

PSC KY. NO. 2

CANCELLING PSC KY. NO. 1

McCreary County Water District

OF

McCreary County, Kentucky

RATES – CHARGES – RULES - REGULATIONS

FOR FURNISHING

SEWER SERVICE

AT

McCreary County, Kentucky

FILED WITH THE

PUBLIC SERVICE COMMISSION

OF

KENTUCKY

DATE OF ISSUE August 9, 2019
Month / Date / Year

DATE EFFECTIVE August 29, 2019
Month / Date / Year

ISSUED BY /s/ Randy Kidd
(Signature of Officer)

TITLE Chairman

KENTUCKY
PUBLIC SERVICE COMMISSION

Gwen R. Pinson
Executive Director



EFFECTIVE

8/29/2019

PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 1

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 1

RATES AND CHARGES

Monthly Sewer Rates

Phase 1 (For Service Rendered Prior to September 30, 2023)

All Customers Except Federal Correction Facility

First 2,000 gallons	\$	28.15 Minimum Bill	(I)
Next 18,000 gallons	\$	0.00982 per gallon	(I)
Over 20,000 gallons	\$	0.00873 per gallon	(I)

Federal Correctional Facility

First 1,300,000 gallons	\$	11,292.50 Minimum Bill	(I)
Over 1,300,000 gallons	\$	0.00982 per gallon	(I)

**Phase 2 (For Service Rendered on and after September 30, 2023
and before September 30, 2024)**

All Customers Except Federal Correction Facility

First 2,000 gallons	\$	29.09 Minimum Bill	(I)
Next 18,000 gallons	\$	0.01015 per gallon	(I)
Over 20,000 gallons	\$	0.00902 per gallon	(I)

Federal Correctional Facility

First 1,300,000 gallons	\$	11,668.54 Minimum Bill	(I)
Over 1,300,000 gallons	\$	0.01015 per gallon	(I)

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ISSUED BY /s/Randy Kidd

SIGNATURE OF OFFICER

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION
IN CASE NO. 2021-00300 DATED September 30, 2022

**KENTUCKY
PUBLIC SERVICE COMMISSION**

**Linda C. Bridwell
Executive Director**



EFFECTIVE

9/30/2022

PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

AREA McCreary County, Kentucky

PSC KY NO. 2

Original SHEET NO. 1.1

McCreary County Water District

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RATES AND CHARGES

Phase 3 (For Service Rendered on and after September 30, 2024)

All Customers Except Federal Correction Facility

First 2,000 gallons	\$	30.03 Minimum Bill	(I)
Next 18,000 gallons	\$	0.01048 per gallon	(I)
Over 20,000 gallons	\$	0.00931 per gallon	(I)

Federal Correctional Facility

First 1,300,000 gallons	\$	12,044.27 Minimum Bill	(I)
Over 1,300,000 gallons	\$	0.01048 per gallon	(I)

Monthly rates for special service through a multi-unit master meter agreement:

The monthly charge for customers who have requested service through a master meter for multi-unit service shall be the greater of (a) the number of housing units multiplied by the minimum charge per unit (based on the district’s standard service meter minimum charge), or (b) the amount billed for average unit use (determined by dividing the total usage by the number of housing units) multiplied by the total number of housing units in the multi-unit facility.

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BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION
IN CASE NO. 2021-00300 DATED September 30, 2022

**KENTUCKY
PUBLIC SERVICE COMMISSION**

Linda C. Bridwell
Executive Director



**EFFECTIVE
9/30/2022**
PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 2

McCreary County Water District

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Original SHEET NO. 2

RATES AND CHARGES

Other Fees and Charges

Connection Fee	Actual Cost	
Returned Check Fee	\$0*	(N)
Facility Relocation	Actual Cost	
Building Sewer Permit		
Residential Permit	To Be Determined	
Commercial/Industrial Permit	To Be Determined	
Industrial User Permit (Initial and Renewal)	\$4,000	
Special Waste Hauler Permit	To Be Determined	
Special Waste Hauler Application Fee	To Be Determined	
Surcharge for Exceeding Maximum Allowable Amount	To Be Determined	

* A Customer who pays his or her water and sewer bill by check that is subsequently dishonored (T)
will be assessed the returned check fee set forth in the District's rate schedule for water service. (T)
One half of this fee will be allocated to the District's sewer operations. (T)

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PSC KY NO. 2

Original SHEET NO. 2.1

McCreary County Water District

CANCELLING PSC KY NO. _____

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RULES AND REGULATIONS

Purpose and Policy

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

The objectives of these Rules and Regulations are:

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

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



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**KENTUCKY
PUBLIC SERVICE COMMISSION**

Gwen R. Pinson
Executive Director

Gwen R. Pinson

EFFECTIVE
10/3/2019
PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 3

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 3

RULES AND REGULATIONS

Definitions

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

“Authorized or Duly Authorized Representative of the User” means

(1) If the User is a corporation:

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

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

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

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

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McCreary County Water District

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RULES AND REGULATIONS

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

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

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

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

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

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

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

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

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PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

AREA McCreary County, Kentucky

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RULES AND REGULATIONS

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

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

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

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

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

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

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

“District” means McCreary County Water District.

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

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

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McCreary County Water District

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RULES AND REGULATIONS

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

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

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

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RULES AND REGULATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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Executive Director**



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PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

AREA McCreary County, Kentucky

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RULES AND REGULATIONS

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

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

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

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

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

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

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

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KENTUCKY PUBLIC SERVICE COMMISSION
Gwen R. Pinson Executive Director

EFFECTIVE 10/3/2019 PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

AREA McCreary County, Kentucky

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McCreary County Water District

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RULES AND REGULATIONS

Section 402 of the Act.

