report Certification. All baseline monitoring reports
1683 must be certified in accordance with Section 6.14 A of these regulations
1684 and signed by an Authorized Representative as defined in Section 1.4.

1685

1686 **6.2 Compliance Schedule Progress Reports**

1687

1688 The following conditions shall apply to the compliance schedule required by Section
1689 6.1(B)(4) of these regulations:

1690

1691 A. The schedule shall contain progress increments in the form of dates for the
1692 commencement and completion of major events leading to the construction and
1693 operation of additional pretreatment required for the User to meet the applicable
1694 Pretreatment Standards (such events include, but are not limited to, hiring an
1695 engineer, completing preliminary and final plans, executing contracts for major
1696 components, commencing and completing construction, and beginning and
1697 conducting routine operation);

1698

1699 B. No increment referred to above shall exceed nine (9) months;

1700

1701 C. The User shall submit a progress report to OCEA no later than fourteen (14)
1702 days following each date in the schedule and the final date of compliance
1703 including, as a minimum, whether or not it complied with the increment of
1704 progress, the reason for any delay, and, if appropriate, the steps being taken by the
1705 User to return to the established schedule; and

1706

1707 D. In no event shall more than nine (9) months elapse between such progress
1708 reports to OCEA.

1709

1710 6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

1711

1712 Within ninety (90) days following the date for final compliance with applicable
1713 categorical Pretreatment Standards, or in the case of a New Source following
1714 commencement of the introduction of wastewater into the POTW, any User subject to
1715 such Pretreatment Standards and Requirements shall submit to OCEA a report containing
1716 the information described in Section 4.5A(6) and (7) and 6.1(B)(2) of these regulations.
1717 For Users subject to equivalent mass or concentration limits established in accordance
1718 with the procedures in Section 2.2, this report shall contain a reasonable measure of the
1719 User's long-term production rate. For all other Users subject to categorical Pretreatment
1720 Standards expressed in terms of allowable pollutant discharge per unit of production (or
1721 other measure of operation), this report shall include the User's actual production during
1722 the appropriate sampling period. All compliance reports must be signed and certified in
1723 accordance with Section 6.14 A of these regulations. All sampling will be done in
1724 conformance with Section 6.11.

1725

1726 6.4 Periodic Compliance Reports

1727

1728 Note: All SIUs are required to submit periodic compliance reports even if they have been
1729 designated a Non-Significant Categorical Industrial User under the provisions of Section
1730 6.4 C.

1731

1732 A. Except as specified in Section 6.4.C, all Significant Industrial Users must, at a
1733 frequency determined by OCEA submit no less than twice per year (June and
1734 December or on dates specified) reports indicating the nature, concentration of
1735 pollutants in the discharge which are limited by Pretreatment Standards and the
1736 measured or estimated average and maximum daily flows for the reporting period.
1737 In cases where the Pretreatment Standard requires compliance with a Best
1738 Management Practice (BMP) or pollution prevention alternative, the User must
1739 submit documentation required by OCEA or the Pretreatment Standard necessary
1740 to determine the compliance status of the User

1741

1742

1743 B. OCEA may authorize an Industrial User subject to a categorical Pretreatment
1744 Standard to forego sampling of a pollutant regulated by a categorical Pretreatment
1745 Standard if the Industrial User has demonstrated through sampling and other
1746 technical factors that the pollutant is neither present nor expected to be present in
1747 the Discharge, or is present only at background levels from intake water and
1748 without any increase in the pollutant due to activities of the Industrial User. This
1749 authorization is subject to the following conditions:

1750

1751 (1) The waiver may be authorized where a pollutant is determined to be
1752 present solely due to sanitary wastewater discharged from the facility
1753 provided that the sanitary wastewater is not regulated by an applicable
1754 categorical Standard and otherwise includes no process wastewater.

1755

1756 (2) The monitoring waiver is valid only for the duration of the effective
1757 period of the individual wastewater discharge permit, but in no case longer
1758 than 5 years. The User must submit a new request for the waiver before
1759 the waiver can be granted for each subsequent individual wastewater
1760 discharge permit. See Section 4.5A(8).
1761

1762 (3) In making a demonstration that a pollutant is not present, the Industrial
1763 User must provide data from at least one sampling of the facility's process
1764 wastewater prior to any treatment present at the facility that is
1765 representative of all wastewater from all processes.
1766

1767 (4) The request for a monitoring waiver must be signed by an authorized
1768 representative of the Industrial User in accordance with Section 1.4, and
1769 include the certification statement in 6.14 A (40 CFR 403.6(a)(2)(ii)).
1770

1771 (5) Non-detectable sample results may be used only as a demonstration
1772 that a pollutant is not present if the EPA approved method from 40 CFR
1773 Part 136 with the lowest minimum detection level for that pollutant was
1774 used in the analysis.
1775

1776 (6) Any grant of the monitoring waiver by OCEA must be included as a
1777 condition in the User's permit. The reasons supporting the waiver and any
1778 information submitted by the User in its request for the waiver must be
1779 maintained by OCEA for 3 years after expiration of the waiver.
1780

1781 (7) Upon approval of the monitoring waiver and revision of the User's
1782 permit by OCEA, the Industrial User must certify on each report with the
1783 statement in Section 6.14 C below, that there has been no increase in the
1784 pollutant in its wastestream due to activities of the Industrial User.
1785

