

**SECTION 7-3**

**REGIONAL WASTE WATER TREATMENT PLANT  
KENTUCY POLLUTANT DISCHARGE ELIMINATION SYSTEM  
(KPDES) CURRENT PERMIT #KY 0105376**

Owner: Northern Madison County Sanitation District

for

**Northern Madison County Sanitation District  
Regional Facilities Plan**

Taken from: Kentucky Department for Environmental Protection,  
Division of Water

KPDES



**KENTUCKY POLLUTANT  
DISCHARGE ELIMINATION  
SYSTEM**

**PERMIT**

**PERMIT NO.:** KY0105376

**AI NO.:** 44280

**AUTHORIZATION TO DISCHARGE UNDER THE  
KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM**

**Pursuant to Authority in KRS 224,**

Northern Madison County Sanitation District  
201 Aqueduct Dr. Suite B-9  
P.O. Box 674  
Richmond, Kentucky, 40475

**is authorized to discharge from a facility located at**

Northern Madison County Sanitation District Regional WWTP  
660 Falcon Crest Dr.  
Richmond, Madison County, Kentucky

**to receiving waters named**

Kentucky River (Latitude 37°51'13" N & Longitude 84°22'08" W)

**in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit.**

This permit shall become effective on June 1, 2016.

This permit and the authorization to discharge shall expire at midnight, May 31, 2021.

April 5, 2016

**Date Signed**

**Peter T. Goodmann, Director  
Division of Water**

**DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
Division of Water, 200 Fair Oaks Lane, Frankfort, Kentucky 40601**

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**SECTION 1**  
**EFFLUENT LIMITATIONS AND MONITORING**  
**REQUIREMENTS**

**1. EFFLUENT AND MONITORING REQUIREMENTS**

**1.1. Compliance Monitoring Locations (Outfalls)**

The following table lists the outfalls authorized by this permit, the latitude and longitude of each and the DOW assigned KPDES outfall number.

| TABLE 1. |  |              |               |                  |                              |
|----------|--|--------------|---------------|------------------|------------------------------|
| No.      | Treatment Provided   | Latitude (N) | Longitude (W) | Receiving Waters | Description of Outfall       |
| 001      | Screening<br>Grit Removal<br>Equalization<br>Sequencing Batch Reactor<br>UV Disinfection<br>Discharge to Surface water<br>Aerobic Digester<br>Landfill | 37°51'06"    | 84°21'51"     | Kentucky River   | Domestic Sanitary Wastewater |

**1.2. Zones of Initial Dilution (ZIDs) and Mixing Zones (MZs)**

The following table summarizes the ZIDs and/or MZs granted for this outfall. Although the maximum allowable MZ was not assigned at this time for one or more of the pollutants for which a MZ was requested, future water quality-based effluent limitations and the associated mixing zones for these or other pollutants will be calculated using current KYWQS, receiving water conditions, and effluent data.

| TABLE 2.                |                            |           |                            |  |                                |
|-------------------------|----------------------------|-----------|----------------------------|--|--------------------------------|
| Effluent Characteristic | ZID                        |           | MZ                         |  |                                |
|                         | Distance From Outfall (ft) | Dilutions | Distance From Outfall (ft) | Surface Area of Involvement (ft <sup>2</sup> ) | Volume of Water Involved (cfs) |
| Whole Effluent Toxicity | N/A                        | N/A       | 18.39                      | 225.46   | 2.45                           |

**1.3. Effluent Limitations and Monitoring Requirements**

Beginning on the effective date and lasting through the term of this permit discharges from Outfall 001 shall comply with the effluent limitations

| TABLE 3.                |             |       |                    |                        |                |                 |                        |         |                         |             |
|-------------------------|-------------|-------|--------------------|------------------------|----------------|-----------------|------------------------|---------|-------------------------|-------------|
| EFFLUENT LIMITATIONS    |             |       |                    |                        |                |                 |                        |         | MONITORING REQUIREMENTS |             |
| Effluent Characteristic | STORET Code | Units | Loadings (lbs/day) |                        | Concentrations |                 |                        |         | Frequency               | Sample Type |
|                         |             |       | Monthly Average    | Maximum Weekly Average | Minimum        | Monthly Average | Maximum Weekly Average | Maximum |                         |             |
| Flow, Effluent          | 50050       | MGD   | Report             | Report                 | N/A            | N/A             | N/A                    | N/A     | Continuous              | Recorder    |

**TABLE 3.**

| EFFLUENT LIMITATIONS   |             |                 |                    |                        |                |                  |                        |         | MONITORING REQUIREMENTS |                              |
|--|-------------|-----------------|--------------------|------------------------|----------------|------------------|------------------------|---------|-------------------------|------------------------------|
| Effluent Characteristic  | STORET Code | Units           | Loadings (lbs/day) |                        | Concentrations |                  |                        |         | Frequency               | Sample Type                  |
|  |             |                 | Monthly Average    | Maximum Weekly Average | Minimum        | Monthly Average  | Maximum Weekly Average | Maximum |                         |                              |
| Flow, Influent   | 50050       | MGD             | Report             | Report                 | N/A            | N/A              | N/A                    | N/A     | Continuous              | Recorder                     |
| Instream Flow  | 00060       | cfs             | N/A                | N/A                    | Report         | Report           | N/A                    | Report  | Continuous              | Recorder                     |
| BOD <sub>5</sub> <sup>1</sup> , Effluent   | 00310       | mg/l            | 250                | 375                    | N/A            | 30               | 45                     | N/A     | 1/Week                  | 24 Hr Composite <sup>2</sup> |
| BOD <sub>5</sub> <sup>1</sup> , Influent   | 00310       | mg/l            | N/A                | N/A                    | N/A            | Report           | Report                 | N/A     | 1/Week                  | 24 Hr Composite <sup>2</sup> |
| BOD <sub>5</sub> <sup>1</sup> , Percent Removal  | 81010       | %               | N/A                | N/A                    | N/A            | 85               | N/A                    | N/A     | 1/Month                 | Calculated <sup>3</sup>      |
| TSS, Effluent  | 00530       | mg/l            | 250                | 375                    | N/A            | 30               | 45                     | N/A     | 1/Week                  | 24 Hr Composite <sup>2</sup> |
| TSS, Influent  | 00530       | mg/l            | N/A                | N/A                    | N/A            | Report           | Report                 | N/A     | 1/Week                  | 24 Hr Composite <sup>2</sup> |
| TSS (Percent Removal)  | 81011       | %               | N/A                | N/A                    | N/A            | 85               | N/A                    | N/A     | 1/Month                 | Calculated <sup>3</sup>      |
| Ammonia (as mg/l NH <sub>3</sub> N)  | 00610       | mg/l            | 167                | 250                    | N/A            | 20               | 30 <sup>4</sup>        | N/A     | 1/Week                  | 24 Hr Composite <sup>2</sup> |
| E. Coli <sup>5</sup>   | 51040       | #/100 ml        | N/A                | N/A                    | N/A            | 130 <sup>6</sup> | 240 <sup>7</sup>       | N/A     | 1/Week                  | Grab                         |
| Dissolved Oxygen   | 00300       | mg/l            | N/A                | N/A                    | 2.00           | N/A              | N/A                    | N/A     | 1/Week                  | Grab                         |
| pH   | 00400       | SU              | N/A                | N/A                    | 6.0            | N/A              | N/A                    | 9.0     | 1/Week                  | Grab                         |
| Acute WET <sup>8</sup>   | TS000       | TU <sub>A</sub> | N/A                | N/A                    | N/A            | N/A              | N/A                    | 1.0     | 1/Quarter               | ( <sup>9</sup> )             |
| Total Phosphorus <sup>10</sup>   | 00665       | mg/l            | N/A                | N/A                    | N/A            | 1.0              | Report <sup>4</sup>    | N/A     | 1/Week                  | 24 Hr Composite <sup>2</sup> |
| Total Phosphorus <sup>11</sup>   | 00665       | mg/l            | N/A                | N/A                    | N/A            | 2.0              | Report <sup>4</sup>    | N/A     | 1/Week                  | 24 Hr Composite <sup>2</sup> |
| Total Phosphorus <sup>12</sup>   | 00665       | mg/l            | N/A                | N/A                    | N/A            | Report           | Report <sup>4</sup>    | N/A     | 1/Week                  | 24 Hr Composite <sup>2</sup> |
| Total Nitrogen <sup>13</sup>   | 00600       | mg/l            | N/A                | N/A                    | N/A            | Report           | Report <sup>4</sup>    | N/A     | 1/Week                  | 24 Hr Composite <sup>2</sup> |
| The Design Flow of the POTW is 1.0 MGD. The Average Annual Flow of the POTW is 0.176 MGD   |             |                 |                    |                        |                |                  |                        |         |                         |                              |
| <sup>1</sup> BOD <sub>5</sub> –Biochemical Oxygen Demand, 5-day  |             |                 |                    |                        |                |                  |                        |         |                         |                              |
| <sup>2</sup> A 24-hour composite is a sample collected using an automated sampler set to collect equal volume aliquots of 120 to 140 mils each ever 15 minutes over a 24 hour period. The sample must be maintained at 6 °C at all times |             |                 |                    |                        |                |                  |                        |         |                         |                              |
| <sup>3</sup> Percent Removal is calculated using the following equation: Percent Removal = $\left[ \frac{(\text{Monthly Average Influent} - \text{Monthly Average Effluent})}{\text{Monthly Average Influent}} \right] \times 100$       |             |                 |                    |                        |                |                  |                        |         |                         |                              |
| <sup>4</sup> Daily Maximum   |             |                 |                    |                        |                |                  |                        |         |                         |                              |
| <sup>5</sup> E. Coli – Escherichia Coli Bacteria   |             |                 |                    |                        |                |                  |                        |         |                         |                              |

| TABLE 3.  |             |       |                    |                        |                |                 |                        |                         |           |             |
|---|-------------|-------|--------------------|------------------------|----------------|-----------------|------------------------|-------------------------|-----------|-------------|
| EFFLUENT LIMITATIONS  |             |       |                    |                        |                |                 |                        | MONITORING REQUIREMENTS |           |             |
| Effluent Characteristic   | STORET Code | Units | Loadings (lbs/day) |                        | Concentrations |                 |                        |                         | Frequency | Sample Type |
|   |             |       | Monthly Average    | Maximum Weekly Average | Minimum        | Monthly Average | Maximum Weekly Average | Maximum                 |           |             |
| <sup>6</sup> Thirty (30) day Geometric Mean   |             |       |                    |                        |                |                 |                        |                         |           |             |
| <sup>7</sup> Seven (7) day Geometric Mean   |             |       |                    |                        |                |                 |                        |                         |           |             |
| <sup>8</sup> WET – Whole Effluent Toxicity  |             |       |                    |                        |                |                 |                        |                         |           |             |
| <sup>9</sup> Two (2) discrete grab samples shall be collected 12 hours apart.   |             |       |                    |                        |                |                 |                        |                         |           |             |
| <sup>10</sup> This parameter only applies when the stream flow is less than or equal to 200 cfs   |             |       |                    |                        |                |                 |                        |                         |           |             |
| <sup>11</sup> This parameter only applies when the stream flow is greater than 200 cfs and less than or equal to 400 cfs                |             |       |                    |                        |                |                 |                        |                         |           |             |
| <sup>12</sup> This parameter only applies when the stream flow is greater than 400 cfs  |             |       |                    |                        |                |                 |                        |                         |           |             |
| <sup>13</sup> Total Nitrogen is the summation of the analytical results for Total Nitrates, Total Nitrites, and Total Kjeldahl Nitrogen |             |       |                    |                        |                |                 |                        |                         |           |             |

The stream flow at the time of phosphorus sample shall be recorded in the Monthly Operating Reports (MOR’s) along with the phosphorus result.

The Net DMR with show three (3) phosphorus parameters and results shall be reported based on instream flow at the time of sampling. NODI Code 9 shall be used if no sample is taken with a parameters corresponding flow.

**1.4. Standard Effluent Requirements**

The discharges to waters of the Commonwealth shall not produce floating solids, visible foam or a visible sheen on the surface of the receiving waters.

**1.5. Application Monitoring**

POTWs are required to complete application Forms 1 and A which requires a minimum of 3 samples to be collected and analyzed. To ensure that sufficient samples are collected and analyzed DOW shall impose at a minimum annual sampling during years 2 through 4 of the permit term for those parameters required to be analyzed and reported on the application. The results of the application monitoring shall be submitted on an annual DMR and summarized on the renewal application. The permittee shall report the No Discharge (NODI) 9 – Conditional Monitoring Not Required This Period for years 1 and 5 of the permit.

| TABLE 4.                           |             |       |                |         |           |             |
|------------------------------------|-------------|-------|----------------|---------|-----------|-------------|
| Effluent Characteristic            | STORET Code | Units | Concentrations |         | Frequency | Sample Type |
|                                    |             |       | Average        | Maximum |           |             |
| Temperature (May 1- October 31)    | 00011       | °F    | Report         | Report  | 3/5 years | Grab        |
| Temperature (November 1- April 30) | 00011       | °F    | Report         | Report  | 3/5 years | Grab        |
| Total Kjeldahl Nitrogen (TKN)      | 51449       | mg/l  | Report         | Report  | 3/5 years | Grab        |