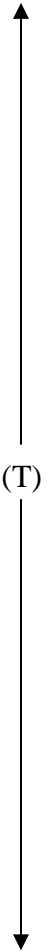
“Natural Outlet” means any outlet, including storm sewers, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

“New Source” means

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

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

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



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

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1st Revised SHEET NO. 7

McCreary County Water District

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RULES AND REGULATIONS

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

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

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

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

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

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

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

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RULES AND REGULATIONS

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

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

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

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

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

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

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

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

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RULES AND REGULATIONS

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

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

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

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

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

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

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

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

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KENTUCKY PUBLIC SERVICE COMMISSION
Gwen R. Pinson Executive Director

EFFECTIVE 10/3/2019 PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

AREA McCreary County, Kentucky

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

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

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

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

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

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

“State” means Commonwealth of Kentucky.

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

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

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

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

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

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

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

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

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

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

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

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Abbreviations

The following abbreviations shall have the designated meaning:

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

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General Service Provisions

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

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

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

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RULES AND REGULATIONS

Building Sewers and Connections

A. Permits

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

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B. Prohibited Connections

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

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

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

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

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C. Design and Installation

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

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

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

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

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

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

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

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

D. Inspection

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

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

Pollutant Discharge Limits

A. General Conditions

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

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B. Prohibited Discharges

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

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

1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the District's treatment works. At no time shall the wastewater exhibit a closed cup flashpoint of less than 140°F or 60°C using the test methods specified in 40 CFR § 261.21. (T)

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

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

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

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5. Any wastewater having a temperature leaving a facility that exceeds 100°F or that will inhibit biological activity in the POTW treatment plant resulting in interference, and in no case wastewater with a temperature at the introduction into the POTW that will result in a treatment plant influent temperature which exceeds 40°C (104°F). (T)

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

7. Any substance that may cause the POTW's effluent or any other product of POTW, such as residues, sludges, or scum, to be unsuitable for reclamation and reuse or to interfere with any reclamation process if the POTW is pursuing a reuse and reclamation program. In no case shall a discharged substance cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the District's sludge management method. (T)

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

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

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

C. Restricted Discharges

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

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

DATE OF ISSUE September 13, 2019

MONTH / DATE / YEAR

DATE EFFECTIVE October 3, 2019

MONTH / DATE / YEAR

ISSUED BY /s/Randy Kidd

SIGNATURE OF OFFICER

TITLE Chairman

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

**KENTUCKY
PUBLIC SERVICE COMMISSION**

Gwen R. Pinson
Executive Director



EFFECTIVE

10/3/2019

PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 23

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 23

RULES AND REGULATIONS

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

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

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

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

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

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

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

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SIGNATURE OF OFFICER

TITLE Chairman

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

**KENTUCKY
PUBLIC SERVICE COMMISSION**

Gwen R. Pinson
Executive Director

Gwen R. Pinson

**EFFECTIVE
10/3/2019**
PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

AREA McCreary County, Kentucky

PSC KY NO. 2

2nd Revised SHEET NO. 24

McCreary County Water District

CANCELLING PSC KY NO. 2

1st Revised SHEET NO. 24

RULES AND REGULATIONS

13. The following discharge limitations are established for characteristics of any wastewaters to be discharged into the District’s sewer system subject to any compliance schedule established by the District. Significant Industrial Users (SIUs) must comply with these limitations if they are more stringent than applicable State or Federal regulations. In accordance with 40 CFR Part 403, these limitations are considered pretreatment standards equivalent to the Federal limitations established in 40 CFR Subchapter N.

<u>Parameter</u>	<u>Maximum Daily Concentration (mg/l)</u>	
Arsenic	0.15	
Antimony	9.61	(T)
Cadmium	0.03	
Chromium, Total	1.83	
Chromium, Hexavalent	0.75	
Copper	0.53	
Cyanide, Amenable	0.12	
Lead	0.10	
Mercury	0.001	
Molybdenum	6.94	
Nickel	0.88	
Selenium	0.08	
Silver	0.13	
Zinc	0.67	

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SIGNATURE OF OFFICER

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION
IN CASE NO. 2021-00281 DATED July 9, 2021

**KENTUCKY
PUBLIC SERVICE COMMISSION**

Linda C. Bridwell
Executive Director



**EFFECTIVE
7/14/2021**
PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 25

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 25

RULES AND REGULATIONS

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

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

D. Dilution of Wastewater Discharge

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

E. Grease, Oil, and Sand Interceptor

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

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TITLE Chairman

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

**KENTUCKY
PUBLIC SERVICE COMMISSION**

Gwen R. Pinson
Executive Director



EFFECTIVE

10/3/2019

PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 26

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 26

RULES AND REGULATIONS

F. Special Industrial Pretreatment Requirements

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

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

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

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

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

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SIGNATURE OF OFFICER

TITLE Chairman

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

KENTUCKY PUBLIC SERVICE COMMISSION
Gwen R. Pinson Executive Director

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AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 27

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CANCELLING PSC KY NO. 2

Original SHEET NO. 27

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

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

G. Protection from Accidental and Slug Discharges

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

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

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

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TITLE Chairman

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KENTUCKY PUBLIC SERVICE COMMISSION
Gwen R. Pinson Executive Director

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AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 28

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 28

RULES AND REGULATIONS

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

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

H. State Requirements

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

J. District's Right of Revision

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

J. National Categorical Pretreatment Standards (T)

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

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TITLE Chairman

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KENTUCKY PUBLIC SERVICE COMMISSION
Gwen R. Pinson Executive Director

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AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 29

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 29

RULES AND REGULATIONS

Pretreatment Program Administration

A. Industrial User Permits

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

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

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

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

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

d. Time and duration of contribution;

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

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

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**KENTUCKY
PUBLIC SERVICE COMMISSION**

**Gwen R. Pinson
Executive Director**



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PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 30

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CANCELLING PSC KY NO. 2

Original SHEET NO. 30

RULES AND REGULATIONS

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

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

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

- (1) The schedule must be acceptable to the District.
- (2) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards.
- (3) Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the District including, as a minimum, whether it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. (T)

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

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**KENTUCKY
PUBLIC SERVICE COMMISSION**

Gwen R. Pinson
Executive Director

Gwen R. Pinson

**EFFECTIVE
10/3/2019**
PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

AREA McCreary County, Kentucky

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

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

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

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

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

B. Permit Modifications

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

C. Permit Conditions

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

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SIGNATURE OF OFFICER

TITLE Chairman

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KENTUCKY PUBLIC SERVICE COMMISSION
Gwen R. Pinson Executive Director