1786 (8) In the event that a waived pollutant is found to be present or is
1787 expected to be present because of changes that occur in the User's
1788 operations, the User must immediately: Comply with the monitoring
1789 requirements of Section 6.4 A, or other more frequent monitoring
1790 requirements imposed by OCEA, and notify OCEA .
1791

1792 (9) This provision does not supersede certification processes and
1793 requirements established in categorical Pretreatment Standards, except as
1794 otherwise specified in the categorical Pretreatment Standard.
1795

1796
1797 C. OCEA may reduce the requirement for periodic compliance reports to a
1798 requirement to report no less frequently than once a year, unless required more
1799 frequently in the Pretreatment Standard or by the EPA/State.
1800

1801 Reduced reporting is not available to Industrial Users that have in the last two (2)
1802 years been in Significant Noncompliance, as defined in Section 9 of these
1803 regulations. In addition, reduced reporting is not available to an Industrial User
1804 with daily flow rates, production levels, or pollutant levels that vary so
1805 significantly that, in the opinion of OCEA, decreasing the reporting requirement
1806 for this Industrial User would result in data that are not representative of
1807 conditions occurring during the reporting period.

1808
1809 D. All periodic compliance reports must be signed and certified in accordance
1810 with Section 6.14 A of these regulations.

1811
1812 E. All wastewater samples must be representative of the User's discharge.
1813 Wastewater monitoring and flow measurement facilities shall be properly
1814 operated, kept clean, and maintained in good working order at all times. The
1815 failure of a User to keep its monitoring facility in good working order shall not be
1816 grounds for the User to claim that sample results are unrepresentative of its
1817 discharge.

1818
1819 F. If a User subject to the reporting requirement in this section monitors any
1820 regulated pollutant at the appropriate sampling location more frequently than
1821 required by OCEA, using the procedures prescribed in Section 6.11 of these
1822 regulations, the results of this monitoring shall be included in the report.

1823
1824

1825 **6.5 Reports of Changed Conditions**

1826

1827 Each User must notify OCEA of any significant changes to the User's operations or
1828 system which might alter the nature, quality, or volume of its wastewater at least 30 days
1829 before the change.

1830

1831 A. OCEA may require the User to submit such information as may be deemed
1832 necessary to evaluate the changed condition, including the submission of a
1833 wastewater discharge permit application under Section 4.5 of these
1834 regulations.

1835

1836 B. OCEA may issue an individual wastewater discharge permit under Section 5.7
1837 of these regulations or modify an existing wastewater discharge permit under
1838 Section 5.4 of these regulations in response to changed conditions or
1839 anticipated changed conditions.

1840

1841 **6.6 Reports of Potential Problems**

1842

1843 A. In the case of any discharge, including, but not limited to, accidental
1844 discharges, discharges of a non-routine, episodic nature, a non-customary batch
1845 discharge, a Slug Discharge or Slug Load, that might cause potential problems for
1846 the POTW, the User shall immediately telephone and notify OCEA of the

1847 incident. This notification shall include the location of the discharge, type of
1848 waste, concentration and volume, if known, and corrective actions taken by the
1849 User.

1850
1851 B. Within five (5) days following such discharge, the User shall, unless waived
1852 by OCEA, submit a detailed written report describing the cause(s) of the
1853 discharge and the measures to be taken by the User to prevent similar future
1854 occurrences. Such notification shall not relieve the User of any expense, loss,
1855 damage, or other liability which might be incurred as a result of damage to the
1856 POTW, natural resources, or any other damage to person or property; nor shall
1857 such notification relieve the User of any fines, penalties, or other liability which
1858 may be imposed pursuant to these regulations.

1859
1860 C. A notice shall be permanently posted on the User's bulletin board or other
1861 prominent place advising employees who to call in the event of a discharge
1862 described in paragraph A, above. Employers shall ensure that all employees, who
1863 could cause such a discharge to occur, are advised of the emergency notification
1864 procedure.

1865
1866 D. Significant Industrial Users are required to notify OCEA immediately of any
1867 changes at its facility affecting the potential for a Slug Discharge.

1868
1869 **6.7 Reports from Unpermitted Users**
1870

1871 All Users not required to obtain an individual wastewater discharge permit shall provide
1872 appropriate reports to OCEA as OCEA may require.

1873
1874 **6.8 Notice of Violation/Repeat Sampling and Reporting**
1875

1876 If sampling performed by a User indicates a violation, the User must notify OCEA within
1877 twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the
1878 sampling and analysis and submit the results of the repeat analysis to OCEA within thirty
1879 (30) days after becoming aware of the violation. Resampling by the Industrial User is not
1880 required if OCEA performs sampling at the User's facility at least once a month, or if
1881 OCEA performs sampling at the User between the time when the initial sampling was
1882 conducted and the time when the User or OCEA receives the results of this sampling, or
1883 if OCEA has performed the sampling and analysis in lieu of the Industrial User. If
1884 OCEA performed the sampling and analysis in lieu of the Industrial User, OCEA will
1885 perform the repeat sampling and analysis unless it notifies the User of the violation and
1886 requires the User to perform the repeat sampling and analysis.