|  |       |      |        |        |           |      |
|--|-------|------|--------|--------|-----------|------|
| Nitrate Plus Nitrite Nitrogen            | 51450 | mg/l | Report | Report | 3/5 years | Grab |
| Oil & Grease                             | 00552 | mg/l | Report | Report | 3/5 years | Grab |
| Phosphorus (Total)                       | 00665 | mg/l | Report | Report | 3/5 years | Grab |
| Total Dissolved Solids (TDS)             | 70296 | mg/l | Report | Report | 3/5 years | Grab |
| Antimony, Total Recoverable              | 01268 | mg/l | Report | Report | 3/5 years | Grab |
| Arsenic, Total Recoverable               | 00978 | mg/l | Report | Report | 3/5 years | Grab |
| Beryllium, Total Recoverable             | 00998 | mg/l | Report | Report | 3/5 years | Grab |
| Cadmium, Total Recoverable               | 01113 | mg/l | Report | Report | 3/5 years | Grab |
| Chromium, Total Recoverable              | 01118 | mg/l | Report | Report | 3/5 years | Grab |
| Copper, Total Recoverable                | 01119 | mg/l | Report | Report | 3/5 years | Grab |
| Lead, Total Recoverable                  | 01114 | mg/l | Report | Report | 3/5 years | Grab |
| Mercury, Total Recoverable               | 71901 | mg/l | Report | Report | 3/5 years | Grab |
| Nickel, Total Recoverable                | 01074 | mg/l | Report | Report | 3/5 years | Grab |
| Selenium, Total Recoverable              | 00981 | mg/l | Report | Report | 3/5 years | Grab |
| Silver, Total Recoverable                | 01079 | mg/l | Report | Report | 3/5 years | Grab |
| Thallium, Total Recoverable              | 00982 | mg/l | Report | Report | 3/5 years | Grab |
| Zinc, Total Recoverable                  | 01094 | mg/l | Report | Report | 3/5 years | Grab |
| Cyanide, Free (amenable to chlorination) | 00722 | mg/l | Report | Report | 3/5 years | Grab |
| Phenolic Compounds, Total                | 70029 | mg/l | Report | Report | 3/5 years | Grab |
| Hardness, Total (as CaCO <sub>3</sub> )  | 00900 | mg/l | Report | Report | 3/5 years | Grab |
| Acrolein                                 | 34210 | µg/l | Report | Report | 3/5 years | Grab |
| Acrylonitrile                            | 34215 | µg/l | Report | Report | 3/5 years | Grab |
| Benzene                                  | 34030 | µg/l | Report | Report | 3/5 years | Grab |
| Bromoform                                | 32104 | µg/l | Report | Report | 3/5 years | Grab |
| Carbon tetrachloride                     | 32102 | µg/l | Report | Report | 3/5 years | Grab |
| Chlorobenzene                            | 34301 | µg/l | Report | Report | 3/5 years | Grab |
| Chlorodibromomethane                     | 34306 | µg/l | Report | Report | 3/5 years | Grab |
| Chloroethane                             | 85811 | µg/l | Report | Report | 3/5 years | Grab |
| 2-Chloroethylvinyl ether (mixed)         | 34576 | µg/l | Report | Report | 3/5 years | Grab |
| Chloroform                               | 32106 | µg/l | Report | Report | 3/5 years | Grab |
| Dichlorobromomethane                     | 32101 | µg/l | Report | Report | 3/5 years | Grab |
| 1,1-Dichloroethane                       | 34496 | µg/l | Report | Report | 3/5 years | Grab |
| 1,2-Dichloroethane                       | 32103 | µg/l | Report | Report | 3/5 years | Grab |
| Trans-1,2-Dichloroethylene               | 34546 | µg/l | Report | Report | 3/5 years | Grab |
| 1,1-Dichloroethylene                     | 34501 | µg/l | Report | Report | 3/5 years | Grab |
| 1,2-Dichloropropane                      | 34541 | µg/l | Report | Report | 3/5 years | Grab |
| 1,3-Dichloropropylene                    | 77163 | µg/l | Report | Report | 3/5 years | Grab |
| Ethylbenzene (34371)                     | 34371 | µg/l | Report | Report | 3/5 years | Grab |

|                                 |       |      |        |        |           |      |
|---------------------------------|-------|------|--------|--------|-----------|------|
| Methyl bromide (Bromomethane)   | 34413 | µg/l | Report | Report | 3/5 years | Grab |
| Methyl chloride (Chloromethane) | 34418 | µg/l | Report | Report | 3/5 years | Grab |
| Methylene chloride              | 34423 | µg/l | Report | Report | 3/5 years | Grab |
| 1,1,2,2-Tetrachloroethane       | 34516 | µg/l | Report | Report | 3/5 years | Grab |
| Tetrachloroethylene             | 34475 | µg/l | Report | Report | 3/5 years | Grab |
| Toluene                         | 34010 | µg/l | Report | Report | 3/5 years | Grab |
| 1,1,1-Trichloroethane           | 34506 | µg/l | Report | Report | 3/5 years | Grab |
| 1,1,2-Trichloroethane           | 34511 | µg/l | Report | Report | 3/5 years | Grab |
| Trichloroethylene               | 39180 | µg/l | Report | Report | 3/5 years | Grab |
| Vinyl chloride                  | 39175 | µg/l | Report | Report | 3/5 years | Grab |
| p-Chloro-m-cresol               | 82627 | µg/l | Report | Report | 3/5 years | Grab |
| 2-Chlorophenol                  | 34586 | µg/l | Report | Report | 3/5 years | Grab |
| 2,4-Dichlorophenol              | 34601 | µg/l | Report | Report | 3/5 years | Grab |
| 2,4-Dimethylphenol              | 34606 | µg/l | Report | Report | 3/5 years | Grab |
| 4,6-Dinitro-o-cresol            | 34657 | µg/l | Report | Report | 3/5 years | Grab |
| 2,4-Dinitrophenol               | 34616 | µg/l | Report | Report | 3/5 years | Grab |
| 2-Nitrophenol                   | 34591 | µg/l | Report | Report | 3/5 years | Grab |
| 4-Nitrophenol                   | 34646 | µg/l | Report | Report | 3/5 years | Grab |
| Pentachlorophenol               | 39032 | µg/l | Report | Report | 3/5 years | Grab |
| Phenol                          | 34694 | µg/l | Report | Report | 3/5 years | Grab |
| 2,4,6-Trichlorophenol           | 34621 | µg/l | Report | Report | 3/5 years | Grab |
| Acenaphthene                    | 34205 | µg/l | Report | Report | 3/5 years | Grab |
| Acenaphthylene                  | 34200 | µg/l | Report | Report | 3/5 years | Grab |
| Anthracene                      | 34220 | µg/l | Report | Report | 3/5 years | Grab |
| Benzidine                       | 39120 | µg/l | Report | Report | 3/5 years | Grab |
| Benzo(a)Anthracene              | 34526 | µg/l | Report | Report | 3/5 years | Grab |
| Benzo(a)pyrene                  | 34247 | µg/l | Report | Report | 3/5 years | Grab |
| 3,4-Benzofluoranthene           | 79531 | µg/l | Report | Report | 3/5 years | Grab |
| Benzo(ghi) perylene             | 34521 | µg/l | Report | Report | 3/5 years | Grab |
| Benzo(k)fluoranthene            | 34242 | µg/l | Report | Report | 3/5 years | Grab |
| Bis(2-chloroethoxy) methane     | 34278 | µg/l | Report | Report | 3/5 years | Grab |
| Bis(2-chloroethyl)ether         | 34273 | µg/l | Report | Report | 3/5 years | Grab |
| Bis(2-chloroisopropyl) ether    | 34283 | µg/l | Report | Report | 3/5 years | Grab |
| Bis(2-ethylhexyl) phthalate     | 39100 | µg/l | Report | Report | 3/5 years | Grab |
| 4-Bromophenyl phenyl ether      | 34636 | µg/l | Report | Report | 3/5 years | Grab |
| Butyl benzyl phthalate          | 34292 | µg/l | Report | Report | 3/5 years | Grab |
| 2-Chloronaphthalene             | 34581 | µg/l | Report | Report | 3/5 years | Grab |
| 4-Chlorophenyl phenyl ether     | 34641 | µg/l | Report | Report | 3/5 years | Grab |

|                               |       |      |        |        |           |      |
|-------------------------------|-------|------|--------|--------|-----------|------|
| Chrysene                      | 34320 | µg/l | Report | Report | 3/5 years | Grab |
| Di-n-butyl phthalate          | 39110 | µg/l | Report | Report | 3/5 years | Grab |
| Dibenzo(a,h)Anthracene        | 34556 | µg/l | Report | Report | 3/5 years | Grab |
| 1,2-Dichlorobenzene           | 34536 | µg/l | Report | Report | 3/5 years | Grab |
| 1,3-Dichlorobenzene           | 34566 | µg/l | Report | Report | 3/5 years | Grab |
| 1,4-Dichlorobenzene           | 34571 | µg/l | Report | Report | 3/5 years | Grab |
| 3,3'-Dichlorobenzidine        | 34631 | µg/l | Report | Report | 3/5 years | Grab |
| Diethyl phthalate             | 34336 | µg/l | Report | Report | 3/5 years | Grab |
| Dimethyl phthalate            | 34341 | µg/l | Report | Report | 3/5 years | Grab |
| 2,4-Dinitrotoluene            | 34611 | µg/l | Report | Report | 3/5 years | Grab |
| 2,6-Dinitrotoluene            | 34626 | µg/l | Report | Report | 3/5 years | Grab |
| 1,2-Diphenylhydrazine         | 34346 | µg/l | Report | Report | 3/5 years | Grab |
| Fluoranthene                  | 34376 | µg/l | Report | Report | 3/5 years | Grab |
| Fluorene                      | 34381 | µg/l | Report | Report | 3/5 years | Grab |
| Hexachlorobenzene             | 39700 | µg/l | Report | Report | 3/5 years | Grab |
| Hexachlorobutadiene           | 39702 | µg/l | Report | Report | 3/5 years | Grab |
| Hexachlorocyclo-pentadiene    | 34386 | µg/l | Report | Report | 3/5 years | Grab |
| Hexachloroethane              | 34396 | µg/l | Report | Report | 3/5 years | Grab |
| Indeno(1,2,3-cd)pyrene        | 34403 | µg/l | Report | Report | 3/5 years | Grab |
| Isophorone                    | 34408 | µg/l | Report | Report | 3/5 years | Grab |
| Naphthalene                   | 34696 | µg/l | Report | Report | 3/5 years | Grab |
| Nitrobenzene                  | 34447 | µg/l | Report | Report | 3/5 years | Grab |
| N-Nitrosodi-N-propylamine     | 34428 | µg/l | Report | Report | 3/5 years | Grab |
| N-Nitrosodimethylamine (NDMA) | 34438 | µg/l | Report | Report | 3/5 years | Grab |
| N-Nitrosodiphenylamine        | 34433 | µg/l | Report | Report | 3/5 years | Grab |
| Phenanthrene                  | 34461 | µg/l | Report | Report | 3/5 years | Grab |
| Pyrene                        | 34469 | µg/l | Report | Report | 3/5 years | Grab |
| 1,2,4-Trichlorobenzene        | 34551 | µg/l | Report | Report | 3/5 years | Grab |

## **SECTION 2**

### **COLLECTION SYSTEM REQUIREMENTS**

## **2. Collection System Requirements**

### **2.1. Prohibitions**

The following prohibitions apply to the collection system and its users:

- 1) There shall be no sanitary sewer overflows (SSOs);
- 2) No user shall introduce any pollutant or pollutants that will cause pass through or interference with the operation of the POTW and the collection system; or
- 3) No user shall introduce any of the following pollutants:
  - a. Pollutants which create a fire or explosion hazard, including but not limited to, wastestreams with a closed cup flashpoint of less than 140 °F (60 °C);
  - b. Pollutants which will cause corrosive structural damage or have a pH less than 5.0 standard units unless the POTW is designed to accommodate such pH levels;
  - c. Solid or viscous pollutants in amounts that would obstruct the flow to the POTW thus resulting in interference;
  - d. Any pollutant released in a discharge at such a volume or strength as to cause interference in the POTW;
  - e. Heat in such quantities that the temperature at the POTW treatment plant exceeds 104 °F (40 °C) unless the POTW requests and the Approval Authority grants alternate temperature limits;
  - f. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through;
  - g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; and,
  - h. Any trucked or hauled waste except, at discharge points designated by the POTW

All POTW's, in cases where pollutants contributed by user(s) of the collection system are likely to result in reoccurring interference or pass-through, shall develop and enforce specific effluent limits for industrial user(s), and all other users, as appropriate, which, together with appropriate changes in the POTW treatment plant's facilities or operation, are necessary to ensure renewed and continued compliance with the POTW's KPDES permit or sludge use or disposal practices. POTW's with approved Pretreatment Programs meet this requirement.

### **2.2. Capacity, Management, Operation and Maintenance (CMOM) Program**

#### **2.2.1. Applicability**

These conditions apply to all permittees with sewage infrastructure including the sewer system and wastewater treatment plant.

#### **2.2.2. Goals**

The goals of a comprehensive CMOM Program are:

- 1) To better manage, operate, and maintain the collection system;
- 2) Investigate capacity constrained areas of the collection system;
- 3) Proactively prevent or minimize SSOs;
- 4) Respond to SSO events; and
- 5) Proactively prevent or minimize the potential for the release of pollutants from ancillary activities through plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from storage areas.

To achieve these goals permittee shall complete a CMOM self-assessment using the checklist in the "Guide for Evaluating Capacity, Management, Operation, and Maintenance (CMOM) Programs at Sanitary Sewer Collection Systems," EPA 305-B-05-002 to determine the scope of the CMOM program.

The guide is available at: [http://www.epa.gov/npdes/pubs/cmom\\_guide\\_for\\_collection\\_systems.pdf](http://www.epa.gov/npdes/pubs/cmom_guide_for_collection_systems.pdf).

Upon completion of the checklist the permittee shall develop a proposed plan of action to achieve the goals of the CMOM program.

### **2.2.3. CMOM Plan**

At a minimum the plan of action shall include the following:

- 1) Self-Assessment Summary (including recommended improvements and schedules);
- 2) Collection System Diagram;
- 3) Sewer Overflow Response Protocol (SORP);
- 4) Best Management Practices (BMPs); and
- 5) Any other constituent programs necessary to achieve the goals of the CMOM program (See <http://www.epa.gov/region04/water/wpeb/momproject/documents/r4prgguide.pdf> for additional guidance)

### **2.2.4. Collection System Diagram**

The collection system diagram shall include the following:

- 1) Scale;
- 2) North arrow;
- 3) Date the map was drafted and most recent revision;
- 4) Street names;
- 5) Surface waters;
- 6) Service area boundaries;
- 7) Manholes and other access points (including structure IDs);
- 8) Sewer lines;
- 9) Pump stations (including structure IDs);
- 10) Wastewater treatment plants;
- 11) Permitted discharge points or outfalls (including CSO outfalls);
- 12) CSO regulators, for combined sewer systems; and
- 13) Locations of recurring SSOs that occurred within the last five (5) years prior to the effective date of this permit.

### **2.2.5. Sewer Overflow Response Protocol (SORP)**

At a minimum the SORP shall include the following elements:

- 1) An overflow response procedure including designated responders for the permittee, response times, and cleanup methods;
- 2) A public advisory procedure;
- 3) A regulatory agency notification procedure.;
- 4) A manhole and pump station inspection schedule;
- 5) A procedure for addressing discharges to buildings caused by blockage, flow condition, or other malfunction in sewer infrastructure owned or operationally-controlled by the permittee; and
- 6) A requirement to include the structure ID for reported incidents.

### **2.2.6. Best Management Practices (BMPs)**

BMPs are schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 of this permit. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

### **2.2.7. Implementation**

Implementation shall be as soon as possible, but no later than one year from the effective date of the permit or as specified in the schedule of compliance for this permit.

**2.2.8. Documentation**

The permittee shall maintain all applicable CMOM program documents at the facility and make them available upon request to EEC personnel. Initial copies and modification thereof shall be sent to DOW upon request.

**2.2.9. Modification**

The permittee shall amend CMOM Programs documentation whenever there is a change in the facility or change in operation of the facility which materially affects the requirements specified in applicable documents.

**2.2.10. Modification for Ineffectiveness**

If any of the CMOM programs prove to be ineffective in achieving the general objective of preventing and eliminating SSOs and other unauthorized discharges, the permit, and/or specific CMOM programs shall be subject to modification to address deficiencies. If at any time following the issuance of this permit any of the CMOM programs are found to be inadequate pursuant to a state or federal site inspection or review, affected CMOM program documents shall be modified to incorporate such changes necessary to resolve concerns.

**SECTION 3**

**STANDARD CONDITIONS**



### **3. STANDARD CONDITIONS**

#### **3.1. Duty to Comply**

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of KRS Chapter 224 and is grounds for enforcement action; for permit termination, revocation and reissuance, modification, or denial of a permit renewal application. Any person who violates applicable statutes, who fails to perform any duty imposed, or who violates any determination, permit, administrative regulation, or order of the cabinet promulgated pursuant thereto shall be liable for a civil penalty as provided at KRS 224.99.010.