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AREA McCreary County, Kentucky

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

(T)

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TITLE Chairman

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KENTUCKY PUBLIC SERVICE COMMISSION
Gwen R. Pinson Executive Director 
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AREA McCreary County, Kentucky

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1st Revised SHEET NO. 33

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RULES AND REGULATIONS

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

D. Alternative Discharge Limits

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

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

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

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

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TITLE Chairman

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**KENTUCKY
PUBLIC SERVICE COMMISSION**

Gwen R. Pinson
Executive Director



EFFECTIVE

10/3/2019

PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

AREA McCreary County, Kentucky

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E. Permit Duration

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

F. Permit Transfer

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

G. Compliance Data Reporting

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

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KENTUCKY PUBLIC SERVICE COMMISSION
Gwen R. Pinson Executive Director

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

H. Periodic Compliance Reports

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

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

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KENTUCKY PUBLIC SERVICE COMMISSION
Gwen R. Pinson Executive Director

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AREA McCreary County, Kentucky

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

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

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

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

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

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

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

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SIGNATURE OF OFFICER

TITLE Chairman

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

**KENTUCKY
PUBLIC SERVICE COMMISSION**

Gwen R. Pinson
Executive Director



EFFECTIVE

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PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 37

McCreary County Water District

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Original SHEET NO. 37

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

I. Permit Violations

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

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

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

J. Monitoring

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

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Executive Director**



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

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

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

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

K. Inspection and Sampling

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

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

L. Pretreatment

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

M. Annual Publication

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

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AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 40

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Original SHEET NO. 40

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N. Significant Non-Compliance

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

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

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more after the schedule date;

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

O. Confidential Information

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

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

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

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



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Gwen R. Pinson
Executive Director

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P. Certification Requirements

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

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

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Q. Recordkeeping

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

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Executive Director**



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McCreary County Water District

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RULES AND REGULATIONS

Powers and Authority of Inspectors

A. Right to Enter Premises

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

B. Right to Obtain Information Regarding Discharge

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

C. Access to Easements

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

D. Safety

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

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

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PSC KY NO. 2

1st Revised SHEET NO. 42

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CANCELLING PSC KY NO. 2

Original SHEET NO. 42

RULES AND REGULATIONS

Enforcement of Pretreatment Requirements

A. General

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

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

B. Notice of Violation

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

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

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

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

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C. Administrative Orders

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

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1. Consent Orders

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

2. Compliance Orders

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

3. Cease and Desist Orders

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

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4. Show Cause Hearing

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

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

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

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



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

D. Penalties

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

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

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



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E. Recovery of Expenses for Enforcement Proceedings

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

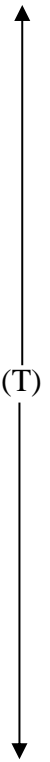
F. Revocation of Permit

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

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

G. Requiring Performance Bonds or Liability Insurance

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



DATE OF ISSUE September 13, 2019

MONTH / DATE / YEAR

DATE EFFECTIVE October 3, 2019

MONTH / DATE / YEAR

ISSUED BY /s/Randy Kidd

SIGNATURE OF OFFICER

TITLE Chairman

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

KENTUCKY PUBLIC SERVICE COMMISSION
Gwen R. Pinson Executive Director

EFFECTIVE 10/3/2019 PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

AREA McCreary County, Kentucky

PSC KY NO. 2

Original SHEET NO. 42.6

McCreary County Water District

CANCELLING PSC KY NO. _____

_____ SHEET NO. _____

RULES AND REGULATIONS

H. Applicability of Other Enforcement Remedies

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

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Executive Director



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AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 43

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 43

RULES AND REGULATIONS

Enforcement Remedies Applicable to All Customers

(T)

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

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

(T)

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

B. Destruction of POTW

(T)

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

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Original SHEET NO. 44

RULES AND REGULATIONS

C. Legal Action

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

D. Injunctive Relief

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

E. Liability

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

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McCreary County Water District

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Original SHEET NO. 45

RULES AND REGULATIONS

Miscellaneous Provisions

1. Application for Service. A person desiring sewer service from the District shall execute a sewer user agreement before service is provided. Any change in the identity of the contracting Customer at a premise requires a new application. The District may after reasonable notice discontinue the water supply until such new application has been made and accepted, but the former applicant or customer of sewer shall remain liable for sewer services furnished to said premises until he has given notice in writing to the District to discontinue the supply. It is the Customer's responsibility to notify the Company if the identity of the person responsible for paying for service changes.

2. Right of Access. The District shall at all reasonable hours have access to meters, service connections, and other property owned by it and located on customer's premises for purposes of installation, maintenance, meter reading, operation, replacement, or removal of its property. The District may require an applicant for service to provide an easement for District facilities necessary to provide service to the applicant.

3. Relocation of Sewer Facilities. The District may, at the request of the customer or applicant for service, relocate or change District-owned equipment or facilities. Customer or Applicant shall reimburse the District for such changes at actual costs, including appropriate overhead costs.

4. Billing and Collection. All billing for service will be rendered on water usage as measured by a District water meter or sewage meter. Charges and fees for the provision of sewer service furnished by the District will be reflected on the monthly bills that the District issues for water service. The terms and conditions for water meters, monitoring of usage, and adjustment of bills are found in the District's tariff for water service on file with the Kentucky Public Service Commission.