1887
1888 **6.9 Notification of the Discharge of Hazardous Waste**
1889

1890 A. Any User who commences the discharge of hazardous waste shall notify the
1891 POTW, the EPA Regional Waste Management Division Director, and State
1892 hazardous waste authorities, in writing, of any discharge into the POTW of a

1893 substance which, if otherwise disposed of, would be a hazardous waste under 40
1894 CFR Part 261. Such notification must include the name of the hazardous waste as
1895 set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of
1896 discharge (continuous, batch, or other). If the User discharges more than one
1897 hundred (100) kilograms of such waste per calendar month to the POTW, the
1898 notification also shall contain the following information to the extent such
1899 information is known and readily available to the User: an identification of the
1900 hazardous constituents contained in the wastes, an estimation of the mass and
1901 concentration of such constituents in the wastestream discharged during that
1902 calendar month, and an estimation of the mass of constituents in the wastestream
1903 expected to be discharged during the following twelve (12) months. All
1904 notifications must take place no later than one hundred and eighty (180) days after
1905 the discharge commences. Any notification under this paragraph need be
1906 submitted only once for each hazardous waste discharged. However, notifications
1907 of changed conditions must be submitted under Section 6.5 of these regulations.
1908 The notification requirement in this Section does not apply to pollutants already
1909 reported by Users subject to categorical Pretreatment Standards under the
1910 self-monitoring requirements of Sections 6.1, 6.3, and 6.4 of these regulations.

1911

1912 B. Dischargers are exempt from the requirements of paragraph A, above, during a
1913 calendar month in which they discharge no more than fifteen (15) kilograms of
1914 hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40
1915 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of
1916 non-acute hazardous wastes in a calendar month, or of any quantity of acute
1917 hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a
1918 one-time notification. Subsequent months during which the User discharges more
1919 than such quantities of any hazardous waste do not require additional notification.

1920

1921 C. In the case of any new regulations under section 3001 of RCRA identifying
1922 additional characteristics of hazardous waste or listing any additional substance as
1923 a hazardous waste, the User must notify OCEA, the EPA Regional Waste
1924 Management Waste Division Director, and State hazardous waste authorities of
1925 the discharge of such substance within ninety (90) days of the effective date of
1926 such regulations.

1927

1928 D. In the case of any notification made under this Section, the User shall certify
1929 that it has a program in place to reduce the volume and toxicity of hazardous
1930 wastes generated to the degree it has determined to be economically practical.

1931

1932 E. This provision does not create a right to discharge any substance not otherwise
1933 permitted to be discharged by these regulations, a permit issued thereunder, or any
1934 applicable Federal or State law.

1935

1936 6.10 Analytical Requirements

1937

1938 All pollutant analyses, including sampling techniques, to be submitted as part of a
1939 wastewater discharge permit application or report shall be performed in accordance with
1940 the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise
1941 specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does
1942 not contain sampling or analytical techniques for the pollutant in question, or where the
1943 EPA determines that the Part 136 sampling and analytical techniques are inappropriate
1944 for the pollutant in question, sampling and analyses shall be performed by using validated
1945 analytical methods or any other applicable sampling and analytical procedures, including
1946 procedures suggested by OCEA or other parties approved by EPA.

1947

1948 6.11 Sample Collection

1949

1950 Samples collected to satisfy reporting requirements must be based on data obtained
1951 through appropriate sampling and analysis performed during the period covered by the
1952 report, based on data that is representative of conditions occurring during the reporting
1953 period.

1954

1955 A. Except as indicated in Section B and C below, the User must collect
1956 wastewater samples using 24-hour flow-proportional composite sampling
1957 techniques, unless time-proportional composite sampling or grab sampling is
1958 authorized by OCEA. Where time-proportional composite sampling or grab
1959 sampling is authorized by OCEA, the samples must be representative of the
1960 discharge. Using protocols (including appropriate preservation) specified in 40
1961 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected
1962 during a 24-hour period may be composited prior to the analysis as follows: for
1963 cyanide, total phenols, and sulfides the samples may be composited in the
1964 laboratory or in the field; for volatile organics and oil and grease, the samples
1965 may be composited in the laboratory. Composite samples for other parameters
1966 unaffected by the compositing procedures as documented in approved EPA
1967 methodologies may be authorized by OCEA, as appropriate. In addition, grab
1968 samples may be required to show compliance with Instantaneous Limits.

1969

1970 B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides,
1971 and volatile organic compounds must be obtained using grab collection
1972 techniques.

1973

1974 C. For sampling required in support of baseline monitoring and 90-day
1975 compliance reports required in Section 6.1 and 6.3 [40 CFR 403.12(b) and (d)], a
1976 minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil
1977 and grease, sulfide and volatile organic compounds for facilities for which
1978 historical sampling data do not exist; for facilities for which historical sampling
1979 data are available, OCEA may authorize a lower minimum. For the reports
1980 required by paragraphs Section 6.4 (40 CFR 403.12(e) and 403.12(h)), the
1981 Industrial User is required to collect the number of grab samples necessary to

1982 assess and assure compliance by with applicable Pretreatment Standards and
1983 Requirements.

1984

1985 **6.12 Date of Receipt of Reports**

1986

1987 The due date for all correspondence required to be submitted to OCEA shall be governed
1988 by the date of receipt. Correspondence which is postmarked prior to the due date but
1989 which is not received by OCEA until after the due date shall be deemed late and may
1990 incur a violation.

1991

1992 **6.13 Recordkeeping**

1993

1994 Users subject to the reporting requirements of these regulations shall retain, and make
1995 available for inspection and copying, all records of information obtained pursuant to any
1996 monitoring activities required by these regulations, any additional records of information
1997 obtained pursuant to monitoring activities undertaken by the User independent of such
1998 requirements, and documentation associated with Best Management Practices established
1999 under Section 2.4 C. Records shall include the date, exact place, method, and time of
2000 sampling, and the name of the person(s) taking the samples; the dates analyses were
2001 performed; who performed the analyses; the analytical techniques or methods used; and
2002 the results of such analyses. These records shall remain available for a period of at least
2003 three (3) years. This period shall be automatically extended for the duration of any
2004 litigation concerning the User or OCEA, or where the User has been specifically notified
2005 of a longer retention period by OCEA.