#### **3.2. Duty to Reapply**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit.

#### **3.3. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for a permittee in an enforcement action, that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

#### **3.4. Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

#### **3.5. Proper Operation and Maintenance**

The permittee shall at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

#### **3.6. Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, notification of planned changes or anticipated noncompliance does not stay any permit condition.

#### **3.7. Property Rights**

This permit does not convey any property rights of any sort, or any exclusive privilege.

#### **3.8. Duty to Provide Information**

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

#### **3.9. Inspection and Entry**

The permittee shall allow the Director or an authorized representative (including an authorized contractor acting as a representative of the Director), upon presentation of credentials and other documents as may be required by law, to:

(1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

- (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by KRS 224, any substances or parameters at any location.

### **3.10. Monitoring and Records**

- (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (2) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities which shall be retained for a period of at least five (5) years (or longer as required by 401 KAR 5:065, Section 2(10)), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- (3) Records of monitoring information shall include:
  - (i) The date, exact place, and time of sampling or measurements;
  - (ii) The individual(s) who performed the sampling or measurements;
  - (iii) The date(s) analyses were performed;
  - (iv) The individual(s) who performed the analyses;
  - (v) The analytical techniques or methods used; and
  - (vi) The results of such analyses.
- (4) Monitoring must be conducted according to test procedures approved under 401 KAR 5:065, Section 2(8) unless another method is required under 401 KAR 5:065, Section 2(9) or (10).
- (5) KRS 224.99-010 provides that any person who knowingly violates KRS 224.70-110 or other enumerated statutes, or who knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, shall be guilty of a Class D felony and, upon conviction, shall be punished by a fine of not more than \$25,000, or by imprisonment for not more than one (1) year, or both. Each day upon which a violation occurs shall constitute a separate violation.

### **3.11. Signatory Requirement**

- (1) All applications, reports, or information submitted to the Director shall be signed and certified pursuant to 401 KAR 5:060, Section 4.
- (2) KRS 224.99-010 provides that any person who knowingly provides false information in any document filed or required to be maintained under KRS Chapter 224 shall be guilty of a Class D felony and upon conviction thereof, shall be punished by a fine not to exceed twenty-five thousand dollars (\$25,000), or by imprisonment, or by fine and imprisonment, for each separate violation. Each day upon which a violation occurs shall constitute a separate violation.

### **3.12. Reporting Requirements**

#### **3.12.1. Planned Changes**

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- (i) The alteration or addition to a permitted facility, may meet one of the criteria for determining whether a facility is a new source in KRS 224.16-050; or
- (ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under KRS 224.16-050; or
- (iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

### **3.12.2. Anticipated Noncompliance**

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

### **3.12.3. Transfers**

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under KRS 224; see 401 KAR 5:070, Section 5; in some cases, modification or revocation and reissuance is mandatory.

### **3.12.4. Monitoring Reports**

Monitoring results shall be reported at the intervals specified elsewhere in this permit.

- (i) Monitoring results must be reported on a DMR or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.
- (ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 401 KAR 5:065, Section 2(8), or another method required for an industry-specific waste stream under 401 KAR 5:065, Section 2(9) or (10), the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.
- (iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

### **3.12.5. Compliance Schedules**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit, shall be submitted no later than fourteen (14) days following each schedule date.

### **3.12.6. Twenty-four Hour Reporting**

- (i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within twenty-four (24) hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- (ii) The following shall be included as information which must be reported within twenty-four (24) hours under this paragraph:
  - (A) Any unanticipated bypass which exceeds any effluent limitation in the permit.
  - (B) Any upset which exceeds any effluent limitation in the permit.

(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within twenty-four (24) hours.

(iii) The Director may waive the written report on a case-by-case basis for reports under paragraph ii of this section if the oral report has been received within twenty-four (24) hours.

### **3.12.7. Other Noncompliance**

The permittee shall report all instances of noncompliance not reported under Sections 3.12.1, 3.12.4, 3.12.5 and 3.12.6, at the time monitoring reports are submitted. The reports shall contain the information listed in Section 3.12.6.

### **3.12.8. Other Information**

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Director, it shall promptly submit such facts or information.

## **3.13. Bypass**

### **3.13.1. Definitions**

(i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

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

### **3.13.2. Bypass Not Exceeding Limitations**

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section 3.13.1.

### **3.13.3. Notice**

(i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, and if possible at least ten days before the date of the bypass.

(ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section 3.12.6.

### **3.13.4. Prohibition of Bypass**

(i) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The permittee submitted notices as required under Section 3.13.3.

(ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the conditions listed above in Section 3.13.3.

### **3.14. Upset**

#### **3.14.1. Definition**

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

#### **3.14.2. Effect of an Upset**

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations, if the requirements of Section 3.14.3 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

#### **3.14.3. Conditions Necessary for a Demonstration of Upset**

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (i) An upset occurred and that the permittee can identify the cause(s) of the upset;
- (ii) The permitted facility was at the time being properly operated;
- (iii) The permittee submitted notice of the upset as required in Section 3.12.6; and
- (iv) The permittee complied with any remedial measures required under Section 3.4.

#### **3.14.4. Burden of Proof**

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

## **SECTION 4**

### **WET TESTING REQUIREMENTS**

#### 4. WET TESTING REQUIREMENTS

The permittee shall initiate, within thirty (30) days of the effective date of this permit, or continue the series of tests described below to evaluate wastewater toxicity of the discharge from Outfall 001.

##### 4.1. Sampling Requirements

Tests shall be conducted on each of two grab samples collected over the period of discharge, (i.e., discrete sample #1 taken at commencement of discharge, sample #2 taken approximately 12 hours later, sooner if discharge is expected to cease). The elapsed time between the collection of each grab sample and the initiation of each test shall not exceed 36 hours.

##### 4.2. Test Requirements

The Acute WET test requirements consists of two 48-hour static non-renewal toxicity tests with water flea (Ceriodaphnia dubia, Daphnia magna, or Daphnia pulex) and two 48-hour static non-renewal toxicity tests with fathead minnow (Pimephales promelas) performed on discrete grab samples of 100% effluent (1.00 TU<sub>A</sub>) at the frequency specified. Testing of each sample shall begin within 36 hours of the collection of that sample.

##### 4.3. Serial Dilutions

Effluent concentrations for the tests must include the percent effluent required by the permit and at least four additional effluent concentrations as in the following table.

| Required Percent Effluent | Dilution 1 Percent | Dilution 2 Percent | Dilution 3 Percent | Dilution 4 Percent | Dilution 5 Percent |
|---------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| 100                       | 20                 | 40                 | 60                 | 80                 | 100                |

For a required percent effluent of 100%, test concentrations shall be 20%, 40%, 60%, 80% and 100%.

For a required percent effluent less than 100% but greater than or equal to 75%, the test concentrations shall include the required percent effluent, two (2) concentrations below that are based on a 0.5 dilution factor, and two (2) concentrations above: one (1) at mid-point between 100% and the required percent effluent, and one (1) at 100% effluent.

For a required percent effluent less than 75%, test concentrations shall include the required percent effluent, two (2) concentrations below on a 0.5 dilution factor, and two (2) concentrations above the required percent effluent based on a 0.5 dilution factor if possible, one (1) at mid-point between 100% and the required percent effluent, and one (1) at 100% effluent.

Selection of different effluent concentrations must be approved by DOW prior to testing. Controls shall be conducted concurrently with effluent testing using synthetic water.

##### 4.4. Controls

Control tests shall be conducted concurrent with effluent testing using synthetic water. The analysis will be deemed reasonable and good only if the minimum control requirements are met.

Any test that does not meet the control acceptability criteria shall be repeated as soon as practicable within the monitoring period.

Within 30 days prior to initiating an effluent toxicity test, a reference toxicant test must be completed for the method used; alternatively, the reference toxicant test may be run concurrent with the effluent toxicity test.

Control survival is 90% or greater in test organisms held in synthetic water.

#### 4.5. Test Methods

All test organisms, procedures, and quality assurance criteria used shall be in accordance with Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, EPA-821-R-02-012 (5<sup>th</sup> edition), the most recently published edition of this publication, or as approved in advance by DOW.

#### 4.6. Reduction to Single Species Testing

After at least six (6) consecutive passing toxicity tests using both, the water flea and the fathead minnow, a request for testing with only the most sensitive species may be submitted to DOW. Upon approval, the most sensitive species may be considered as representative and all subsequent compliance tests may be conducted using only that species unless directed at any time by DOW to change or revert to both.

#### 4.7. Reduction in Monitoring Frequency

The permittee may request a reduction in the frequency of WET testing from quarterly to annual upon demonstration that no test failures, incomplete tests, or invalid tests occurred during the following specified timeframes:

- 1) Existing facilities: four (4) consecutive quarters;
- 2) New or expanded facilities: eight (8) consecutive quarters.

New and expanded facilities are defined in the above Requirements Effective Dates Section of this permit. In the event of the failure of an annual test or non-submission by January 28<sup>th</sup> of the year following the completion of the test, the permittee will again be subject to quarterly WET testing.

#### 4.8. Reporting Requirements

Results of all toxicity tests conducted with any species shall be reported according to the most recent format provided by DOW (See the Section for Submission of DMRs of this permit). Notification of failed test shall be made to DOW within five days of test completion. Test reports shall be submitted to DOW within thirty (30) days of completion. A control chart including the most recent reference toxicant test endpoints for the effluent test method (minimum of 5, up to 20 if available) shall be part of the report.

#### 4.9. Test Results

If noncompliance occurs in an initial test, the permittee shall repeat the test using new samples. Results of this second round of testing will be used to evaluate the persistence of the toxic event and the possible need for a Toxicity Reduction Evaluation (TRE).

Noncompliance is demonstrated if the LC<sub>50</sub> is less than 100 % effluent. If noncompliance occurs in an initial test, the permittee shall repeat the test using new grab samples collected approximately twelve (12) hours apart. Sampling must be initiated within ten (10) days of completing the failed test. The second round of testing shall include both species unless approved for only the most sensitive species by DOW.

#### 4.10. Accelerated Testing

If the second round of testing also demonstrates noncompliance, the permittee will be required to perform accelerated testing as specified in the following paragraphs.

Complete four (4) additional rounds of testing to evaluate the frequency and degree of toxicity within sixty (60) days of completing the second failed round of testing. Results of the initial and second rounds of testing specified above plus the four (4) additional rounds of testing will be used in deciding if a TRE shall be required.

If results from any two (2) of six (6) rounds of testing show a significant noncompliance with the Toxicity limit, i.e.,  $\geq 1.2$  times the TU, or results from any four of the six tests show toxicity as defined above, a TRE will be required.



The permittee shall provide written notification to DOW within five (5) days of completing the accelerated testing, stating that: (1) toxicity persisted and that a TRE will be initiated; or (2) that toxicity did not persist and normal testing will resume.

Should toxicity prove not to be persistent during the accelerated testing period, but reoccur within twelve (12) months of the initial failure at a level  $\geq 1.2$  times the TU, then a TRE shall be required.

#### **4.11. WET TRE**

Having determined that a TRE is required, the permittee shall initiate and/or continue at least monthly testing with both species until such time as a specific TRE plan is approved by DOW. A TRE plan shall be developed by the permittee and submitted to DOW within thirty (30) days of determining a TRE is required. The plan shall be developed in accordance with the most recent Environmental Protection Agency (EPA) and DOW guidance. Questions regarding this process may be submitted to DOW.

The TRE plan shall include Toxic Identification Evaluation (TIE) procedures, treatability studies, and evaluations of: chemical usage including changes in types, handling and suppliers; operational and process procedures; housekeeping and maintenance activities; and raw materials. The TRE plan will establish an implementation schedule to begin immediately upon approval by DOW, to have duration of at least six (6) months, and not to exceed twenty-four (24) months. The implementation schedule shall include quarterly progress reports being submitted to DOW, due the last day of the month following each calendar quarter.

Upon completion of the TRE, the permittee shall submit a final report detailing the findings of the TRE and actions taken or to be taken to prevent the reoccurrence of toxicity. This final report shall include: the toxicant(s), if any are identified; treatment options; operational changes; and the proposed resolutions including an implementation schedule not to exceed one-hundred-eighty (180) days.

Should the permittee determine the toxicant(s) and/or a workable treatment prior to the planned conclusion of the TRE, the permittee will notify DOW within five (5) days of making that determination and take appropriate actions to implement the solution within one-hundred-eighty (180) days of that notification.

## **SECTION 5**

### **OTHER CONDITIONS**

## **5. OTHER CONDITIONS**

### **5.1. Schedule of Compliance**

The permittee shall attain compliance with all requirements of this permit on the effective date of this permit unless otherwise stated below:

### **5.2. Other Permits**

This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal, and local agencies.

### **5.3. Continuation of Expiring Permit**

This permit shall be continued in effect and enforceable after the expiration date of the permit provided the permittee submits a timely and complete application in accordance with 401 KAR 5:060, Section 2(4).

### **5.4. Antidegradation**

For those discharges subject to the provisions of 401 KAR 10:030 Section 1(3)(b)5, the permittee shall install, operate, and maintain wastewater treatment facilities consistent with those identified in the approved regional facility plan.

### **5.5. Reopener Clause**

This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved in accordance with 401 KAR 5:050 through 5:080, if the effluent standard or limitation so issued or approved:

- 1) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- 2) Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 when applicable.

### **5.6. Sludge Disposal**

The disposal or final use of sewage sludge generated during the treatment of domestic sewage by a POTW shall be disposed of in accordance with state and federal requirements [401 KAR Chapter 45 and 40 CFR 503].

### **5.7. Certified Operators**

The wastewater treatment plant shall be under the primary responsibility of Class II Wastewater Treatment Plant Certified Operators or higher.

The collection system shall be under the primary responsibility of Class II Collection System Certified Operators or higher.

### **5.8. Outfall Signage**

The KPDES permit establishes monitoring points, effluent limitations, and other conditions to address discharges from the permitted facility. In an effort to better document and clarify these locations the permittee should place and maintain a permanent marker at each of the monitoring locations.

## **SECTION 6**

### **MONITORING AND REPORTING REQUIREMENTS**

## **6. MONITORING AND REPORTING REQUIREMENTS**

### **6.1. KPDES Outfalls**

Discharge samples and measurements shall be collected at the compliance point for each KPDES Outfall identified in this permit. Each sample shall be representative of the volume and nature of the monitored discharge.

### **6.2. Monthly Operating Reports (MORs)**

In addition to the monitoring of effluent as specified by the permit, the permittee shall conduct process control monitoring on a daily basis. Process control monitoring is that monitoring performed by the operators of the wastewater treatment plant to determine if the wastewater system is operating at its optimum efficiency. This monitoring includes but is not limited to influent and effluent quality and quantity monitoring, chemical usage, sludge monitoring including volume produced, wasted, and disposed, and monitoring of internal units such as aeration basins and oxidation ditches.

The data shall be recorded using the Microsoft EXCEL-based Monthly Operating Report (MOR) workbook available of the Department for Environmental Protection's Forms webpage at:

<http://dep.ky.gov/formslibrary/Pages/default.aspx>

The updated workbook shall be maintained on-site and made available upon request by Cabinet personnel.