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1st Revised SHEET NO. 46

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 46

RULES AND REGULATIONS

5. Liability of the District.

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

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

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

(T)

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

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

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AREA McCreary County, Kentucky

PSC KY NO. 2

1st Revised SHEET NO. 47

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 47

RULES AND REGULATIONS

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

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

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

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

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

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

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PSC KY NO. 2

1st Revised SHEET NO. 48

McCreary County Water District

CANCELLING PSC KY NO. 2

Original SHEET NO. 48

RULES AND REGULATIONS

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

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

15. Format

McCreary County Water District
P.O. Box 488
Whitley City, KY 42653

CARRT B004 84
██████████
STEARNS KY 42647-0384

MESSAGES

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

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

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

PLEASE MAIL YOUR PAYMENT IN THE ENVELOPE PROVIDED

ACCOUNT NUMBER	DUE DATE	PAY AFTER DUE DATE	PAY BY DUE DATE
██████████	08/10/19		40.31

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

AMOUNT ENCLOSED \$

DO NOT WRITE IN THE AREA BELOW

1

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COMMISSION IN CASE NO. _____ DATED _____

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Executive Director**

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PSC KY NO. 2

Original SHEET NO. 49

McCreary County Water District

CANCELLING PSC KY NO. _____

_____ SHEET NO. _____

RULES AND REGULATIONS

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

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APPENDIX A

**PRETREATMENT PROGRAM
ENFORCEMENT RESPONSE PLAN**

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McCreary County Water District Enforcement Response Plan

McCreary County Wastewater Treatment Plant
Whitley City, Kentucky
McCreary County

March 2019

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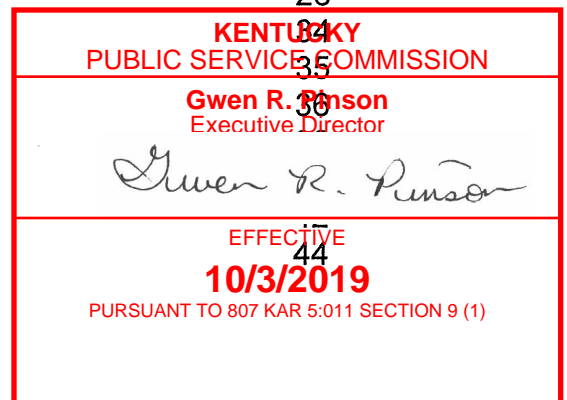
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Enforcement Response Plan

MCWD Pretreatment Program

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MCCREARY COUNTY WATER DISTRICT PRETREATMENT PROGRAM ENFORCEMENT RESPONSE PLAN

I. Introduction

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


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

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

This plan also includes a general discussion of the determining a proper response to various program violations and noncompliance

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

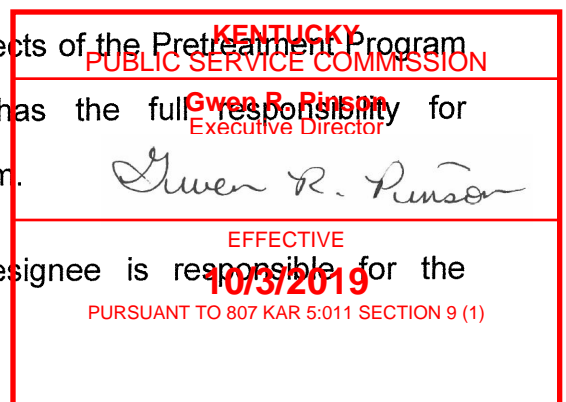
II. Personnel

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

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

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

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



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

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

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


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

III. Violation Identification

Violations of the Pretreatment Program are identified from various sources of

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

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

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

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

The Pretreatment Coordinator may provide the SIU with a 48-hour notice prior to the inspection, however this is not required. The inspector will

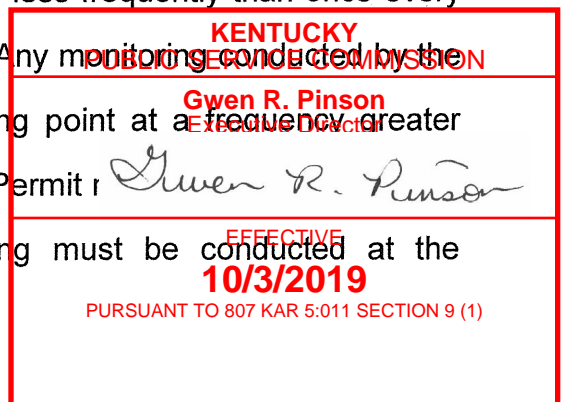
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look for violations throughout the inspection and note all findings on a report form to be filed for future reference.

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

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

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



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

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

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

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

The Pretreatment Coordinator shall be contacted as soon as possible and

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

IV. Sewer Use Tariff

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

V. Violation Categorization

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

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

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

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

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

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


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

2. **Duration of the Violation** - Violations, regardless of severity, which continue for more than three (3) consecutive calendar quarters should be subject to a formal enforcement action. The issuance of administrative orders for chronic violations that do not comply with the administrative order, administrative penalties or judicial

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

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

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

VI. Compliance Tracking

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

VII. Enforcement Response

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

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

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


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

The NOV provides the SIU with an opportunity to correct noncompliance on its own initiative. The NOV also can act as a short-term compliance schedule by requiring certain corrective actions by the SIU within a certain period of time. The NOV documents the District's initial attempts to resolve the noncompliance and, should circumstances require a more stringent approach, the NOV establishes a basis for escalation of enforcement actions according to the ERP and not in an arbitrary manner. The Pretreatment Coordinator shall issue the NOV to the SIU in noncompliance within fifteen (15) days of becoming aware of a violation.

The NOV will either be electronically mailed, ~~hand delivered~~ or sent by certified mail (return receipt requested). A sample NOV is shown in Appendix B of this document.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Civil litigation includes enforcement measures that require involvement or

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

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

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

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

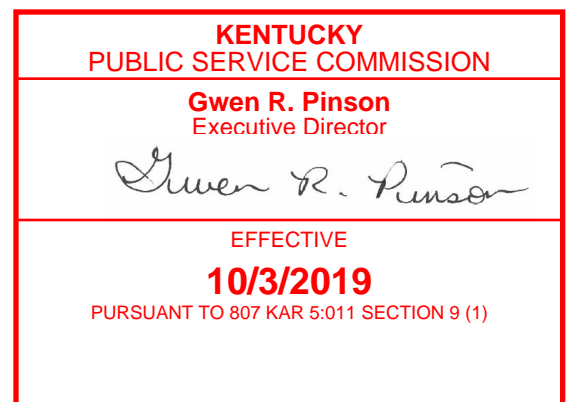
- F. Termination of Service** - Under the MCV Manager/Superintendent has the authority to immediately and effectively