2006

2007 **6.14 Certification Statements**

2008

2009 A. Certification of Permit Applications, User Reports and Initial Monitoring
2010 Waiver—The following certification statement is required to be signed and
2011 submitted by Users submitting permit applications in accordance with Section
2012 4.7; Users submitting baseline monitoring reports under Section 6.1 B (5); Users
2013 submitting reports on compliance with the categorical Pretreatment Standard
2014 deadlines under Section 6.3; Users submitting periodic compliance reports
2015 required by Section 6.4 A–D, and Users submitting an initial request to forego
2016 sampling of a pollutant on the basis of Section 6.4B(4). The following
2017 certification statement must be signed by an Authorized Representative as defined
2018 in Section 1.4:

2019

2020 I certify under penalty of law that this document and all attachments were
2021 prepared under my direction or supervision in accordance with a system
2022 designed to assure that qualified personnel properly gather and evaluate
2023 the information submitted. Based on my inquiry of the person or persons
2024 who manage the system, or those persons directly responsible for
2025 gathering the information, the information submitted is, to the best of my
2026 knowledge and belief, true, accurate, and complete. I am aware that there

2027 are significant penalties for submitting false information, including the
2028 possibility of fine and imprisonment for knowing violations.

2029

2030 B. Annual Certification for Non-Significant Categorical Industrial Users—A
2031 facility determined to be a Non-Significant Categorical Industrial User by OCEA
2032 pursuant to 1.4 and 4.7 C must annually submit the following certification
2033 statement signed in accordance with the signatory requirements in 1.4 C. This
2034 certification must accompany an alternative report required by OCEA:

2035

2036 Based on my inquiry of the person or persons directly responsible
2037 for managing compliance with the categorical Pretreatment
2038 Standards under 40 CFR _____, I certify that, to the best of my
2039 knowledge and belief that during the period from _____,
2040 _____ to _____, _____ [months, days, year]:

2041

2042 (a) The facility described as _____
2043 [facility name] met the definition of a Non-Significant Categorical
2044 Industrial User as described in 1.4;

2045

2046 (b) The facility complied with all applicable Pretreatment
2047 Standards and requirements during this reporting period; and (c)
2048 the facility never discharged more than 100 gallons of total
2049 categorical wastewater on any given day during this reporting
2050 period.

2051

2052 This compliance certification is based on the following
2053 information.

2054

2055

2056

2057

2058

2059

2060 C. Certification of Pollutants Not Present

2061

2062 Users that have an approved monitoring waiver based on Section 6.4 B must
2063 certify on each report with the following statement that there has been no increase
2064 in the pollutant in its wastestream due to activities of the User.

2065

2066 Based on my inquiry of the person or persons directly responsible for
2067 managing compliance with the Pretreatment Standard for 40 CFR
2068 _____ [specify applicable National Pretreatment Standard part(s)], I
2069 certify that, to the best of my knowledge and belief, there has been no
2070 increase in the level of _____ [list pollutant(s)] in the wastewaters due to
2071 the activities at the facility since filing of the last periodic report under
2072 Section 6.4.A.

2073

2074

2075 **SECTION 7—COMPLIANCE MONITORING**

2076

2077 **7.1 Right of Entry: Inspection and Sampling**

2078

2079 OCEA shall have the right to enter the premises of any User to determine whether the
2080 User is complying with all requirements of these regulations and any individual
2081 wastewater discharge permit or order issued hereunder. Users shall allow OCEA ready
2082 access to all parts of the premises for the purposes of inspection, sampling, records
2083 examination and copying, and the performance of any additional duties.

2084

2085 A. Where a User has security measures in force which require proper
2086 identification and clearance before entry into its premises, the User shall make
2087 necessary arrangements with its security guards so that, upon presentation of
2088 suitable identification, OCEA shall be permitted to enter without delay for the
2089 purposes of performing specific responsibilities.

2090

2091 B. OCEA shall have the right to set up on the User's property, or require
2092 installation of, such devices as are necessary to conduct sampling and/or metering
2093 of the User's operations.

2094

2095 C. OCEA may require the User to install monitoring equipment as necessary.
2096 The facility's sampling and monitoring equipment shall be maintained at all times
2097 in a safe and proper operating condition by the User at its own expense. All
2098 devices used to measure wastewater flow and quality shall be calibrated annually
2099 to ensure their accuracy.

2100

2101 D. Any temporary or permanent obstruction to safe and easy access to the facility
2102 to be inspected and/or sampled shall be promptly removed by the User at the
2103 written or verbal request of OCEA and shall not be replaced. The costs of
2104 clearing such access shall be borne by the User.

2105

2106 E. Unreasonable delays in allowing OCEA access to the User's premises shall be
2107 a violation of these regulations.

2108

2109 **7.2 Search Warrants**

2110

2111 If OCEA has been refused access to a building, structure, or property, or any part thereof,
2112 and is able to demonstrate probable cause to believe that there may be a violation of these
2113 regulations, or that there is a need to inspect and/or sample as part of a routine inspection
2114 and sampling program of OCEA designed to verify compliance with these regulations or
2115 any permit or order issued hereunder, or to protect the overall public health, safety and
2116 welfare of the community, OCEA may seek issuance of a search warrant from the
2117 appropriate Court of Kentucky.