### **6.3. Sufficiently Sensitive Analytical Methods**

Analytical methods utilized to demonstrate compliance with the effluent limitations established in this permit shall be sufficiently sensitive to detect pollutant levels at or below the required effluent limit. It is the responsibility of the permittee to demonstrate compliance with permit parameter limitations by utilization of sufficiently sensitive analytical methods.

### **6.4. Certified Laboratory Requirements**

All laboratory analyses and tests required to demonstrate compliance with the conditions of this permit shall be performed by EEC certified general wastewater laboratories.

### **6.5. Submission of DMRs**

Monitoring results obtained during each monitoring period must be reported. The completed DMR for each monitoring period must be submitted no later than the 28<sup>th</sup> day of the month following the monitoring period for which monitoring results were obtained.

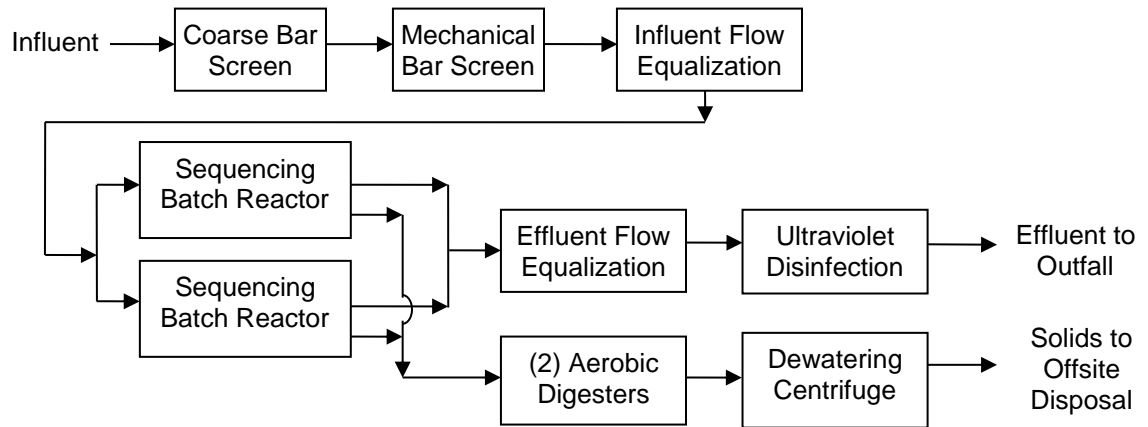
The completed DMR for each monitoring period must be entered into the DOW approved electronic system no later than midnight on the 28<sup>th</sup> day of the month following the monitoring period for which monitoring results were obtained.

For more information regarding electronic submittal of DMRs, please visit the Division's website at: <http://water.ky.gov/permitting/Pages/netDMRInformation.aspx> or contact the DMR Coordinator at (502) 564-3410.

### 6.4. Location Map



“Jacks Creek” Regional WWTP – Process Flow Diagram



**SECTION 7-4**

**MUDDY CREEK WASTE WATER TREATMENT PLANT  
KENTUCY POLLUTANT DISCHARGE ELIMINATION SYSTEM  
(KPDES) CURRENT PERMIT #KY 0111449**

Owner: Northern Madison County Sanitation District

for

**Northern Madison County Sanitation District  
Regional Facilities Plan**

Taken from: Kentucky Department for Environmental Protection,  
Division of Water



**KPDES**



**KENTUCKY POLLUTANT  
DISCHARGE ELIMINATION  
SYSTEM**

**PERMIT**

**AUTHORIZATION TO DISCHARGE UNDER THE  
KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM**

**PERMIT NO.: KY0111449**

**AGENCY INTEREST NO.: 120481**

**Pursuant to Authority in KRS 224,**

North Madison County Sanitation District  
201 Aqueduct Road, Suite B-9  
Richmond, Kentucky 40476

**is authorized to discharge from a facility located at**

Muddy Creek WWTP  
3619 Irvine Road  
Waco, Madison County, Kentucky

**to receiving waters named**

Muddy Creek

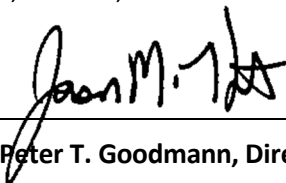
**in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit.**

This permit shall become effective on July 1, 2019.

This permit and the authorization to discharge shall expire at midnight, June 30, 2024.

May 13, 2019

**Date Signed**

  
Peter T. Goodmann, Director  
Division of Water

**THIS KPDES PERMIT CONSISTS OF THE FOLLOWING SECTIONS.**

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# **SECTION 1**

## **EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

**1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

**1.1. Compliance Monitoring Locations (Outfalls)**

The following table lists the outfalls authorized by this permit, the location and description of each, and the DOW assigned KPDES outfall number:

| TABLE 1.    |              |              |               |                 |   |
|-------------|--------------|--------------|---------------|-----------------|---|
| Outfall No. | Outfall Type | Latitude (N) | Longitude (W) | Receiving Water | Description of Outfall                                    |
| 001         | External     | 37.7434°     | 84.1547°      | Muddy Creek     | Domestic Wastewater from a Publicly Owned Treatment Works |

**1.2. Effluent Limitations and Monitoring Requirements**

Beginning on the effective date and lasting through the term of this permit, discharges from Outfall 001 shall comply with the following effluent limitations:

| TABLE 2.  |          |                    |                        |                |                  |                        |         |                         |                              |
|---|----------|--------------------|------------------------|----------------|------------------|------------------------|---------|-------------------------|------------------------------|
| EFFLUENT LIMITATIONS  |          |                    |                        |                |                  |                        |         | MONITORING REQUIREMENTS |                              |
| Effluent Characteristic                                     | Units    | Loadings (lbs/day) |                        | Concentrations |                  |                        |         | Frequency               | Sample Type                  |
|   |          | Monthly Average    | Maximum Weekly Average | Minimum        | Monthly Average  | Maximum Weekly Average | Maximum |                         |                              |
| Flow, Effluent  | MGD      | Report             | Report <sup>1</sup>    | N/A            | N/A              | N/A                    | N/A     | Continuous              | Recorder                     |
| Flow, Influent  | MGD      | Report             | Report <sup>1</sup>    | N/A            | N/A              | N/A                    | N/A     | Continuous              | Recorder                     |
| pH  | SU       | N/A                | N/A                    | 6.0            | N/A              | N/A                    | 9.0     | 1/Week                  | Grab                         |
| CBOD <sub>5</sub> <sup>2</sup> , Effluent                   | mg/l     | 33.36              | 50.04                  | N/A            | 20               | 30                     | N/A     | 1/Week                  | 24-Hr Composite <sup>3</sup> |
| CBOD <sub>5</sub> <sup>2</sup> , Influent                   | mg/l     | N/A                | N/A                    | N/A            | Report           | Report                 | N/A     | 1/Week                  | 24-Hr Composite <sup>3</sup> |
| CBOD <sub>5</sub> <sup>2</sup> Percent Removal <sup>4</sup> | %        | N/A                | N/A                    | N/A            | 85               | N/A                    | N/A     | 1/Month                 | Calculated <sup>4</sup>      |
| TSS <sup>5</sup> , Effluent                                 | mg/l     | 50.04              | 75.06                  | N/A            | 30               | 45                     | N/A     | 1/Week                  | 24-Hr Composite <sup>3</sup> |
| TSS <sup>5</sup> , Influent                                 | mg/l     | N/A                | N/A                    | N/A            | Report           | Report                 | N/A     | 1/Week                  | 24-Hr Composite <sup>3</sup> |
| TSS <sup>5</sup> , Percent Removal <sup>4</sup>             | %        | N/A                | N/A                    | N/A            | 85               | N/A                    | N/A     | 1/Month                 | Calculated <sup>4</sup>      |
| Ammonia (as mg/l NH <sub>3</sub> N)                         |          |                    |                        |                |                  |                        |         |                         |                              |
| May 1 – October 31  | mg/l     | N/A                | N/A                    | N/A            | 4                | 6 <sup>1</sup>         | N/A     | 1/Week                  | 24-Hr Composite <sup>3</sup> |
| November 1 – April 30                                       | mg/l     | N/A                | N/A                    | N/A            | 10               | 15 <sup>1</sup>        | N/A     | 1/Week                  | 24-Hr Composite <sup>3</sup> |
| Dissolved Oxygen  | mg/l     | N/A                | N/A                    | 7              | N/A              | N/A                    | N/A     | 1/Week                  | Grab                         |
| E. Coli <sup>6</sup>  | #/100 ml | N/A                | N/A                    | N/A            | 130 <sup>7</sup> | 240 <sup>8</sup>       | N/A     | 1/Week                  | Grab                         |
| Total Residual Chlorine                                     | mg/l     | N/A                | N/A                    | N/A            | 0.011            | 0.019 <sup>1</sup>     | N/A     | 1/Week                  | Grab                         |

**TABLE 2.**

| EFFLUENT LIMITATIONS  |       |                    |                        |                |                 |                        |         | MONITORING REQUIREMENTS |                              |
|---|-------|--------------------|------------------------|----------------|-----------------|------------------------|---------|-------------------------|------------------------------|
| Effluent Characteristic   | Units | Loadings (lbs/day) |                        | Concentrations |                 |                        |         | Frequency               | Sample Type                  |
|   |       | Monthly Average    | Maximum Weekly Average | Minimum        | Monthly Average | Maximum Weekly Average | Maximum |                         |                              |
| Total Nitrogen <sup>9</sup> , Effluent  | mg/l  | N/A                | N/A                    | N/A            | Report          | Report <sup>1</sup>    | N/A     | 1/Week                  | 24-Hr Composite <sup>3</sup> |
| Total Nitrogen <sup>9</sup> , Influent  | mg/l  | N/A                | N/A                    | N/A            | Report          | Report <sup>1</sup>    | N/A     | 1/Week                  | 24-Hr Composite <sup>3</sup> |
| Total Phosphorus, Effluent  | mg/l  | N/A                | N/A                    | N/A            | Report          | Report <sup>1</sup>    | N/A     | 1/Week                  | 24-Hr Composite <sup>3</sup> |
| Total Phosphorus, Influent  | mg/l  | N/A                | N/A                    | N/A            | Report          | Report <sup>1</sup>    | N/A     | 1/Week                  | 24-Hr Composite <sup>3</sup> |
| <sup>1</sup> Daily Maximum  |       |                    |                        |                |                 |                        |         |                         |                              |
| <sup>2</sup> CBOD <sub>5</sub> – Carbonaceous Biochemical Oxygen Demand, 5-day  |       |                    |                        |                |                 |                        |         |                         |                              |
| <sup>3</sup> A 24-hour composite is a sample collected using an automated sampler set to collect equal volume aliquots of at least 100 ml each every 15 minutes over a 24 hour period. The sample must be maintained at between 0° C and 6° C at all times. |       |                    |                        |                |                 |                        |         |                         |                              |
| <sup>4</sup> Percent Removal is calculated using the following equation: $\text{Percent Removal} = \left[ \frac{(\text{Monthly Average Influent} - \text{Monthly Average Effluent})}{\text{Monthly Average Influent}} \right] \times 100$                   |       |                    |                        |                |                 |                        |         |                         |                              |
| <sup>5</sup> TSS – Total Suspended Solids   |       |                    |                        |                |                 |                        |         |                         |                              |
| <sup>6</sup> E. Coli – Escherichia Coli Bacteria  |       |                    |                        |                |                 |                        |         |                         |                              |
| <sup>7</sup> Thirty (30) day Geometric Mean   |       |                    |                        |                |                 |                        |         |                         |                              |
| <sup>8</sup> Seven (7) day Geometric Mean   |       |                    |                        |                |                 |                        |         |                         |                              |
| <sup>9</sup> Total Nitrogen is the summation of the analytical results for Total Nitrates, Total Nitrites, and Total Kjeldahl Nitrogen  |       |                    |                        |                |                 |                        |         |                         |                              |

**1.3. Standard Effluent Requirements**

The discharges to waters of the Commonwealth shall not produce floating solids, visible foam or a visible sheen on the surface of the receiving waters.

**1.4. Application Monitoring for Outfall 001**

POTWs are required to complete application Form A which requires a minimum of three (3) samples to be collected and analyzed. To ensure that sufficient samples are collected and analyzed, DOW shall impose minimum annual sampling during years two (2) through four (4) of the permit term, for those parameters required to be analyzed and reported on the application (See table below). Of the three (3) samples, two (2) shall be taken no closer than four (4) months together and no greater than eight (8) months apart. The results of the application monitoring shall be submitted on an annual Discharge Monitoring Report (DMR) and summarized on the renewal application. The permittee shall report No Discharge – Conditional Monitoring Not Required This Period (NODI 9) for years 1 and 5 of the permit.

| <b>TABLE 3.</b>                                    |              |                       |                |                  |                              |
|--|--------------|-----------------------|----------------|------------------|------------------------------|
| <b>RENEWAL APPLICATION MONITORING REQUIREMENTS</b> |              |                       |                |                  |                              |
| <b>Effluent Characteristic</b>                     | <b>Units</b> | <b>Concentrations</b> |                | <b>Frequency</b> | <b>Sample Type</b>           |
|  |              | <b>Average</b>        | <b>Maximum</b> |                  |                              |
| Temperature (May 1- October 31)                    | °F           | Report                | Report         | 3/5 years        | Grab                         |
| Temperature (November 1- April 30)                 | °F           | Report                | Report         | 3/5 years        | Grab                         |
| Total Kjeldahl Nitrogen (TKN)                      | mg/l         | Report                | Report         | 3/5 years        | 24-Hr Composite <sup>1</sup> |
| Nitrate Plus Nitrite Nitrogen                      | mg/l         | Report                | Report         | 3/5 years        | 24-Hr Composite <sup>1</sup> |
| Oil & Grease                                       | mg/l         | Report                | Report         | 3/5 years        | 24-Hr Composite <sup>1</sup> |
| Phosphorus (Total)                                 | mg/l         | Report                | Report         | 3/5 years        | 24-Hr Composite <sup>1</sup> |
| Total Dissolved Solids (TDS)                       | mg/l         | Report                | Report         | 3/5 years        | 24-Hr Composite <sup>1</sup> |

<sup>1</sup> A 24-hour composite is a sample collected using an automated sampler set to collect equal volume aliquots of at least 100 ml each every 15 minutes over a 24 hour period. The sample must be maintained at between 0° C and 6° C at all times.

# **SECTION 2**

## **COLLECTION SYSTEM REQUIREMENTS**



## **2. COLLECTION SYSTEM REQUIREMENTS**

### **2.1. Prohibitions**

The following prohibitions apply to the collection system and its users:

- (1) There shall be no sanitary sewer overflows (SSOs);
- (2) No user shall introduce any pollutant or pollutants that will cause pass through or interference with the operation of the POTW and the collection system; or
- (3) No user shall introduce any of the following pollutants:
  - a) Pollutants which create a fire or explosion hazard, including but not limited to, waste
  - b) streams with a closed cup flashpoint of less than 140 °F (60 °C);
  - c) Pollutants which will cause corrosive structural damage or have a pH less than 5.0 standard units unless the POTW is designed to accommodate such pH levels;
  - d) Solid or viscous pollutants in amounts that would obstruct the flow to the POTW thus resulting in interference;
  - e) Any pollutant released in a discharge at such a volume or strength as to cause interference in the POTW;
  - f) Heat in such quantities that the temperature at the POTW treatment plant exceeds 104 °F (40 °C) unless the POTW requests and the Approval Authority grants alternate temperature limits;
  - g) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through;
  - h) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; and,
  - i) Any trucked or hauled waste except, at discharge points designated by the POTW.