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

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

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



VIII. Abbreviations

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

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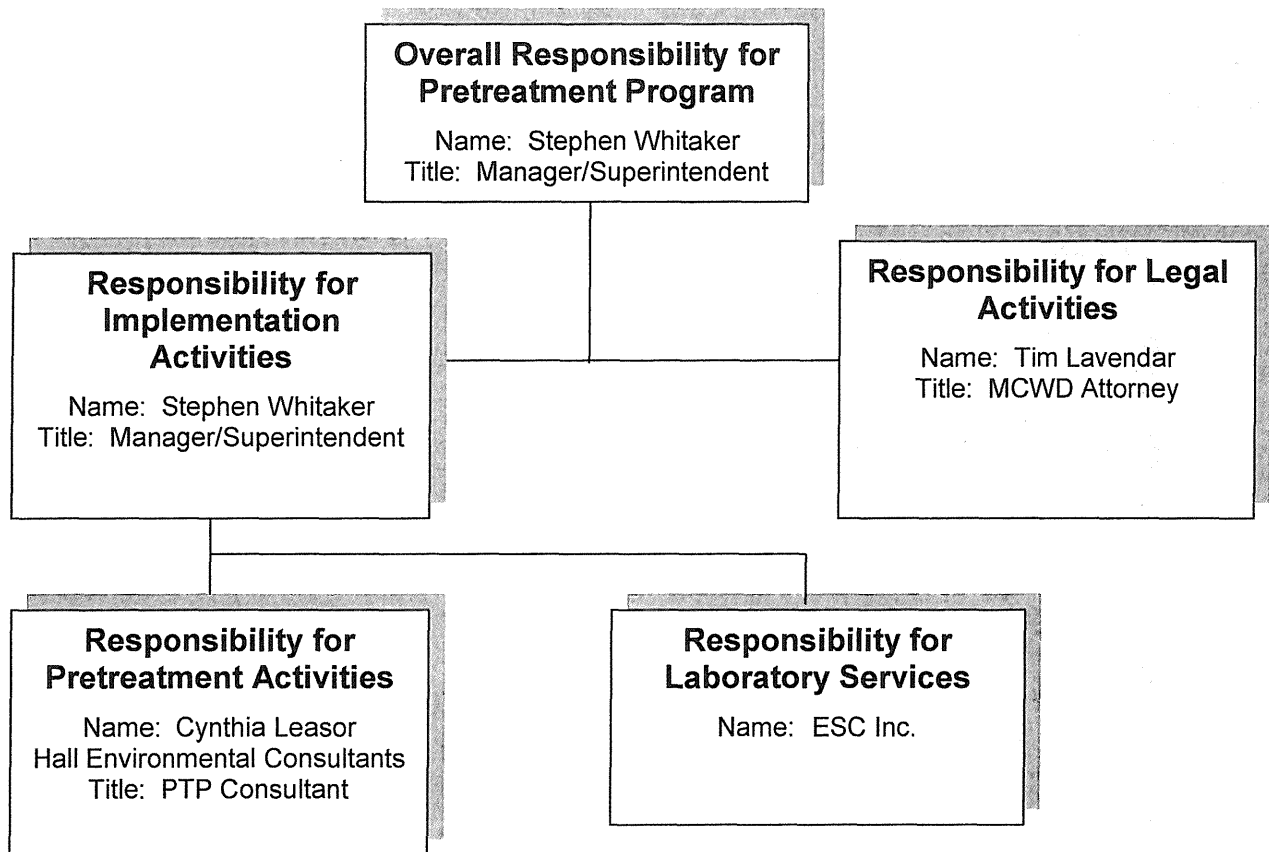
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FIGURE I

Organization Chart MCWD Pretreatment Program Enforcement Response Plan



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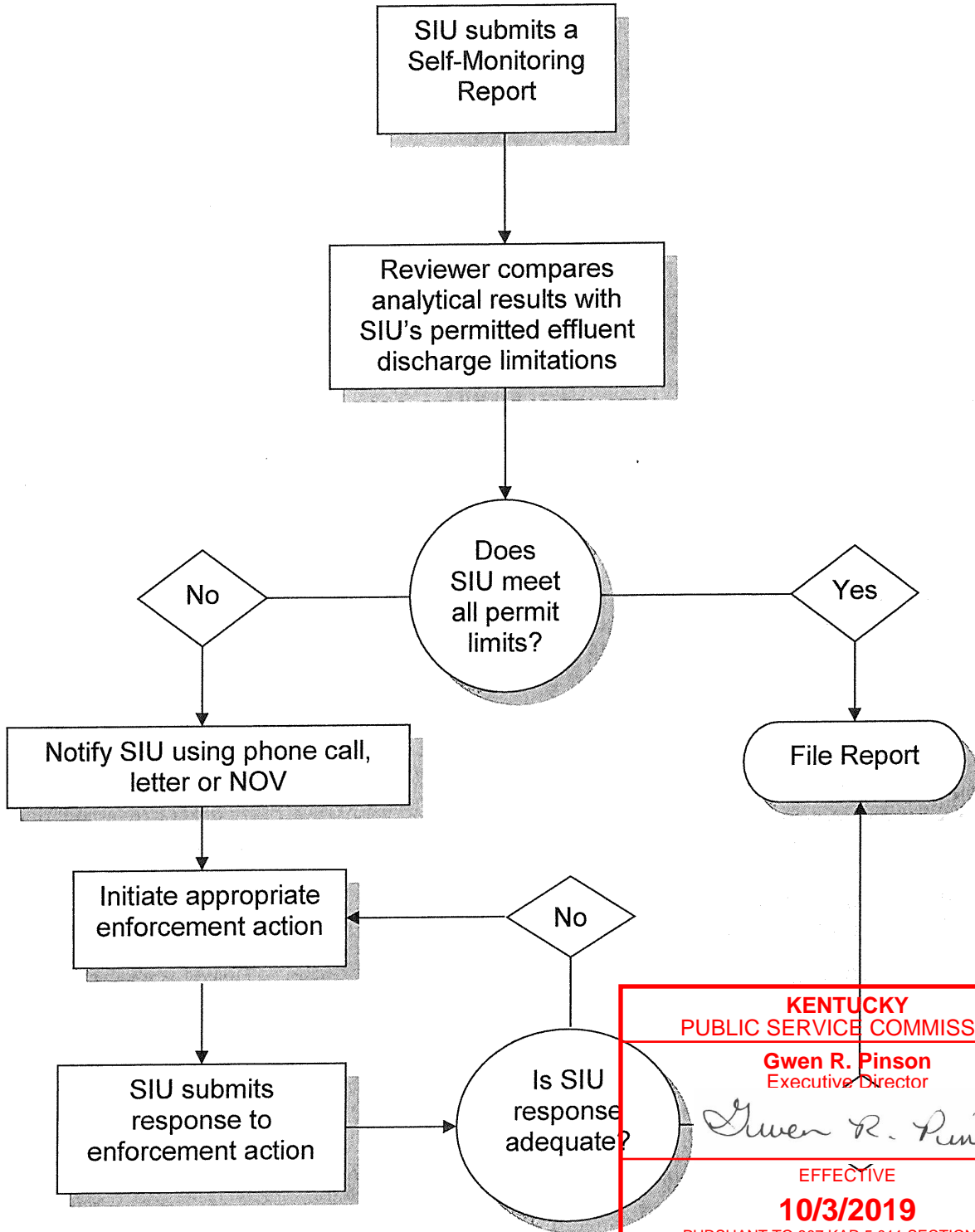
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Figure II