2118

2119

2120 **SECTION 8—CONFIDENTIAL INFORMATION**

2121

2122 Information and data obtained from a User from reports, surveys, wastewater discharge
2123 permit applications, individual wastewater discharge permits, and monitoring programs,
2124 and from OCEA inspection and sampling activities, will be available to the public to the
2125 extent such is contained in a public record that is not exempt from inspection pursuant to
2126 KRS 61.878. Any claim that information is exempt from public inspection must be
2127 asserted at the time of submission. When requested and demonstrated by the User
2128 furnishing information that information is exempt from public inspection shall not be
2129 made available to the public, but shall be made available immediately upon request to
2130 governmental agencies for uses related to the NPDES program or pretreatment program,
2131 and in enforcement proceedings involving the person furnishing the information.

2132 Wastewater characteristics and other effluent data, as defined in 40 CFR 2.302 shall not
2133 be considered exempt from public inspection and shall be made available to the public.

2134

2135

2136

2137 **SECTION 9—PUBLICATION OF USERS IN SIGNIFICANT**
2138 **NONCOMPLIANCE**
2139

2140 OCEA shall publish annually, in a newspaper of general circulation that provides
2141 meaningful public notice within the jurisdictions served by the OCEA POTW, a list of
2142 the Users which, at any time during the previous twelve (12) months, were in Significant
2143 Noncompliance with applicable Pretreatment Standards and Requirements. The term
2144 Significant Noncompliance shall be applicable to all Significant Industrial Users (or any
2145 other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall
2146 mean:

2147
2148 A. Chronic violations of wastewater discharge limits, defined here as those in
2149 which sixty-six percent (66%) or more of all the measurements taken for the same
2150 pollutant parameter taken during a six- (6-) month period exceed (by any
2151 magnitude) a numeric Pretreatment Standard or Requirement, including
2152 Instantaneous Limits as defined in Section 2;

2153
2154 B. Technical Review Criteria (TRC) violations, defined here as those in which
2155 thirty-three percent (33%) or more of wastewater measurements taken for each
2156 pollutant parameter during a six- (6-) month period equals or exceeds the product
2157 of the numeric Pretreatment Standard or Requirement including Instantaneous
2158 Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD,
2159 TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

2160
2161 C. Any other violation of a Pretreatment Standard or Requirement as defined by
2162 Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative
2163 standard) that OCEA determines has caused, alone or in combination with other
2164 discharges, Interference or Pass Through, including endangering the health of
2165 POTW personnel or the general public;

2166
2167 D. Any discharge of a pollutant that has caused imminent endangerment to the
2168 public or to the environment, or has resulted in OCEA's exercise of its emergency
2169 authority to halt or prevent such a discharge;

2170
2171 E. Failure to meet, within ninety (90) days of the scheduled date, a compliance
2172 schedule milestone contained in an individual wastewater discharge permit or
2173 enforcement order for starting construction, completing construction, or attaining
2174 final compliance;

2175
2176 F. Failure to provide within forty-five (45) days after the due date, any required
2177 reports, including baseline monitoring reports, reports on compliance with
2178 categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and
2179 reports on compliance with compliance schedules;

2180
2181 G. Failure to accurately report noncompliance; or
2182

2183 H. Any other violation(s), which may include a violation of Best Management
2184 Practices, which OCEA determines will adversely affect the operation or
2185 implementation of the local pretreatment program.
2186
2187

2188 **SECTION 10—ADMINISTRATIVE ENFORCEMENT REMEDIES**

2189

2190 **10.1 Notification of Violation**

2191

2192 When OCEA finds that a User has violated, or continues to violate, any provision of
2193 these regulations, an individual wastewater discharge permit, or order issued hereunder,
2194 or any other Pretreatment Standard or Requirement, OCEA may serve upon that User a
2195 written Notice of Violation. Within 30 days of the receipt of such notice, an explanation
2196 of the violation and a plan for the satisfactory correction and prevention thereof, to
2197 include specific required actions, shall be submitted by the User to OCEA. Submission
2198 of such a plan in no way relieves the User of liability for any violations occurring before
2199 or after receipt of the Notice of Violation. Nothing in this Section shall limit the
2200 authority of OCEA to take any action, including emergency actions or any other
2201 enforcement action, without first issuing a Notice of Violation.

2202

2203 **10.2 Consent Orders**

2204

2205 OCEA may enter into Consent Orders, assurances of compliance, or other similar
2206 documents establishing an agreement with any User responsible for noncompliance. Such
2207 documents shall include specific action to be taken by the User to correct the
2208 noncompliance within a time period specified by the document. Such documents shall
2209 have the same force and effect as the administrative orders issued pursuant to Sections
2210 10.4 and 10.5 of these regulations and shall be judicially enforceable.

2211

2212 **10.3 Show Cause Hearing**

2213

2214 OCEA may order a User which has violated, or continues to violate, any provision of
2215 these regulations, an individual wastewater discharge permit, or order issued hereunder,
2216 or any other Pretreatment Standard or Requirement, to appear before OCEA and show
2217 cause why the proposed enforcement action should not be taken. Notice shall be served
2218 on the User specifying the time and place for the meeting, the proposed enforcement
2219 action, the reasons for such action, and a request that the User show cause why the
2220 proposed enforcement action should not be taken. The notice of the meeting shall be
2221 served personally or by registered or certified mail (return receipt requested) at least 14
2222 days prior to the hearing. Such notice may be served on any Authorized Representative
2223 of the User as defined in Section 1.4 and designated in accordance with by Section 4.7 A.