All POTW's, in cases where pollutants contributed by user(s) of the collection system are likely to result in reoccurring interference or pass-through, shall develop and enforce specific effluent limits for industrial user(s), and all other users, as appropriate, which, together with appropriate changes in the POTW treatment plant's facilities or operation, are necessary to ensure renewed and continued compliance with the POTW's KPDES permit or sludge use or disposal practices. POTW's with approved Pretreatment Programs meet this requirement.

### **2.2. Capacity, Management, Operation and Maintenance (CMOM) Program**

#### **2.2.1. Applicability**

These conditions apply to all permittees with sewage infrastructure including the sewer system and wastewater treatment plant.

#### **2.2.2. Goals**

The goals of a comprehensive CMOM Program are:

- (1) To better manage, operate, and maintain the collection system;
- (2) Investigate capacity constrained areas of the collection system;
- (3) Proactively prevent or minimize SSOs;
- (4) Respond to SSO events; and
- (5) Proactively prevent or minimize the potential for the release of pollutants from ancillary activities through plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from storage areas.

To achieve these goals, the permittee shall complete a CMOM self-assessment using the checklist in the "Guide for Evaluating Capacity, Management, Operation, and Maintenance (CMOM) Programs at Sanitary Sewer Collection Systems," EPA 305-B-05-002 to determine the scope of the CMOM program.

The guide is available at: [http://www.epa.gov/npdes/pubs/cmom\\_guide\\_for\\_collection\\_systems.pdf](http://www.epa.gov/npdes/pubs/cmom_guide_for_collection_systems.pdf).

Upon completion of the checklist, the permittee shall develop a proposed plan of action to achieve the goals of the CMOM program.

### **2.2.3. CMOM Plan of Action**

At a minimum the plan of action shall include the following:

- (1) Self-Assessment Summary (including recommended improvements and schedules);
- (2) Collection System Diagram;
- (3) Sewer Overflow Response Protocol (SORP);
- (4) Best Management Practices (BMPs); and
- (5) Any other constituent programs necessary to achieve the goals of the CMOM program

### **2.2.4. Collection System Diagram**

The collection system diagram shall include the following:

- (1) Scale;
- (2) North arrow;
- (3) Date the map was drafted and most recent revision;
- (4) Street names;
- (5) Surface waters;
- (6) Service area boundaries;
- (7) Manholes and other access points (including structure IDs);
- (8) Sewer lines;
- (9) Pump stations (including structure IDs);
- (10) Wastewater treatment plants;
- (11) Permitted discharge points or outfalls (including CSO outfalls);
- (12) CSO regulators, for combined sewer systems; and
- (13) Locations of recurring SSOs that occurred within the last five (5) years prior to the effective date of this permit.

### **2.2.5. Sewer Overflow Response Protocol (SORP)**

At a minimum the SORP shall include the following elements:

- (1) An overflow response procedure including designated responders for the permittee, response times, and cleanup methods;
- (2) A public advisory procedure;
- (3) A regulatory agency notification procedure;
- (4) A manhole and pump station inspection schedule;
- (5) A procedure for addressing discharges to buildings caused by blockage, flow condition, or other malfunction in sewer infrastructure owned or operationally-controlled by the permittee; and
- (6) A requirement to include the structure ID for reported incidents.

### **2.2.6. Best Management Practices (BMPs)**

BMPs are schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 of this permit. BMPs also

include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

**2.2.7. Implementation**

Implementation shall be as soon as possible, but no later than one year from the effective date of the permit or as specified in the schedule of compliance for this permit.

**2.2.8. Documentation**

The permittee shall maintain all applicable CMOM program documents at the facility and make them available upon request to EEC personnel. Initial copies and modification thereof shall be sent to DOW upon request.

**2.2.9. Modification**

The permittee shall amend CMOM Programs documentation whenever there is a change in the facility or change in operation of the facility which materially affects the requirements specified in applicable documents.

**2.2.10. Modification for Ineffectiveness**

If any of the CMOM programs prove to be ineffective in achieving the general objective of preventing and eliminating SSOs and other unauthorized discharges, the permit, and/or specific CMOM programs shall be subject to modification to address deficiencies. If at any time following the issuance of this permit any of the CMOM programs are found to be inadequate pursuant to a state or federal site inspection or review, affected CMOM program documents shall be modified to incorporate such changes necessary to resolve concerns.

# **SECTION 3**

## **STANDARD CONDITIONS**

### **3. STANDARD CONDITIONS**

The following conditions apply to all KPDES permits.

#### **3.1. Duty to Comply**

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of KRS Chapter 224 and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Any person who violates applicable statutes or who fails to perform any duty imposed, or who violates any determination, permit, administrative regulation, or order of the Cabinet promulgated pursuant thereto shall be liable for a civil penalty as provided at KRS 224.99.010.

#### **3.2. Duty to Reapply**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit.

#### **3.3. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

#### **3.4. Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

#### **3.5. Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

#### **3.6. Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause. 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 noncompliance does not stay any permit condition.

#### **3.7. Property Rights**

This permit does not convey any property rights of any sort, or any exclusive privilege.

#### **3.8. Duty to Provide Information**

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

**3.9. Inspection and Entry**

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

- (1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

**3.10. Monitoring and Records**

- (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (2) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five (5) years (or longer as required by 401 KAR 5:065, Section 2(10) [40 CFR 503]), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- (3) Records of monitoring information shall include:
  - a) The date, exact place, and time of sampling or measurements;
  - b) The individual(s) who performed the sampling or measurements;
  - c) The date(s) analyses were performed;
  - d) The individual(s) who performed the analyses;
  - e) The analytical techniques or methods used; and
  - f) The results of such analyses.
- (4) Monitoring must be conducted according to test procedures approved under 401 KAR 5:065, Section 2(8) [40 CFR 136] unless another method is required under 401 KAR 5:065, Section 2(9) or (10) [40 CFR subchapters N or O].
- (5) KRS 224.99-010 provides that any person who knowingly violates KRS 224.70-110 or other enumerated statutes, or who knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall be guilty of a Class D felony and, upon conviction, shall be punished by a fine of not more than \$25,000, or by imprisonment for not less than one (1) year and not more than five (5) years, or by both fine and imprisonment for each separate violation.. Each day upon which a violation occurs shall constitute a separate violation.

**3.11. Signatory Requirement**

- (1) All applications, reports, or information submitted to the Director shall be signed and certified pursuant to 401 KAR 5:060, Section 4 [40 CFR 122.22].
- (2) KRS 224.99-010 provides that any person who knowingly provides false information in any document filed or required to be maintained under KRS Chapter 224 shall be guilty of a Class D felony and upon conviction thereof, shall be punished by a fine not to exceed twenty-five thousand dollars (\$25,000), or by imprisonment, or by fine and imprisonment, for each separate violation. Each day upon which a violation occurs shall constitute a separate violation

**3.12. Reporting Requirements****3.12.1. Planned Changes**

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- (1) The alteration or addition to a permitted facility may meet one (1) of the criteria for determining whether a facility is a new source in KRS 224.16-050 [40 CFR 122.29(b)]; or
- (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under KRS 224.16-050 [40 CFR 122.42(a)(1)].
- (3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

**3.12.2. Anticipated Noncompliance**

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

**3.12.3. Transfers**

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under KRS 224 [CWA; see 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory].

**3.12.4. Monitoring Reports**

Monitoring results shall be reported at the intervals specified elsewhere in this permit.

- (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.
- (2) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 401 KAR 5:065, Section 2(8) [40 CFR 136], or another method required for an industry-specific waste stream under 401 KAR 5:065, Section 2(9) or (10) [40 CFR subchapters N or O], the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.

- (3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

### **3.12.5. Compliance Schedules**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.

### **3.12.6. Twenty-Four-Hour Reporting**

- (1) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within twenty-four (24) hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- (2) The following shall be included as information which must be reported within twenty-four (24) hours under this paragraph.
- a) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See §122.41(g))
  - b) Any upset which exceeds any effluent limitation in the permit.
  - c) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within twenty-four (24) hours.
- (3) The Director may waive the written report on a case-by-case basis under 40 CFR 122.41 (l), if the oral report has been received within twenty-four (24) hours.

### **3.12.7. Other Noncompliance**

The permittee shall report all instances of noncompliance not reported under Sections 3.12.1, 3.12.4, 3.12.5 and 3.12.6, at the time monitoring reports are submitted. The reports shall contain the information listed in Section 3.12.6.

### **3.12.8. Other Information**

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

## **3.13. Bypass**

### **3.13.1. Definitions**

- (1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
- (2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.



**3.13.2. Bypass Not Exceeding Limitations**

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section 3.13.3 and 3.13.4.

**3.13.3. Notice**

- (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.
- (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section 3.12.6.

**3.13.4. Prohibition of Bypass**

- (1) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:
  - a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - c) The permittee submitted notices as required under Section 3.13.3.
- (2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three (3) conditions listed above in Section 3.13.4

**3.14. Upset****3.14.1. Definition**

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

**3.14.2. Effect of an Upset**

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Section 3.14.3 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

**3.14.3. Conditions Necessary for a Demonstration of Upset**

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
- (2) The permitted facility was at the time being properly operated; and
- (3) The permittee submitted notice of the upset as required in Section 3.12.6; and

(4) The permittee complied with any remedial measures required under Section 3.4.

**3.14.4. Burden of Proof**

In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

# **SECTION 4**

## **OTHER CONDITIONS**

#### **4. OTHER CONDITIONS**

##### **4.1. Schedule of Compliance**

The permittee shall attain compliance with all requirements of this permit on the effective date of this permit unless otherwise stated below:

##### **4.2. Other Permits**

This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal, and local agencies.

##### **4.3. Continuation of Expiring Permit**

This permit shall be continued in effect and enforceable after the expiration date of the permit provided the permittee submits a timely and complete application in accordance with 401 KAR 5:060, Section 2(4).

##### **4.4. Anti-degradation**

For those discharges subject to the provisions of 401 KAR 10:030, Section 1(3)(b)5, the permittee shall install, operate, and maintain wastewater treatment facilities consistent with those identified in the approved regional facility plan.

##### **4.5. Reopener Clause**

This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved in accordance with 401 KAR 5:050 through 5:080, if the effluent standard or limitation so issued or approved:

- (1) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- (2) Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 when applicable.

##### **4.6. Sludge Disposal**

The disposal or final use of sewage sludge generated during the treatment of domestic sewage by a POTW shall be disposed of in accordance with state and federal requirements [401 KAR Chapter 45 and 40 CFR 503].

##### **4.7. Certified Operators**

The wastewater treatment plant shall be under the primary responsibility of Class 11 Wastewater Treatment Plant Certified Operators or higher.

The collection system shall be under the primary responsibility of Class 11 Collection System Certified Operators or higher.

# **SECTION 5**

## **MONITORING AND REPORTING REQUIREMENTS**

## **5. MONITORING AND REPORTING REQUIREMENTS**

### **5.1. KPDES Outfalls**

Discharge samples and measurements shall be collected at the compliance point for each KPDES Outfall identified in this permit. Each sample shall be representative of the volume and nature of the monitored discharge.

### **5.2. Monthly Operating Reports (MORs)**

In addition to the monitoring of effluent as specified by the permit, the permittee shall conduct process control monitoring on a daily basis. Process control monitoring is that monitoring performed by the operators of the wastewater treatment plant to determine if the wastewater system is operating at its optimum efficiency. This monitoring includes but is not limited to influent and effluent quality and quantity monitoring, chemical usage, sludge monitoring including volume produced, wasted, and disposed, and monitoring of internal units such as aeration basins and oxidation ditches.

The data is recommended to be recorded using the Microsoft EXCEL-based Monthly Operating Report (MOR) workbook available on the Department for Environmental Protection's Forms webpage at:

<https://eec.ky.gov/Environmental-Protection/Forms%20Library/MOR-eMOR.xls>

Alternatively, the permittee may choose to use their own electronic or paper MOR workbook, as long as it includes the information required by the above form and/or is approved by the Division's Regional Field Office Supervisor.

The updated workbook shall be maintained on-site and made available upon request by Cabinet personnel.

### **5.3. Sufficiently Sensitive Analytical Methods**

Analytical methods utilized to demonstrate compliance with the effluent limitations established in this permit shall be sufficiently sensitive to detect pollutant levels at or below the required effluent limit, i.e. the Method Minimum Level shall be at or below the effluent limit. In the instance where a 40 CFR 136 approved method does not exist that has a Method Minimum Level at or below the established effluent limitation, the permittee shall:

- (1) Use the method specified in the permit; or
- (2) The 40 CFR 136 approved method with a ML that is nearest to the established effluent limit.

It is the responsibility of the permittee to demonstrate compliance with permit parameter limitations by utilization of sufficiently sensitive analytical methods.

### **5.4. Certified Laboratory Requirements**

All laboratory analyses and tests required to demonstrate compliance with the conditions of this permit shall be performed by a laboratory holding the appropriate general or field-only certification issued by the Cabinet pursuant to 401 KAR 5:320.

### **5.5. Submission of DMRs**

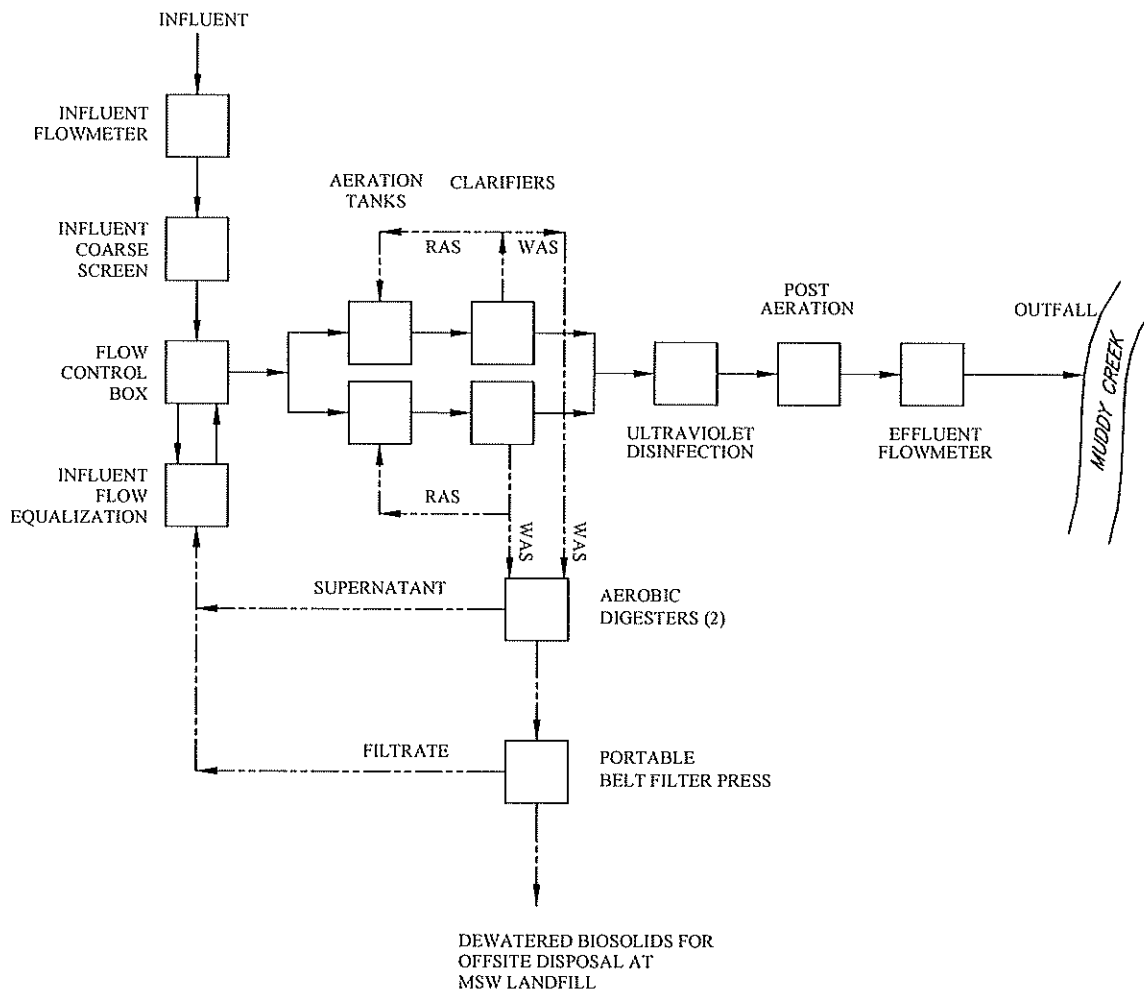
The completed DMR for each monitoring period must be entered into the DOW approved electronic system no later than midnight on the 28<sup>th</sup> day of the month following the monitoring period for which monitoring results were obtained.