Review Process for Industrial Self-Monitoring Reports



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Figure III

Outline for the Civil Litigation Process MCWD Enforcement Response Plan

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

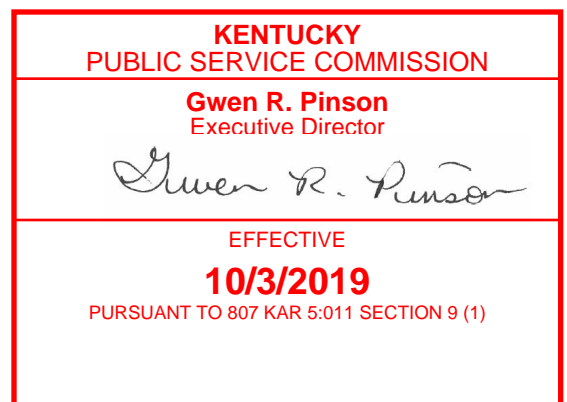
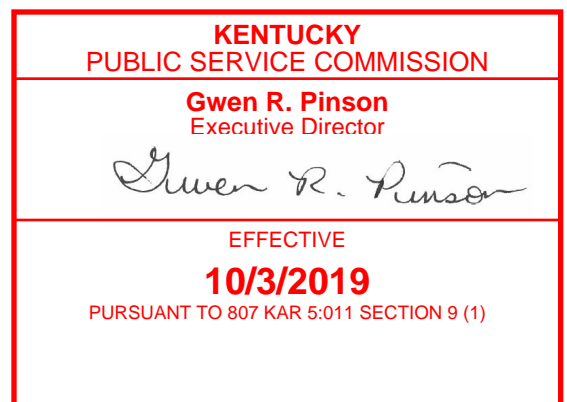


Figure IV

Outline for Criminal Prosecution MCWD Enforcement Response Plan


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



Appendix A

Enforcement Response Guide

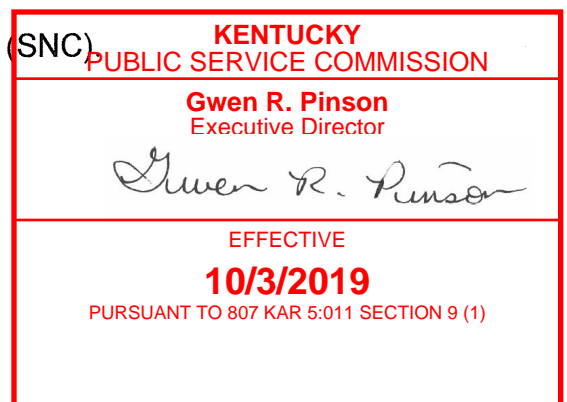
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Enforcement Response Guide

Timeframe for Enforcement Responses

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



ENFORCEMENT RESPONSE GUIDE

McCreary County Water District

Section I - Unauthorized Discharges

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

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ENFORCEMENT RESPONSE GUIDE

McCreary County Water District

Section II - Effluent Discharge Limit Violations

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

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ENFORCEMENT RESPONSE GUIDE

McCreary County Water District

Section III - Monitoring and Reporting Violations

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

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ENFORCEMENT RESPONSE GUIDE


McCreary County Water District

Section III - Monitoring and Reporting Violations (continued)

Violation	Nature/Description	Enforcement Response	Personnel Responsible
Reporting Violation	<ul style="list-style-type: none"> - Failure to report spill or changed discharge - No harm to WWTP and/or environment - Violation of discharge limit 	<ul style="list-style-type: none"> -- NOV -- NOV with \$500 penalty 	<ul style="list-style-type: none"> PC M/S
	<ul style="list-style-type: none"> - Failure to report spill or changed discharge - SNC w/ harm to WWTP or environment 	<ul style="list-style-type: none"> -- AO with \$1000 penalty & cost recovery -- Civil Action 	<ul style="list-style-type: none"> M/S DC
	<ul style="list-style-type: none"> - Repeated failure to report spills - No harm to WWTP and/or environment 	<ul style="list-style-type: none"> -- Show Cause Order with \$1000 penalty per violation 	M/S
	<ul style="list-style-type: none"> - Harm to WWTP and/or environment 	<ul style="list-style-type: none"> -- Administrative Order with \$1000 penalty per violation and cost recovery -- Terminate service 	<ul style="list-style-type: none"> M/S DC
	Falsification of a report and/or lab result	<ul style="list-style-type: none"> -- AO with \$1000 penalty -- Criminal Action -- Terminate Service 	<ul style="list-style-type: none"> M/S M/S DC
	Failure to monitor for all pollutants as required by IU Permit - 1st offense	<ul style="list-style-type: none"> -- NOV with resampling required 	PC
	Chronic failure to monitor for all pollutants as required by Industrial User Permit	<ul style="list-style-type: none"> -- NOV with \$500 - \$1000 penalty -- Show Cause Hearing -- Civil Action 	<ul style="list-style-type: none"> M/S M/S DC