2224 A show cause hearing shall not be a bar against, or prerequisite for, taking any other
2225 action against the User.

2226

2227 **10.4 Compliance Orders**

2228

2229 When OCEA finds that a User has violated, or continues to violate, any provision of
2230 these regulations, an individual wastewater discharge permit, or order issued hereunder,
2231 or any other Pretreatment Standard or Requirement, OCEA may issue an order to the
2232 User responsible for the discharge directing that the User come into compliance within a
2233 specified time. If the User does not come into compliance within the time provided,

2234 sewer service may be discontinued unless adequate treatment facilities, devices, or other
 2235 related appurtenances are installed and properly operated. Compliance orders also may
 2236 contain other requirements to address the noncompliance, including additional
 2237 self-monitoring and management practices designed to minimize the amount of pollutants
 2238 discharged to the sewer. A compliance order may not extend the deadline for compliance
 2239 established for a Pretreatment Standard or Requirement, nor does a compliance order
 2240 relieve the User of liability for any violation, including any continuing violation.
 2241 Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any
 2242 other action against the User.

2243

2244 **10.5 Cease and Desist Orders**

2245

2246 When OCEA finds that a User has violated, or continues to violate, any provision of
 2247 these regulations, an individual wastewater discharge permit, or order issued hereunder,
 2248 or any other Pretreatment Standard or Requirement, or that the User's past violations are
 2249 likely to recur, OCEA may issue an order to the User directing it to cease and desist all
 2250 such violations and directing the User to:

2251

2252 A. Immediately comply with all requirements; and

2253

2254 B. Take such appropriate remedial or preventive action as may be needed to
 2255 properly address a continuing or threatened violation, including halting
 2256 operations and/or terminating the discharge. Issuance of a cease and desist
 2257 order shall not be a bar against, or a prerequisite for, taking any other action
 2258 against the User.

2259

2260 **10.6 Administrative Fines**

2261

2262 A. When OCEA finds that a User has violated, or continues to violate, any
 2263 provision of these regulations, an individual wastewater discharge permit, or order
 2264 issued hereunder, or any other Pretreatment Standard or Requirement, OCEA may
 2265 fine such User in an amount of up to \$1,000.00 per violation. Such fines shall be
 2266 assessed on a per-violation, per-day basis. In the case of monthly or other long-
 2267 term average discharge limits, fines shall be assessed for each day during the
 2268 period of violation.

2269

2270 B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be
 2271 assessed an additional penalty of ten percent (10%) of the unpaid balance, and
 2272 interest shall accrue thereafter at a rate of two percent (2%) per month. A lien
 2273 against the User's property shall be sought for unpaid charges, fines, and
 2274 penalties.

2275

2276 C. Users desiring to dispute such fines must file a written request for OCEA to
 2277 reconsider the fine along with full payment of the fine amount within fifteen (15)
 2278 days of being notified of the fine. Where a request has merit, OCEA may
 2279 convene a hearing on the matter. In the event the User's appeal is successful, the

2280 payment, together with any interest accruing thereto, shall be returned to the User.
2281 OCEA may add the costs of preparing administrative enforcement actions, such
2282 as notices and orders, to the fine.

2283

2284 D. Issuance of an administrative fine shall not be a bar against, or a prerequisite
2285 for, taking any other action against the User.

2286

2287 **10.7 Emergency Suspensions**

2288

2289 OCEA may immediately suspend a User's discharge, after informal notice to the User,
2290 whenever such suspension is necessary to stop an actual or threatened discharge, which
2291 reasonably appears to present, or cause an imminent or substantial endangerment to the
2292 health or welfare of persons. OCEA may also immediately suspend a User's discharge,
2293 after notice and opportunity to respond, that threatens to interfere with the operation of
2294 the POTW, or which presents, or may present, an endangerment to the environment.

2295

2296 A. Any User notified of a suspension of its discharge shall immediately stop or
2297 eliminate its contribution. In the event of a User's failure to immediately comply
2298 voluntarily with the suspension order, OCEA may take such steps as deemed
2299 necessary, including immediate severance of the sewer connection, to prevent or
2300 minimize damage to the POTW, its receiving stream, or endangerment to any
2301 individuals. OCEA may allow the User to recommence its discharge when the
2302 User has demonstrated to the satisfaction of OCEA that the period of
2303 endangerment has passed, unless the termination proceedings in Section 10.8 of
2304 these regulations are initiated against the User.

2305

2306 B. A User that is responsible, in whole or in part, for any discharge presenting
2307 imminent endangerment shall submit a detailed written statement, describing the
2308 causes of the harmful contribution and the measures taken to prevent any future
2309 occurrence, to OCEA prior to the date of any show cause or termination hearing
2310 under Sections 10.3 or 10.8 of these regulations.

2311

2312 Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency
2313 Suspension under this Section.

2314

2315 **10.8 Termination of Discharge**

2316

2317 In addition to the provisions in Section 5.6 of these regulations, any User who violates
2318 the following conditions is subject to discharge termination:

2319

2320 A. Violation of individual wastewater discharge permit conditions;

2321

2322 B. Failure to accurately report the wastewater constituents and characteristics of
2323 its discharge;

2324

2325 C. Failure to report significant changes in operations or wastewater volume,
2326 constituents, and characteristics prior to discharge;

2327

2328 D. Refusal of reasonable access to the User's premises for the purpose of
2329 inspection, monitoring, or sampling; or

2330

2331 E. Violation of the Pretreatment Standards in Section 2 of these regulations.

2332

2333 Such User will be notified of the proposed termination of its discharge and be offered an
2334 opportunity to show cause under Section 10.3 of these regulations why the proposed
2335 action should not be taken. Exercise of this option by OCEA shall not be a bar to, or a
2336 prerequisite for, taking any other action against the User.