For more information regarding electronic submittal of DMRs, please visit the Division's website at: <https://eec.ky.gov/Environmental-Protection/Water/SubmitReport/Pages/NetDMR.aspx> or contact the DMR Coordinator at (502) 564-3410.

5.10. Location Map







DEWATERED BIOSOLIDS FOR  
OFFSITE DISPOSAL AT  
MSW LANDFILL

FIGURE 1

SCHEMATIC FLOW DIAGRAM  
NORTHERN MADISON COUNTY SANITATION DISTRICT  
MUDDY CREEK WASTEWATER TREATMENT PLANT



**nesbittengineering, inc.**  
providing proven solutions since 1976

drawing revisions:

drawn by:  
JCW

disk/file name:  
\\GENERAL\WWTP-SCHEMATIC.DWG

job no.:  
934.44

date:  
10-24-13

last plot date:

scale:  
NOT TO SCALE

**SECTION 7-5**

**MOBERLY SHELL WASTE WATER TREATMENT PLANT  
KENTUCY POLLUTANT DISCHARGE ELIMINATION SYSTEM  
(KPDES) CURRENT PERMIT #KY 0099175**

Owner: EFS Moberly, LLC

for

**Northern Madison County Sanitation District  
Regional Facilities Plan**

Taken from: Kentucky Department for Environmental Protection,  
Division of Water

**KPDES**



**KENTUCKY POLLUTANT  
DISCHARGE ELIMINATION  
SYSTEM**

**PERMIT**

**AUTHORIZATION TO DISCHARGE UNDER THE  
KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM**

**PERMIT NO.: KY0098175**

**AGENCY INTEREST NO.: 2800**

**Pursuant to Authority in KRS 224,**

EFS Moberly, LLC  
1510 Newtown Pike Ste 154  
Lexington, KY 40324

**is authorized to discharge from a facility located at**

EFS Moberly, LLC  
3306 New Irvine Road  
Richmond, Madison County, Kentucky

**to receiving waters named**

UT to Muddy Creek

**in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit.**

This permit shall become effective on August 1, 2019.

This permit and the authorization to discharge shall expire at midnight, July 31, 2024.

June 26, 2019

**Date Signed**

A handwritten signature in black ink, appearing to read "Peter T. Goodmann".

**Peter T. Goodmann, Director**

**Division of Water**

**THIS KPDES PERMIT CONSISTS OF THE FOLLOWING SECTIONS:**

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# **SECTION 1**

## **EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

**1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

**1.1. Compliance Monitoring Locations (Outfalls)**

The following table lists the outfalls authorized by this permit, the latitude and longitude of each and the DOW assigned KPDES outfall number:

| TABLE 1.    |              |              |               |                   |                        |
|-------------|--------------|--------------|---------------|-------------------|------------------------|
| Outfall No. | Outfall Type | Latitude (N) | Longitude (W) | Receiving Water   | Description of Outfall |
| 001         | External     | 37.738881°   | 84.1793150°   | UT to Muddy Creek | Domestic Wastewater    |

**1.2. Effluent Limitations and Monitoring Requirements**

Beginning on the effective date and lasting through the term of this permit, discharges from Outfall 001 shall comply with the following effluent limitations:

| TABLE 2.   |          |                    |                        |                |                  |                        |         |                         |                        |
|--|----------|--------------------|------------------------|----------------|------------------|------------------------|---------|-------------------------|------------------------|
| EFFLUENT LIMITATIONS   |          |                    |                        |                |                  |                        |         | MONITORING REQUIREMENTS |                        |
| Effluent Characteristic  | Units    | Loadings (lbs/day) |                        | Concentrations |                  |                        |         | Frequency               | Sample Type            |
|  |          | Monthly Average    | Maximum Weekly Average | Minimum        | Monthly Average  | Maximum Weekly Average | Maximum |                         |                        |
| Flow   | MGD      | Report             | Report <sup>1</sup>    | N/A            | N/A              | N/A                    | N/A     | 1/Quarter               | Instantaneous          |
| pH   | SU       | N/A                | N/A                    | 6.0            | N/A              | N/A                    | 9.0     | 1/Quarter               | Grab                   |
| CBOD <sub>5</sub> <sup>2</sup>   | mg/l     | N/A                | N/A                    | N/A            | 30               | 45                     | N/A     | 1/Quarter               | Composite <sup>3</sup> |
| Total Suspended Solids   | mg/l     | N/A                | N/A                    | N/A            | 30               | 45                     | N/A     | 1/Quarter               | Composite <sup>3</sup> |
| Ammonia (as mg/l NH <sub>3</sub> N)  |          |                    |                        |                |                  |                        |         |                         |                        |
| May 1 – October 31   | mg/l     | N/A                | N/A                    | N/A            | 4.0              | 6.0 <sup>1</sup>       | N/A     | 1/Quarter               | Composite <sup>3</sup> |
| November 1 – April 30  | mg/l     | N/A                | N/A                    | N/A            | 10               | 15 <sup>1</sup>        | N/A     | 1/Quarter               | Composite <sup>3</sup> |
| Dissolved Oxygen   | mg/l     | N/A                | N/A                    | 7.0            | N/A              | N/A                    | N/A     | 1/Quarter               | Grab                   |
| E. Coli <sup>4</sup>   | #/100 ml | N/A                | N/A                    | N/A            | 130 <sup>5</sup> | 240 <sup>6</sup>       | N/A     | 1/Quarter               | Grab                   |
| Total Residual Chlorine  | mg/l     | N/A                | N/A                    | N/A            | 0.011            | 0.019 <sup>1</sup>     | N/A     | 1/Quarter               | Grab                   |
| <sup>1</sup> Daily Maximum   |          |                    |                        |                |                  |                        |         |                         |                        |
| <sup>2</sup> CBOD <sub>5</sub> – Carbonaceous Biochemical Oxygen Demand, 5-day   |          |                    |                        |                |                  |                        |         |                         |                        |
| <sup>3</sup> A sample composed of four or more equal or flow-proportional aliquots collected over a period of no less than eight and no more than twenty-four hours and aggregated so that the aggregate sample reflects the average water quality of the effluent during the compositing or sample period |          |                    |                        |                |                  |                        |         |                         |                        |
| <sup>4</sup> E. Coli – Escherichia Coli Bacteria   |          |                    |                        |                |                  |                        |         |                         |                        |

**TABLE 2.**

| EFFLUENT LIMITATIONS                        |       |                    |                        |                |                 |                        |         | MONITORING REQUIREMENTS |             |
|---|-------|--------------------|------------------------|----------------|-----------------|------------------------|---------|-------------------------|-------------|
| Effluent Characteristic                     | Units | Loadings (lbs/day) |                        | Concentrations |                 |                        |         | Frequency               | Sample Type |
|   |       | Monthly Average    | Maximum Weekly Average | Minimum        | Monthly Average | Maximum Weekly Average | Maximum |                         |             |
| <sup>5</sup> Thirty (30) day Geometric Mean |       |                    |                        |                |                 |                        |         |                         |             |
| <sup>6</sup> Seven (7) day Geometric Mean   |       |                    |                        |                |                 |                        |         |                         |             |

**1.3. Standard Effluent Requirements**

The discharges to Waters of the Commonwealth shall not produce floating solids, visible foam or a visible sheen on the surface of the receiving waters.

# **SECTION 2**

## **STANDARD CONDITIONS**



## **2. STANDARD CONDITIONS**

The following conditions apply to all KPDES permits.

### **2.1. Duty to Comply**

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of KRS Chapter 224 and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Any person who violates applicable statutes or who fails to perform any duty imposed, or who violates any determination, permit, administrative regulation, or order of the Cabinet promulgated pursuant thereto shall be liable for a civil penalty as provided at KRS 224.99.010.

### **2.2. Duty to Reapply**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit.

### **2.3. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

### **2.4. Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

### **2.5. Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

### **2.6. Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause. 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 noncompliance does not stay any permit condition.

### **2.7. Property Rights**

This permit does not convey any property rights of any sort, or any exclusive privilege.

### **2.8. Duty to Provide Information**

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

**2.9. Inspection and Entry**

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

- (1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

**2.10. Monitoring and Records**

(1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(2) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five (5) years (or longer as required by 401 KAR 5:065, Section 2(10) [40 CFR 503]), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

(3) Records of monitoring information shall include:

- a) The date, exact place, and time of sampling or measurements;
- b) The individual(s) who performed the sampling or measurements;
- c) The date(s) analyses were performed;
- d) The individual(s) who performed the analyses;
- e) The analytical techniques or methods used; and
- f) The results of such analyses.

(4) Monitoring must be conducted according to test procedures approved under 401 KAR 5:065, Section 2(8) [40 CFR 136] unless another method is required under 401 KAR 5:065, Section 2(9) or (10) [40 CFR subchapters N or O].

(5) KRS 224.99-010 provides that any person who knowingly violates KRS 224.70-110 or other enumerated statutes, or who knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall be guilty of a Class D felony and, upon conviction, shall be punished by a fine of not more than \$25,000, or by imprisonment for not less than one (1) year and not more than five (5) years, or by both fine and imprisonment for each separate violation. Each day upon which a violation occurs shall constitute a separate violation.

**2.11. Signatory Requirement**

(1) All applications, reports, or information submitted to the Director shall be signed and certified pursuant to 401 KAR 5:060, Section 4 [40 CFR 122.22].

(2) KRS 224.99-010 provides that any person who knowingly provides false information in any document filed or required to be maintained under KRS Chapter 224 shall be guilty of a Class D felony and upon conviction thereof, shall be punished by a fine not to exceed twenty-five thousand dollars (\$25,000), or by imprisonment, or by fine and imprisonment, for each separate violation. Each day upon which a violation occurs shall constitute a separate violation.

**2.12. Reporting Requirements****2.12.1. Planned Changes**

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

(1) The alteration or addition to a permitted facility may meet one (1) of the criteria for determining whether a facility is a new source in KRS 224.16-050 [40 CFR 122.29(b)]; or

(2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under KRS 224.16-050 [40 CFR 122.42(a)(1)].

(3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

**2.12.2. Anticipated Noncompliance**

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

**2.12.3. Transfers**

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under KRS 224 [CWA; see 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory].

**2.12.4. Monitoring Reports**

Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(1) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.

(2) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 401 KAR 5:065, Section 2(8) [40 CFR 136], or another method required for an industry-specific waste stream under 401 KAR 5:065, Section 2(9) or (10) [40 CFR subchapters N or O], the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.

(3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

#### **2.12.5. Compliance Schedules**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.

#### **2.12.6. Twenty-four-Hour Reporting**

(1) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within twenty-four (24) hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(2) The following shall be included as information which must be reported within twenty-four (24) hours under this paragraph.

- a) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See §122.41(g))
- b) Any upset which exceeds any effluent limitation in the permit.
- c) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within twenty-four (24) hours.

(3) The Director may waive the written report on a case-by-case basis under 40 CFR 122.41 (l), if the oral report has been received within twenty-four (24) hours.

#### **2.12.7. Other Noncompliance**

The permittee shall report all instances of noncompliance not reported under Sections 2.12.1, 2.12.4, 2.12.5 and 2.12.6, at the time monitoring reports are submitted. The reports shall contain the information listed in Section 2.12.6.

#### **2.12.8. Other Information**

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

### **2.13. Bypass**

#### **2.13.1. Definitions**

(1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

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

**2.13.2. Bypass Not Exceeding Limitations**

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section 2.13.3 and 2.13.4.

**2.13.3. Notice**

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section 2.12.6.

**2.13.4. Prohibition of Bypass**

(1) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

- a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- c) The permittee submitted notices as required under Section 2.13.3.

(2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three (3) conditions listed above in Section 2.13.4.

**2.14. Upset****2.14.1. Definition**

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

**2.14.2. Effect of an Upset**

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Section 2.14.3 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

**2.14.3. Conditions Necessary for a Demonstration of Upset**

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
- (2) The permitted facility was at the time being properly operated; and
- (3) The permittee submitted notice of the upset as required in Section 2.12.6; and

(4) The permittee complied with any remedial measures required under Section 2.4.

**2.14.4. Burden of Proof**

In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

# **SECTION 3**

## **OTHER CONDITIONS**

### **3. OTHER CONDITIONS**

#### **3.1. Schedule of Compliance**

The permittee shall attain compliance with all requirements of this permit on the effective date of this permit unless otherwise stated.

#### **3.2. Other Permits**

This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal, and local agencies.

#### **3.3. Continuation of Expiring Permit**

This permit shall be continued in effect and enforceable after the expiration date of the permit provided the permittee submits a timely and complete application in accordance with 401 KAR 5:060, Section 2(4).

#### **3.4. Antidegradation**

For those discharges subject to the provisions of 401 KAR 10:030, Section 1(3)(b)5, the permittee shall install, operate, and maintain wastewater treatment facilities consistent with those identified in the Socioeconomic Demonstration and Alternatives Analysis (SDAA) submitted with the KPDES permit application.

#### **3.5. Reopener Clause**

This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved in accordance with 401 KAR 5:050 through 5:080, if the effluent standard or limitation so issued or approved:

- (1) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- (2) Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 when applicable.

#### **3.6. Connection to Regional Sewer System**

This WWTP is temporary and in no way supersedes the need of a regional sewer system. The permittee shall eliminate the discharge and WWTP plant by connection to a regional sewer system when it becomes available as defined in 401 KAR 5:002.

#### **3.7. Certified Operators**

The wastewater treatment plant shall be under the primary responsibility of a Class I Wastewater Treatment Plant Certified Operator or higher.