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ENFORCEMENT RESPONSE GUIDE

McCreary County Water District

Section III - Monitoring and Reporting Violations (continued)

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

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ENFORCEMENT RESPONSE GUIDE

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Section IV - Compliance Schedule Violations

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

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ENFORCEMENT RESPONSE GUIDE

McCreary County Water District

Section V - Inspection Violations

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

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ENFORCEMENT RESPONSE GUIDE

McCreary County Water District

Section VI - Other Violations

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

**KENTUCKY
PUBLIC SERVICE COMMISSION**

Gwen R. Pinson
Executive Director


Gwen R. Pinson

**EFFECTIVE
10/3/2019**

PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

Appendix B

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

KENTUCKY PUBLIC SERVICE COMMISSION
Gwen R. Pinson Executive Director 
EFFECTIVE 10/3/2019 PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

IN THE MATTER OF

[Name of Industry]
[Address]

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

LEGAL AUTHORITY

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

FINDINGS

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

NOTICE

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

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

**KENTUCKY
PUBLIC SERVICE COMMISSION**

Gwen R. Pinson
Executive Director

Gwen R. Pinson

**EFFECTIVE
10/3/2019**

Stephan Whitaker
Manager/Superintendent
McCreary County Water District

Signed: _____

PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

IN THE MATTER OF

[Name of Industry]
[Address]

*
*
*
*
*
*
*

ADMINISTRATIVE COMPLIANCE
ORDER
[Date]

LEGAL AUTHORITY

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

FINDINGS

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

KENTUCKY
PUBLIC SERVICE COMMISSION

Gwen R. Pinson
Executive Director

Gwen R. Pinson

EFFECTIVE
10/3/2019
PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

ORDER


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

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

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

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

Signed: _____

Stephen Whitaker Manager/Superintendent MCWD	KENTUCKY PUBLIC SERVICE COMMISSION
Gwen R. Pinson Executive Director	
	
EFFECTIVE 10/3/2019 PURSUANT TO 807 KAR 5:011 SECTION 9 (1)	

IN THE MATTER OF

[Name of Industry]
[Address]

*
*
*
*
*
*
*

**CEASE AND DESIST
ORDER**

[Date]

LEGAL AUTHORITY

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

FINDINGS

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

KENTUCKY
PUBLIC SERVICE COMMISSION

Gwen R. Pinson
Executive Director

Gwen R. Pinson

EFFECTIVE
10/3/2019
PURSUANT TO 807 KAR 5:011 SECTION 9 (1)


ORDER

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

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

Signed: _____

Stephen Whitaker
Manager/Superintendent
MCWD

KENTUCKY PUBLIC SERVICE COMMISSION
Gwen R. Pinson Executive Director 
EFFECTIVE 10/3/2019 PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

IN THE MATTER OF

[Name of Industry]
[Address]

CONSENT ORDER

[Date]

*
*
*
*
*
*
*

LEGAL AUTHORITY

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

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

**KENTUCKY
PUBLIC SERVICE COMMISSION**
Gwen R. Pinson
Executive Director

Gwen R. Pinson

EFFECTIVE
10/3/2019
PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

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

SIGNATORIES

FOR [NAME OF IU]:

Date

Name

[Industry]

FOR MCCREARY COUNTY WATER DISTRICT:

Date

Stephen Whitaker
MCWD Manager/Supervisor

KENTUCKY PUBLIC SERVICE COMMISSION
Gwen R. Pinson Executive Director

EFFECTIVE 10/3/2019 PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

IN THE MATTER OF

[Name of Industry]
[Address]

*
*
*
*
*
*
*

ADMINISTRATIVE
SHOW CAUSE ORDER
[Date]

LEGAL AUTHORITY

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

FINDINGS

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

KENTUCKY
PUBLIC SERVICE COMMISSION

Gwen R. Pinson
Executive Director

EFFECTIVE
10/3/2019

PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

Gwen R. Pinson

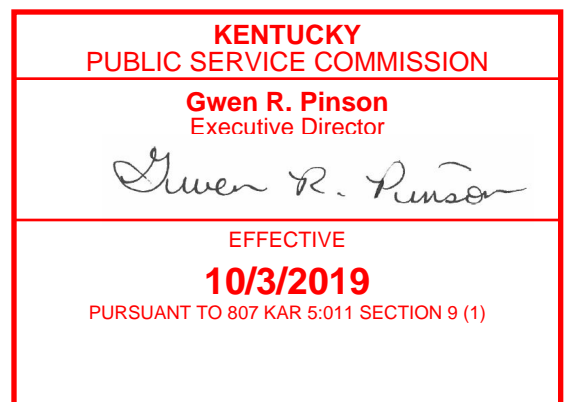
ORDER

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

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

Signed: _____

Stephen Whitaker
MCWD Manager/Superintendent



APPENDIX B

**INDUSTRIAL USER
WASTEWATER APPLICATION**

**KENTUCKY
PUBLIC SERVICE COMMISSION**

Gwen R. Pinson
Executive Director



EFFECTIVE

10/3/2019

PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

McCreary County Water District

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

INDUSTRIAL USER WASTEWATER PERMIT APPLICATION

SECTION A - GENERAL INFORMATION

A.1. Facility Name _____

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

A.3. Mailing Address _____

Street/P.O. Box

City

State

Zip Code

A.4. Facility Address (if different) _____

Street/P.O. Box

City

State

Zip Code

A.5. Facility Contact _____

Name/Title

Email

Area Code - Telephone - Extension

A.6. Signatory Official _____

Name/Title

Street/P.O. Box

City

State

Zip Code

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

Signature

Title

**KENTUCKY
PUBLIC SERVICE COMMISSION**

Gwen R. Pinson
Executive Director

Gwen R. Pinson

EFFECTIVE

10/3/2019

PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

SECTION B - PLANT INFORMATION

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

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

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

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

B.5. Industry Type: _____

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

B.7. Principle Product Produced: _____

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

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

Contact cooling water: _____

Non-contact cooling water: _____

Process: _____

Sanitary: _____

Boiler Feed: _____

Equipment washdown: _____

Other: _____

Total: _____

KENTUCKY
PUBLIC SERVICE COMMISSION
Gwen R. Pinson
Executive Director
Gwen R. Pinson
EFFECTIVE
10/3/2019
PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