2337

2338

2339 **SECTION 11—JUDICIAL ENFORCEMENT REMEDIES**

2340

2341 **11.1 Injunctive Relief**

2342

2343 When OCEA finds that a User has violated, or continues to violate, any provision of
2344 these regulations, an individual wastewater discharge permit, or order issued hereunder,
2345 or any other Pretreatment Standard or Requirement, OCEA may file an action in the
2346 Oldham Circuit Court to seek a temporary or permanent injunction, as appropriate, which
2347 restrains or compels the specific performance of the individual wastewater discharge
2348 permit, order, or other requirement imposed by these regulations on activities of the User.

2349 OCEA may also seek such other action as is appropriate for legal and/or equitable relief,
2350 including a requirement for the User to conduct environmental remediation. A petition
2351 for injunctive relief shall not be a bar against, or a prerequisite for, taking any other
2352 action against a User.

2353

2354 **11.2 Civil Penalties**

2355

2356 A. A User who has violated, or continues to violate, any provision of these
2357 regulations, an individual wastewater discharge permit, or order issued hereunder,
2358 or any other Pretreatment Standard or Requirement shall be liable to OCEA for a
2359 maximum civil penalty of up to and including \$1,000 per violation, per day. In
2360 the case of a monthly or other long-term average discharge limit, penalties shall
2361 accrue for each day during the period of the violation.

2362

2363 B. OCEA may recover reasonable attorneys' fees, court costs, and other expenses
2364 associated with enforcement activities, including sampling and monitoring
2365 expenses, and the cost of any actual damages incurred by OCEA.

2366

2367 C. In determining the amount of civil liability, the Court shall take into account
2368 all relevant circumstances, including, but not limited to, the extent of harm caused
2369 by the violation, the magnitude and duration of the violation, any economic
2370 benefit gained through the User's violation, corrective actions by the User, the
2371 compliance history of the User, and any other factor as justice requires.

2372

2373 D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for,
2374 taking any other action against a User.

2375

2376 **11.3 Criminal Prosecution**

2377

2378 A. A User who willfully, knowingly or intentionally violates any provision of
2379 these regulations, an individual wastewater discharge permit, or order issued
2380 hereunder, or any other Pretreatment Standard or Requirement may, upon
2381 conviction, be found guilty of a misdemeanor, punishable by a fine of at least
2382 \$1000.00 per violation, per day, or imprisonment for not more than one year, or
2383 both.

2384

2385 B. A User who willfully or negligently introduces any substance into the POTW
2386 which causes personal injury or property damage shall, upon conviction, be guilty
2387 of a misdemeanor and be subject to a penalty of at least \$1,000.00, or be subject
2388 to imprisonment for not more than one year, or both. This penalty shall be in
2389 addition to any other cause of action for personal injury or property damage
2390 available under State law.

2391
2392 C. A User who knowingly makes any false statements, representations, or
2393 certifications in any application, record, report, plan, or other documentation filed,
2394 or required to be maintained, pursuant to these regulations, individual wastewater
2395 discharge permit, or order issued hereunder, or who falsifies, tampers with, or
2396 knowingly renders inaccurate any monitoring device or method required under
2397 these regulations shall, upon conviction, be punished by a fine of not more than
2398 \$5,000.00 per violation, per day, or imprisonment for not more than one year, or
2399 both.

2400
2401 D. In the event of a second conviction, a User shall be punished by a fine of not
2402 more than \$3,000.00 per violation, per day, or imprisonment for not more than
2403 three years, or both.

2404

2405 **11.4 Remedies Nonexclusive**

2406

2407 The remedies provided for in these regulations are not exclusive. OCEA may take any,
2408 all, or any combination of these actions against a noncompliant User. Enforcement of
2409 pretreatment violations will generally be in accordance with OCEA's enforcement
2410 response plan. However, OCEA may take other action against any User when the
2411 circumstances warrant. Further, OCEA is empowered to take more than one enforcement
2412 action against any noncompliant User.

2413

2414

2415 **SECTION 12— AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

2416

2417 **12.1 Upset**

2418

2419 A. For the purposes of this Section, upset means an exceptional incident in which
2420 there is unintentional and temporary noncompliance with categorical Pretreatment
2421 Standards because of factors beyond the reasonable control of the User. An upset
2422 does not include noncompliance to the extent caused by operational error,
2423 improperly designed treatment facilities, inadequate treatment facilities, lack of
2424 preventive maintenance, or careless or improper operation.

2425

2426 B. An upset shall constitute an affirmative defense to an action brought for
2427 noncompliance with categorical Pretreatment Standards if the requirements of
2428 paragraph (C), below, are met.