#### **3.8. Outfall Signage**

This KPDES permit establishes monitoring points, effluent limitations, and other conditions to address discharges from the permitted facility. In an effort to better document and clarify these locations, the permittee should place and maintain a permanent marker at each of the monitoring locations.



# **SECTION 4**

## **MONITORING AND REPORTING REQUIREMENTS**

#### **4. MONITORING AND REPORTING REQUIREMENTS**

##### **4.1. KPDES Outfalls**

Discharge samples and measurements shall be collected at the compliance point for each KPDES Outfall identified in this permit. Each sample shall be representative of the volume and nature of the monitored discharge.

##### **4.2. Sufficiently Sensitive Analytical Methods**

Analytical methods utilized to demonstrate compliance with the effluent limitations established in this permit shall be sufficiently sensitive to detect pollutant levels at or below the required effluent limit, i.e. the Method Minimum Level shall be at or below the effluent limit. In the instance where an EPA-approved method does not exist that has a Method Minimum Level at or below the established effluent limitation, the permittee shall:

- (1) Use the method specified in the permit; or
- (2) The EPA-approved method with an ML that is nearest to the established effluent limit.

It is the responsibility of the permittee to demonstrate compliance with permit parameter limitations by utilization of sufficiently sensitive analytical methods.

##### **4.3. Certified Laboratory Requirements**

All laboratory analyses and tests required to demonstrate compliance with the conditions of this permit shall be performed by a laboratory holding the appropriate general or field-only certification issued by the Cabinet pursuant to 401 KAR 5:320.

##### **4.4. Submission of DMRs**

The completed DMR for each monitoring period must be entered into the DOW approved electronic system no later than midnight on the 28<sup>th</sup> day of the month following the monitoring period for which monitoring results were obtained.

For more information regarding electronic submittal of DMRs, please visit the Division's website at: <https://eec.ky.gov/Environmental-Protection/Water/SubmitReport/Pages/NetDMR.aspx> or contact the DMR Coordinator at (502) 564-3410.

4.7. Location Map



**SECTION 7-6**

WACO ELEMENTARY SCHOOL WASTE WATER TREATMENT PLANT

KENTUCY POLLUTANT DISCHARGE ELIMINATION SYSTEM

(KPDES) CURRENT PERMIT #KY 0074551

Owner: Madison County Board of Education

for

Northern Madison County Sanitation District

Regional Facilities Plan

Taken from: Kentucky Department for Environmental Protection,

Division of Water

**KPDES**



**KENTUCKY POLLUTANT  
DISCHARGE ELIMINATION  
SYSTEM**

**PERMIT**

**AUTHORIZATION TO DISCHARGE UNDER THE  
KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM**

**PERMIT NO.:** KY0074551

**AGENCY INTEREST NO.:** 35390

**Pursuant to Authority in KRS 224,**

Madison County Board of Education  
700 North Second Street  
Richmond, Kentucky 40475

**is authorized to discharge from a facility located at**

Waco Elementary School  
359 Waco Loop  
Waco, Madison County, Kentucky

**to receiving waters named**

Sand Spring Branch

**in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit.**

This permit shall become effective on January 1, 2018.

This permit and the authorization to discharge shall expire at midnight, December 31, 2022.

November 3, 2017

**Date Signed**

A handwritten signature in black ink that reads "Sara J. Anderson".

**Peter T. Goodmann, Director**

**Division of Water**

**THIS KPDES PERMIT CONSISTS OF THE FOLLOWING SECTIONS:**

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# **SECTION 1**

## **EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**



**1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

**1.1. Compliance Monitoring Locations (Outfalls)**

The following table lists the outfalls authorized by this permit, the latitude and longitude of each and the DOW assigned KPDES outfall number:

| TABLE 1.    |              |              |               |                    |                        |
|-------------|--------------|--------------|---------------|--------------------|------------------------|
| Outfall No. | Outfall Type | Latitude (N) | Longitude (W) | Receiving Water    | Description of Outfall |
| 001         | External     | 37°44'28.16" | 84°08'00.33"  | Sand Spring Branch | Domestic Wastewater    |

**1.2. Effluent Limitations and Monitoring Requirements**

Beginning on the effective date and lasting through the term of this permit, discharges from Outfall 001 shall comply with the following effluent limitations:

| TABLE 2.                            |          |                    |                        |                |                  |                        |         |                         |                        |
|-------------------------------------|----------|--------------------|------------------------|----------------|------------------|------------------------|---------|-------------------------|------------------------|
| EFFLUENT LIMITATIONS                |          |                    |                        |                |                  |                        |         | MONITORING REQUIREMENTS |                        |
| Effluent Characteristic             | Units    | Loadings (lbs/day) |                        | Concentrations |                  |                        |         | Frequency               | Sample Type            |
|                                     |          | Monthly Average    | Maximum Weekly Average | Minimum        | Monthly Average  | Maximum Weekly Average | Maximum |                         |                        |
| Flow                                | MGD      | Report             | Report                 | N/A            | N/A              | N/A                    | N/A     | 1/Quarter               | Instantaneous          |
| pH                                  | SU       | N/A                | N/A                    | 6.0            | N/A              | N/A                    | 9.0     | 1/Quarter               | Grab                   |
| CBOD <sub>5</sub> <sup>1</sup>      | mg/l     | N/A                | N/A                    | N/A            | 30               | 45                     | N/A     | 1/Quarter               | Composite <sup>2</sup> |
| Total Suspended Solids              | mg/l     | N/A                | N/A                    | N/A            | 30               | 45                     | N/A     | 1/Quarter               | Composite <sup>2</sup> |
| Ammonia (as mg/l NH <sub>3</sub> N) |          |                    |                        |                |                  |                        |         |                         |                        |
| May 1 – October 31                  | mg/l     | N/A                | N/A                    | N/A            | 4.0              | 6.0 <sup>3</sup>       | N/A     | 1/Quarter               | Composite <sup>2</sup> |
| November 1 – April 30               | mg/l     | N/A                | N/A                    | N/A            | 10.0             | 15.0 <sup>3</sup>      | N/A     | 1/Quarter               | Composite <sup>2</sup> |
| Dissolved Oxygen                    | mg/l     | N/A                | N/A                    | 7.0            | N/A              | N/A                    | N/A     | 1/Quarter               | Grab                   |
| E. Coli <sup>4</sup>                | #/100 ml | N/A                | N/A                    | N/A            | 130 <sup>5</sup> | 240 <sup>6</sup>       | N/A     | 1/Quarter               | Grab                   |
| Total Residual Chlorine             | mg/l     | N/A                | N/A                    | N/A            | 0.011            | 0.019 <sup>3</sup>     | N/A     | 1/Quarter               | Grab                   |

<sup>1</sup>CBOD<sub>5</sub> – Carbonaceous Biochemical Oxygen Demand, 5-day

<sup>2</sup>A sample composed of four or more equal or flow-proportional aliquots collected over a period of no less than eight and no more than twenty-four hours and aggregated so that the aggregate sample reflects the average water quality of the effluent during the compositing or sample period

<sup>3</sup>Daily Maximum

<sup>4</sup>E. Coli – Escherichia Coli Bacteria

**TABLE 2.**

| EFFLUENT LIMITATIONS                        |       |                    |                        |                |                 |                        |         | MONITORING REQUIREMENTS |             |
|---|-------|--------------------|------------------------|----------------|-----------------|------------------------|---------|-------------------------|-------------|
| Effluent Characteristic                     | Units | Loadings (lbs/day) |                        | Concentrations |                 |                        |         | Frequency               | Sample Type |
|   |       | Monthly Average    | Maximum Weekly Average | Minimum        | Monthly Average | Maximum Weekly Average | Maximum |                         |             |
| <sup>5</sup> Thirty (30) day Geometric Mean |       |                    |                        |                |                 |                        |         |                         |             |
| <sup>6</sup> Seven (7) day Geometric Mean   |       |                    |                        |                |                 |                        |         |                         |             |

**1.3. Standard Effluent Requirements**

The discharges to Waters of the Commonwealth shall not produce floating solids, visible foam or a visible sheen on the surface of the receiving waters.

# **SECTION 2**

## **STANDARD CONDITIONS**

## **2. STANDARD CONDITIONS**

The following conditions apply to all KPDES permits.

### **2.1. Duty to Comply**

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of KRS Chapter 224 and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Any person who violates applicable statutes or who fails to perform any duty imposed, or who violates any determination, permit, administrative regulation, or order of the cabinet promulgated pursuant thereto shall be liable for a civil penalty as provided at KRS 224.99.010.

### **2.2. Duty to Reapply**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit.

### **2.3. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

### **2.4. Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

### **2.5. Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

### **2.6. Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause. 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 noncompliance does not stay any permit condition.

### **2.7. Property Rights**

This permit does not convey any property rights of any sort, or any exclusive privilege.

### **2.8. Duty to Provide Information**

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

## **2.9. Inspection and Entry**

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

- (1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

## **2.10. Monitoring and Records**

- (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (2) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five (5) years (or longer as required by 401 KAR 5:065, Section 2(10) [40 CFR 503]), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- (3) Records of monitoring information shall include:
  - a) The date, exact place, and time of sampling or measurements;
  - b) The individual(s) who performed the sampling or measurements;
  - c) The date(s) analyses were performed;
  - d) The individual(s) who performed the analyses;
  - e) The analytical techniques or methods used; and
  - f) The results of such analyses.
- (4) Monitoring must be conducted according to test procedures approved under 401 KAR 5:065, Section 2(8) [40 CFR 136] unless another method is required under 401 KAR 5:065, Section 2(9) or (10) [40 CFR subchapters N or O].
- (5) KRS 224.99-010 provides that any person who knowingly violates KRS 224.70-110 or other enumerated statutes, or who knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall be guilty of a Class D felony and, upon conviction, shall be punished by a fine of not more than \$25,000, or by imprisonment for not more than one (1) year, or both. Each day upon which a violation occurs shall constitute a separate violation.

## **2.11. Signatory Requirement**

- (1) All applications, reports, or information submitted to the Director shall be signed and certified pursuant to 401 KAR 5:060, Section 4 [40 CFR 122.22].

(2) KRS 224.99-010 provides that any person who knowingly provides false information in any document filed or required to be maintained under KRS Chapter 224 shall be guilty of a Class D felony and upon conviction thereof, shall be punished by a fine not to exceed twenty-five thousand dollars (\$25,000), or by imprisonment, or by fine and imprisonment, for each separate violation. Each day upon which a violation occurs shall constitute a separate violation

## **2.12. Reporting Requirements**

### **2.12.1. Planned Changes**

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

(1) The alteration or addition to a permitted facility may meet one (1) of the criteria for determining whether a facility is a new source in KRS 224.16-050 [40 CFR 122.29(b)]; or

(2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under KRS 224.16-050 [40 CFR 122.42(a)(1)].

(3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

### **2.12.2. Anticipated Noncompliance**

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

### **2.12.3. Transfers**

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under KRS 224 [CWA; see 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory].

### **2.12.4. Monitoring Reports**

Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(1) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.

(2) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 401 KAR 5:065, Section 2(8) [40 CFR 136], or another method required for an industry-specific waste stream under 401 KAR 5:065, Section 2(9) or (10) [40 CFR subchapters N or O], the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.

(3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

**2.12.5. Compliance Schedules**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.

**2.12.6. Twenty-four-Hour Reporting**

(1) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within twenty-four (24) hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(2) The following shall be included as information which must be reported within twenty-four (24) hours under this paragraph.

- a) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See §122.41(g))
- b) Any upset which exceeds any effluent limitation in the permit.
- c) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within twenty-four (24) hours.

(3) The Director may waive the written report on a case-by-case basis under 40 CFR 122.41 (l), if the oral report has been received within twenty-four (24) hours.

**2.12.7. Other Noncompliance**

The permittee shall report all instances of noncompliance not reported under Sections 2.12.1, 2.12.4, 2.12.5 and 2.12.6, at the time monitoring reports are submitted. The reports shall contain the information listed in Section 2.12.6.

**2.12.8. Other Information**

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

**2.13. Bypass**

**2.13.1. Definitions**

(1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

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

**2.13.2. Bypass Not Exceeding Limitations**

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section 2.13.3 and 2.13.4.

**2.13.3. Notice**

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section 2.12.6.

**2.13.4. Prohibition of Bypass**

(1) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

- a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- c) The permittee submitted notices as required under Section 2.13.3.

(2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three (3) conditions listed above in Section 2.13.4

**2.14. Upset**

**2.14.1. Definition**

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

**2.14.2. Effect of an Upset**

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Section 2.14.3 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

**2.14.3. Conditions Necessary for a Demonstration of Upset**

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
- (2) The permitted facility was at the time being properly operated; and
- (3) The permittee submitted notice of the upset as required in Section 2.12.6; and
- (4) The permittee complied with any remedial measures required under Section 2.4.

**2.14.4. Burden of Proof**

In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.



# **SECTION 3**

## **OTHER CONDITIONS**

**3. OTHER CONDITIONS**

**3.1. Schedule of Compliance**

The permittee shall attain compliance with all requirements of this permit on the effective date of this permit unless otherwise stated.

**3.2. Other Permits**

This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal, and local agencies.

**3.3. Continuation of Expiring Permit**

This permit shall be continued in effect and enforceable after the expiration date of the permit provided the permittee submits a timely and complete application in accordance with 401 KAR 5:060, Section 2(4).

**3.4. Antidegradation**

For those discharges subject to the provisions of 401 KAR 10:030, Section 1(3)(b)5, the permittee shall install, operate, and maintain wastewater treatment facilities consistent with those identified in the SDAA submitted with the KPDES permit application.

**3.5. Reopener Clause**

This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved in accordance with 401 KAR 5:050 through 5:080, if the effluent standard or limitation so issued or approved:

(1) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or

(2) Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 when applicable.

**3.6. Connection to Regional Sewer System**

This WWTP is temporary and in no way supersedes the need of a regional sewer system. The permittee shall eliminate the discharge and WWTP plant by connection to a regional sewer system when it becomes available as defined in 401 KAR 5:002.

**3.7. Certified Operators**

The wastewater treatment plant shall be under the primary responsibility of a Class I Wastewater Treatment Plant Certified Operator or higher.

**3.8. Outfall Signage**

The KPDES permit establishes monitoring points, effluent limitations, and other conditions to address discharges from the permitted facility. In an effort to better document and clarify these locations the permittee should place and maintain a permanent marker at each of the monitoring locations.

# **SECTION 4**

## **MONITORING AND REPORTING REQUIREMENTS**

#### **4. MONITORING AND REPORTING REQUIREMENTS**

##### **4.1. KPDES Outfalls**

Discharge samples and measurements shall be collected at the compliance point for each KPDES Outfall identified in this permit. Each sample shall be representative of the volume and nature of the monitored discharge.

##### **4.2. Sufficiently Sensitive Analytical Methods**

Analytical methods utilized to demonstrate compliance with the effluent limitations established in this permit shall be sufficiently sensitive to detect pollutant levels at or below the required effluent limit, i.e. the Method Minimum Level shall be at or below the effluent limit. In the instance where an EPA-approved method does not exist that has a Method Minimum Level at or below the established effluent limitation, the permittee shall:

- (1) Use the method specified in the permit; or
- (2) The EPA-approved method with an ML that is nearest to the established effluent limit.