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

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

No./Day _____ Average gallons per batch: _____

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

YES Category: 40 CFR _____

NO

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

YES

NO

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

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

If Yes, Describe _____

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

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

KENTUCKY
PUBLIC SERVICE COMMISSION
Gwen R. Pinson Executive Director
<i>Gwen R. Pinson</i>
EFFECTIVE
10/3/2019
PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

SECTION C - WASTEWATER INFORMATION

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

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

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

C.4. Sampling point location: _____

SECTION D - PHYSICAL AND CHEMICAL WASTE PROCESS

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

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

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

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

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

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

D.4. If any toxic chemicals are used, as referenced in Section 3C of the Water Act of 1977, please submit a list of those chemicals, particular use and quantity used per month. Also submit copies of the Material Safety Data Sheets (MSDS) for those chemicals utilized.

**KENTUCKY
PUBLIC SERVICE COMMISSION**
Gwen R. Pinson
Executive Director
Gwen R. Pinson
10/3/2019
PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

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

YES (Please attach a copy with this questionnaire.)

NO

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

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

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

YES (Please attach a brief description of equipment.)

NO

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

NO

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

Permit Type: _____

Permit No.: _____

Date of Issue: _____

Permit Type: _____

Permit No.: _____

Date of Issue: _____

Permit Type: _____

Permit No.: _____

Date of Issue: _____

KENTUCKY PUBLIC SERVICE COMMISSION
Gwen R. Pinson Executive Director

EFFECTIVE 10/3/2019 PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

CLEAN WATER ACT, SECTION 307 (A) PRIORITY POLLUTANTS

Volatile Compounds

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

Acid Compounds

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

Base/Neutral Compounds

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

KENTUCKY
PUBLIC UTILITIES COMMISSION

Gwen R. Pinson
Executive Director

EFFECTIVE
10/3/2019

PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

PRIORITY POLLUTANTS (continued)

Pesticides and PCBs

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

Metals and Cyanide


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

Miscellaneous

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

KENTUCKY
PUBLIC SERVICE COMMISSION

Gwen R. Pinson
Executive Director



EFFECTIVE

10/3/2019

PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

APPENDIX C

INDUSTRIAL USER PERMIT

KENTUCKY
PUBLIC SERVICE COMMISSION

Gwen R. Pinson
Executive Director



EFFECTIVE

10/3/2019

PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

McCreary County Water District

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

INDUSTRIAL USER PERMIT

Permit No. ____

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

Name of Industrial User
Address
Stearns, Kentucky 42647

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


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

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

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

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

By _____
Stephen Whitaker
Manager/Superintendent
McCreary County Water District

KENTUCKY PUBLIC SERVICE COMMISSION
Gwen R. Pinson Executive Director 
EFFECTIVE 10/3/2019 PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

PART I - GENERAL INFORMATION

Facility Name	_____
Facility Contact	_____
Telephone Number	_____
Signatory Official	_____
Monitoring Location	<u>Outfall 001 –</u>
	<u>See Attachment (A) for a schematic of the location</u>
Industry Type	_____
User Classification	<u>Significant Industrial User</u>
SIC Number(s)	_____, _____, _____, _____

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PART II - EFFLUENT LIMITATIONS

A. Effluent Limitations – Outfall 001

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

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

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

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

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

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

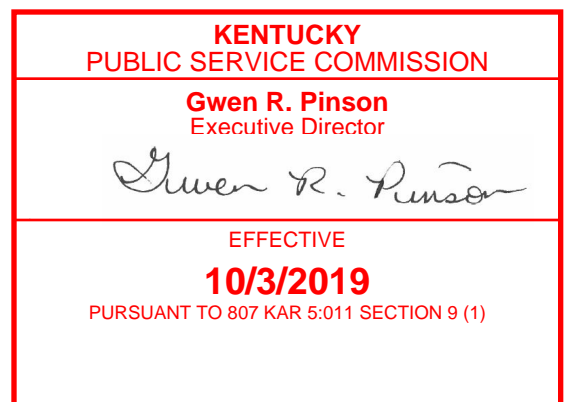
5. **NAME OF PERMITTEE**, being classified and regulated as a significant industrial user, must meet all Federal Pretreatment Regulations as specified in 40 CFR 403. The permittee must also meet all requirements specified in the MCWD Rules and Regulations and Pretreatment Program.

- a. Total Toxic Organics (TTO) are not considered pollutants of concern at this facility. However, the MCWD reserves the right to sample for these pollutants whenever deemed necessary by the Pretreatment Coordinator.

- b. For purposes of this permit, TTO shall mean the summation of all quantifiable values greater than 0.01 mg/l for the pollutants listed as volatile and semi-volatile organics and detected by EPA Methods 624 & 625.

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

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



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

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

B. Restricted Discharges

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

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

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

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

5. Permit Transfer

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

6. Dilution

The permittee shall not increase the use of potable or process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit, the Federal Categorical Pretreatment Standards, or in any pollutant specific limitation developed by the MCWD or State.

7. Adverse Impact

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

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

C. Violation Reporting

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

D. Accidental and Slug Discharges

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

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

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

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

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G. Signatory Requirements

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

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

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

H. Falsifying Information

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

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


C. Significant Non-Compliance

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

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

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D. Compliance Schedules

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

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

D. Removed Substances

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


PART VII – SURCHARGE FEES

A. Industrial Wastewater Surcharge Concentrations

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

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

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

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