2429

2430 C. A User who wishes to establish the affirmative defense of upset shall
2431 demonstrate, through properly signed, contemporaneous operating logs, or other
2432 relevant evidence that:

2433

2434 (1) An upset occurred and the User can identify the cause(s) of the upset;

2435

2436 (2) The facility was at the time being operated in a prudent and
2437 workman-like manner and in compliance with applicable operation and
2438 maintenance procedures; and

2439

2440 (3) The User has submitted the following information to OCEA within
2441 twenty-four (24) hours of becoming aware of the upset [if this information
2442 is provided orally, a written submission must be provided within five (5)
2443 days]:

2444

2445 (a) A description of the indirect discharge and cause of noncompliance;

2446

2447 (b) The period of noncompliance, including exact dates and times or, if not
2448 corrected, the anticipated time the noncompliance is expected to
2449 continue; and

2450

2451 (c) Steps being taken and/or planned to reduce, eliminate, and prevent
2452 recurrence of the noncompliance.

2453

2454 D. In any enforcement proceeding, the User seeking to establish the occurrence
2455 of an upset shall have the burden of proof.

2456

2457 E. Users shall have the opportunity for a judicial determination on any claim of
2458 upset only in an enforcement action brought for noncompliance with categorical
2459 Pretreatment Standards.

2460

2461 F. Users shall control production of all discharges to the extent necessary to
2462 maintain compliance with categorical Pretreatment Standards upon reduction,
2463 loss, or failure of its treatment facility until the facility is restored or an alternative
2464 method of treatment is provided. This requirement applies in the situation where,
2465 among other things, the primary source of power of the treatment facility is
2466 reduced, lost, or fails.

2467

2468 **12.2 Prohibited Discharge Standards**

2469

2470 A User shall have an affirmative defense to an enforcement action brought against it for
2471 noncompliance with the general prohibitions in Section 2.1(A) of these regulations or the
2472 specific prohibitions in Sections 2.1(B)(3) through (B)17 but excluding B(8), of these
2473 regulations if it can prove that it did not know, or have reason to know, that its discharge,
2474 alone or in conjunction with discharges from other sources, would cause Pass Through or
2475 Interference and that either:

2476

2477 A. A Local Limit exists for each pollutant discharged and the User was in
2478 compliance with each limit directly prior to, and during, the Pass Through or
2479 Interference; or

2480

2481 B. No Local Limit exists, but the discharge did not change substantially in nature
2482 or constituents from the User's prior discharge when OCEA was regularly in
2483 compliance with its NPDES permit, and in the case of Interference, was in
2484 compliance with applicable sludge use or disposal requirements.

2485

2486 **12.3 Bypass**

2487

2488 A. For the purposes of this Section,

2489

2490 (1) Bypass means the intentional diversion of wastestreams from any
2491 portion of a User's treatment facility.

2492

2493 (2) Severe property damage means substantial physical damage to
2494 property, damage to the treatment facilities which causes them to become
2495 inoperable, or substantial and permanent loss of natural resources which
2496 can reasonably be expected to occur in the absence of a bypass. Severe
2497 property damage does not mean economic loss caused by delays in
2498 production.

2499

2500 B. A User may allow any bypass to occur which does not cause Pretreatment
2501 Standards or Requirements to be violated, but only if it also is for essential
2502 maintenance to assure efficient operation. These bypasses are not subject to the
2503 provision of paragraphs (C) and (D) of this Section.

2504

2505 C. Bypass Notifications

2506

2507 (1) If a User knows in advance of the need for a bypass, it shall submit
2508 prior notice to OCEA, at least ten (10) days before the date of the bypass,
2509 if possible.

2510
2511 (2) A User shall submit oral notice to OCEA of an unanticipated bypass
2512 that exceeds applicable Pretreatment Standards within twenty-four (24)
2513 hours from the time it becomes aware of the bypass. A written submission
2514 shall also be provided within five (5) days of the time the User becomes
2515 aware of the bypass. The written submission shall contain a description of
2516 the bypass and its cause; the duration of the bypass, including exact dates
2517 and times, and, if the bypass has not been corrected, the anticipated time it
2518 is expected to continue; and steps taken or planned to reduce, eliminate,
2519 and prevent reoccurrence of the bypass. OCEA may waive the written
2520 report on a case-by-case basis if the oral report has been received within
2521 twenty-four (24) hours.

2522
2523 D. Bypass

2524
2525 (1) Bypass is prohibited, and OCEA may take an enforcement action
2526 against a User for a bypass, unless

- 2527
2528 (a) Bypass was unavoidable to prevent loss of life, personal injury, or
2529 severe property damage;
2530 (b) There were no feasible alternatives to the bypass, such as the use of
2531 auxiliary treatment facilities, retention of untreated wastes, or
2532 maintenance during normal periods of equipment downtime. This
2533 condition is not satisfied if adequate back-up equipment should have
2534 been installed in the exercise of reasonable engineering judgment to
2535 prevent a bypass which occurred during normal periods of equipment
2536 downtime or preventive maintenance; and
2537 (c) The User submitted notices as required under paragraph (C) of this
2538 section.

2539
2540 (2) OCEA may approve an anticipated bypass, after considering its
2541 adverse effects, if OCEA determines that it will meet the three conditions
2542 listed in paragraph (D)(1) of this Section.

2543
2544
2545

2546 **SECTION 13—RESERVED**
2547

2548 **SECTION 14—MISCELLANEOUS PROVISIONS**

2549

2550 **14.1 Severability**

2551

2552 If any provision of these regulations is invalidated by any court of competent jurisdiction,
2553 the remaining provisions shall not be affected and shall continue in full force and effect.

2554

2555

2556 **SECTION 15—EFFECTIVE DATE**

2557

2558 These regulations shall be in full force and effect immediately following its passage,
2559 approval, and publication, as provided by law.

2560