It is the responsibility of the permittee to demonstrate compliance with permit parameter limitations by utilization of sufficiently sensitive analytical methods.

##### **4.3. Certified Laboratory Requirements**

All laboratory analyses and tests required to demonstrate compliance with the conditions of this permit shall be performed by EEC certified general wastewater laboratories.

##### **4.4. Submission of DMRs**

The completed DMR for each monitoring period must be entered into the DOW approved electronic system no later than midnight on the 28<sup>th</sup> day of the month following the monitoring period for which monitoring results were obtained.

For more information regarding electronic submittal of DMRs, please visit the Division's website at: <http://water.ky.gov/permitting/Pages/netDMRInformation.aspx> or contact the DMR Coordinator at (502) 564-3410.

4.8. Location Map



**SECTION 7-7**

BYBEE QUICK STOP WASTE WATER TREATMENT PLANT  
KENTUCY POLLUTANT DISCHARGE ELIMINATION SYSTEM  
(KPDES) CURRENT PERMIT #KY 0099317

Owner: Bybee Quick Stop

for

Northern Madison County Sanitation District  
Regional Facilities Plan

Taken from: Kentucky Department for Environmental Protection,  
Division of Water

**KPDES**



**KENTUCKY POLLUTANT  
DISCHARGE ELIMINATION  
SYSTEM**

**PERMIT**

**AUTHORIZATION TO DISCHARGE UNDER THE  
KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM**

**PERMIT NO.: KY0099317**

**AGENCY INTEREST NO.: 2811**

**Pursuant to Authority in KRS 224,**

Bybee Quick Stop  
4100 New Irvine Road  
Waco, Kentucky 40385

**is authorized to discharge from a facility located at**

Bybee Quick Stop  
4100 New Irvine Road  
Waco, Madison County, Kentucky

**to receiving waters named**

UT to Drowning Creek

**in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit.**

This permit shall become effective on July 1, 2020.

This permit and the authorization to discharge shall expire at midnight, June 30, 2025.

Date Signed: April 22, 2020

A handwritten signature in blue ink, appearing to read "Paul M. Miller".

**Paul Miller, P.E.**  
**Director, Division of Water**

**THIS KPDES PERMIT CONSISTS OF THE FOLLOWING SECTIONS:**

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# **SECTION 1**

## **EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

**1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

**1.1. Compliance Monitoring Locations (Outfalls)**

The following table lists the outfalls authorized by this permit, the latitude and longitude of each and the DOW assigned KPDES outfall number:

| TABLE 1.    |              |              |               |                      |                        |
|-------------|--------------|--------------|---------------|----------------------|------------------------|
| Outfall No. | Outfall Type | Latitude (N) | Longitude (W) | Receiving Water      | Description of Outfall |
| 001         | External     | 37.731197°   | 84.126217°    | UT to Drowning Creek | Domestic Wastewater    |

**1.2. Effluent Limitations and Monitoring Requirements**

Beginning on the effective date and lasting through the term of this permit, discharges from Outfall 001 shall comply with the following effluent limitations:

| TABLE 2.   |          |                    |                        |                |                  |                        |         |                         |                        |
|--|----------|--------------------|------------------------|----------------|------------------|------------------------|---------|-------------------------|------------------------|
| EFFLUENT LIMITATIONS   |          |                    |                        |                |                  |                        |         | MONITORING REQUIREMENTS |                        |
| Effluent Characteristic  | Units    | Loadings (lbs/day) |                        | Concentrations |                  |                        |         | Frequency               | Sample Type            |
|  |          | Monthly Average    | Maximum Weekly Average | Minimum        | Monthly Average  | Maximum Weekly Average | Maximum |                         |                        |
| Flow   | MGD      | Report             | Report <sup>1</sup>    | N/A            | N/A              | N/A                    | N/A     | 1/Quarter               | Instantaneous          |
| pH   | SU       | N/A                | N/A                    | 6.0            | N/A              | N/A                    | 9.0     | 1/Quarter               | Grab                   |
| CBOD <sub>5</sub> <sup>2</sup>   | mg/l     | N/A                | N/A                    | N/A            | 30               | 45                     | N/A     | 1/Quarter               | Composite <sup>3</sup> |
| Total Suspended Solids   | mg/l     | N/A                | N/A                    | N/A            | 30               | 45                     | N/A     | 1/Quarter               | Composite <sup>3</sup> |
| Ammonia (as mg/l NH <sub>3</sub> N)  |          |                    |                        |                |                  |                        |         |                         |                        |
| May 1 – October 31   | mg/l     | N/A                | N/A                    | N/A            | 4.0              | 6.0 <sup>1</sup>       | N/A     | 1/Quarter               | Composite <sup>3</sup> |
| November 1 – April 30  | mg/l     | N/A                | N/A                    | N/A            | 10               | 15 <sup>1</sup>        | N/A     | 1/Quarter               | Composite <sup>3</sup> |
| Dissolved Oxygen   | mg/l     | N/A                | N/A                    | 7.0            | N/A              | N/A                    | N/A     | 1/Quarter               | Grab                   |
| E. Coli <sup>4</sup>   | #/100 ml | N/A                | N/A                    | N/A            | 130 <sup>5</sup> | 240 <sup>6</sup>       | N/A     | 1/Quarter               | Grab                   |
| Total Residual Chlorine  | mg/l     | N/A                | N/A                    | N/A            | 0.011            | 0.019 <sup>1</sup>     | N/A     | 1/Quarter               | Grab                   |
| <sup>1</sup> Daily Maximum   |          |                    |                        |                |                  |                        |         |                         |                        |
| <sup>2</sup> CBOD <sub>5</sub> – Carbonaceous Biochemical Oxygen Demand, 5-day   |          |                    |                        |                |                  |                        |         |                         |                        |
| <sup>3</sup> A sample composed of four or more equal or flow-proportional aliquots collected over a period of no less than eight and no more than twenty-four hours and aggregated so that the aggregate sample reflects the average water quality of the effluent during the compositing or sample period |          |                    |                        |                |                  |                        |         |                         |                        |
| <sup>4</sup> E. Coli – Escherichia Coli Bacteria   |          |                    |                        |                |                  |                        |         |                         |                        |

**TABLE 2.**

| EFFLUENT LIMITATIONS                        |       |                    |                        |                |                 |                        |         | MONITORING REQUIREMENTS |             |
|---|-------|--------------------|------------------------|----------------|-----------------|------------------------|---------|-------------------------|-------------|
| Effluent Characteristic                     | Units | Loadings (lbs/day) |                        | Concentrations |                 |                        |         | Frequency               | Sample Type |
|   |       | Monthly Average    | Maximum Weekly Average | Minimum        | Monthly Average | Maximum Weekly Average | Maximum |                         |             |
| <sup>5</sup> Thirty (30) day Geometric Mean |       |                    |                        |                |                 |                        |         |                         |             |
| <sup>6</sup> Seven (7) day Geometric Mean   |       |                    |                        |                |                 |                        |         |                         |             |

**1.3. Standard Effluent Requirements**

The discharges to Waters of the Commonwealth shall not produce floating solids, visible foam or a visible sheen on the surface of the receiving waters.

# **SECTION 2**

## **STANDARD CONDITIONS**

## **2. STANDARD CONDITIONS**

The following conditions apply to all KPDES permits.

### **2.1. Duty to Comply**

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of KRS Chapter 224 and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Any person who violates applicable statutes or who fails to perform any duty imposed, or who violates any determination, permit, administrative regulation, or order of the Cabinet promulgated pursuant thereto shall be liable for a civil penalty as provided at KRS 224.99.010.

### **2.2. Duty to Reapply**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit.

### **2.3. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

### **2.4. Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

### **2.5. Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

### **2.6. Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause. 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 noncompliance does not stay any permit condition.

### **2.7. Property Rights**

This permit does not convey any property rights of any sort, or any exclusive privilege.

### **2.8. Duty to Provide Information**

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

**2.9. Inspection and Entry**

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

- (1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

**2.10. Monitoring and Records**

- (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (2) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five (5) years (or longer as required by 401 KAR 5:065, Section 2(10) [40 CFR 503]), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- (3) Records of monitoring information shall include:
  - a) The date, exact place, and time of sampling or measurements;
  - b) The individual(s) who performed the sampling or measurements;
  - c) The date(s) analyses were performed;
  - d) The individual(s) who performed the analyses;
  - e) The analytical techniques or methods used; and
  - f) The results of such analyses.
- (4) Monitoring must be conducted according to test procedures approved under 401 KAR 5:065, Section 2(8) [40 CFR 136] unless another method is required under 401 KAR 5:065, Section 2(9) or (10) [40 CFR subchapters N or O].
- (5) KRS 224.99-010 provides that any person who knowingly violates KRS 224.70-110 or other enumerated statutes, or who knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall be guilty of a Class D felony and, upon conviction, shall be punished by a fine of not more than \$25,000, or by imprisonment for not less than one (1) year and not more than five (5) years, or by both fine and imprisonment for each separate violation. Each day upon which a violation occurs shall constitute a separate violation.

**2.11. Signatory Requirement**

(1) All applications, reports, or information submitted to the Director shall be signed and certified pursuant to 401 KAR 5:060, Section 4 [40 CFR 122.22].

(2) KRS 224.99-010 provides that any person who knowingly provides false information in any document filed or required to be maintained under KRS Chapter 224 shall be guilty of a Class D felony and upon conviction thereof, shall be punished by a fine not to exceed twenty-five thousand dollars (\$25,000), or by imprisonment, or by fine and imprisonment, for each separate violation. Each day upon which a violation occurs shall constitute a separate violation.

**2.12. Reporting Requirements****2.12.1. Planned Changes**

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

(1) The alteration or addition to a permitted facility may meet one (1) of the criteria for determining whether a facility is a new source in KRS 224.16-050 [40 CFR 122.29(b)]; or

(2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under KRS 224.16-050 [40 CFR 122.42(a)(1)].

(3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

**2.12.2. Anticipated Noncompliance**

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

**2.12.3. Transfers**

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under KRS 224 [CWA; see 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory].

**2.12.4. Monitoring Reports**

Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(1) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.

(2) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 401 KAR 5:065, Section 2(8) [40 CFR 136], or another method required for an industry-specific waste stream under 401 KAR 5:065, Section 2(9) or (10) [40 CFR subchapters N or O], the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.

(3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

#### **2.12.5. Compliance Schedules**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.

#### **2.12.6. Twenty-four-Hour Reporting**

(1) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within twenty-four (24) hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(2) The following shall be included as information which must be reported within twenty-four (24) hours under this paragraph.

- a) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See §122.41(g))
- b) Any upset which exceeds any effluent limitation in the permit.
- c) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within twenty-four (24) hours.

(3) The Director may waive the written report on a case-by-case basis under 40 CFR 122.41 (l), if the oral report has been received within twenty-four (24) hours.

#### **2.12.7. Other Noncompliance**

The permittee shall report all instances of noncompliance not reported under Sections 2.12.1, 2.12.4, 2.12.5 and 2.12.6, at the time monitoring reports are submitted. The reports shall contain the information listed in Section 2.12.6.

#### **2.12.8. Other Information**

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

### **2.13. Bypass**

#### **2.13.1. Definitions**

(1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

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



**2.13.2. Bypass Not Exceeding Limitations**

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section 2.13.3 and 2.13.4.

**2.13.3. Notice**

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section 2.12.6.

**2.13.4. Prohibition of Bypass**

(1) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

- a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- c) The permittee submitted notices as required under Section 2.13.3.

(2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three (3) conditions listed above in Section 2.13.4.

**2.14. Upset****2.14.1. Definition**

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

**2.14.2. Effect of an Upset**

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Section 2.14.3 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

**2.14.3. Conditions Necessary for a Demonstration of Upset**

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
- (2) The permitted facility was at the time being properly operated; and
- (3) The permittee submitted notice of the upset as required in Section 2.12.6; and

(4) The permittee complied with any remedial measures required under Section 2.4.

**2.14.4. Burden of Proof**

In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

# **SECTION 3**

## **OTHER CONDITIONS**

### **3. OTHER CONDITIONS**

#### **3.1. Schedule of Compliance**

The permittee shall attain compliance with all requirements of this permit on the effective date of this permit unless otherwise stated.

#### **3.2. Other Permits**

This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal, and local agencies.

#### **3.3. Continuation of Expiring Permit**

This permit shall be continued in effect and enforceable after the expiration date of the permit provided the permittee submits a timely and complete application in accordance with 401 KAR 5:060, Section 2(4).

#### **3.4. Antidegradation**

For those discharges subject to the provisions of 401 KAR 10:030, Section 1(3)(b)5, the permittee shall install, operate, and maintain wastewater treatment facilities consistent with those identified in the Socioeconomic Demonstration and Alternatives Analysis (SDAA) submitted with the KPDES permit application.

#### **3.5. Reopener Clause**

This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved in accordance with 401 KAR 5:050 through 5:080, if the effluent standard or limitation so issued or approved:

- (1) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- (2) Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 when applicable.

#### **3.6. Connection to Regional Sewer System**

This WWTP is temporary and in no way supersedes the need of a regional sewer system. The permittee shall eliminate the discharge and WWTP plant by connection to a regional sewer system when it becomes available as defined in 401 KAR 5:002.

#### **3.7. Certified Operators**

The wastewater treatment plant shall be under the primary responsibility of a Class I Wastewater Treatment Plant Certified Operator or higher.

#### **3.8. Outfall Signage**

This KPDES permit establishes monitoring points, effluent limitations, and other conditions to address discharges from the permitted facility. In an effort to better document and clarify these locations, the permittee should place and maintain a permanent marker at each of the monitoring locations.

# **SECTION 4**

## **MONITORING AND REPORTING REQUIREMENTS**

#### **4. MONITORING AND REPORTING REQUIREMENTS**

##### **4.1. KPDES Outfalls**

Discharge samples and measurements shall be collected at the compliance point for each KPDES Outfall identified in this permit. Each sample shall be representative of the volume and nature of the monitored discharge.

##### **4.2. Sufficiently Sensitive Analytical Methods**

Analytical methods utilized to demonstrate compliance with the effluent limitations established in this permit shall be sufficiently sensitive to detect pollutant levels at or below the required effluent limit, i.e. the Method Minimum Level shall be at or below the effluent limit. In the instance where an EPA-approved method does not exist that has a Method Minimum Level at or below the established effluent limitation, the permittee shall:

- (1) Use the method specified in the permit; or
- (2) The EPA-approved method with an ML that is nearest to the established effluent limit.

It is the responsibility of the permittee to demonstrate compliance with permit parameter limitations by utilization of sufficiently sensitive analytical methods.

##### **4.3. Certified Laboratory Requirements**

All laboratory analyses and tests required to demonstrate compliance with the conditions of this permit shall be performed by a laboratory holding the appropriate general or field-only certification issued by the Cabinet pursuant to 401 KAR 5:320.

##### **4.4. Submission of DMRs**

The completed DMR for each monitoring period must be entered into the DOW approved electronic system no later than midnight on the 28<sup>th</sup> day of the month following the monitoring period for which monitoring results were obtained.

For more information regarding electronic submittal of DMRs, please visit the Division's website at: <https://eec.ky.gov/Environmental-Protection/Water/SubmitReport/Pages/NetDMR.aspx> or contact the DMR Coordinator at (502) 564-3410.

4.8. Location Map

