

MAYOR LINDA GORTON



LEXINGTON

CHARLES H. MARTIN, P.E.
DIRECTOR
WATER QUALITY

December 19, 2023

Robert Kjelland
University of Kentucky
Director, EQM
UK Rm 204 Service Bldg
Lexington, KY 40506

RE: Issuance of Industrial User Permits to **UK MED 01, 02, 03, 04; UK Campus 08, 09; UK Sam 01 (10), 02 (11)**
by the Lexington-Fayette Urban County Government
Permit No. 1293-0108-01,02,03,04,08,09,10,11

Dear Robert Kjelland,

Your application for an industrial user discharge permit has been reviewed and processed in accordance with Lexington-Fayette Urban County Code, Chapter 16.

The enclosed permit covers wastewater discharges from the facility referenced above into the Lexington-Fayette Urban County Government (LFUCG) sanitary sewer system. All discharges from this facility and actions and reports relating thereto shall be in accordance with the terms and conditions of this permit. Please read the permit carefully.

If you wish to challenge or appeal any conditions imposed in this permit, a petition shall be filed for a hearing with the Director, Division of Water Quality within 30 days after the issuance of this permit.

If you have any questions, please do not hesitate to contact Brooke Gray (859-425-2409 or bgray@lexingtonky.gov) or Gabe Hensley (859-425-2041 or ghensley@lexingtonky.gov).

Regards,

A handwritten signature in blue ink that reads "Brooke Gray".

Brooke Gray
Compliance & Monitoring
Division of Water Quality

MAYOR LINDA GORTON



LEXINGTON

CHARLES H. MARTIN, P.E.
DIRECTOR
WATER QUALITY

Permit No. 1293-0108-01,02,03,04,08,09,10,11

INDUSTRIAL USER PERMIT

In accordance with the provisions of Lexington-Fayette County Code, Chapter 16:

University of Kentucky
UK Rm 204 Svc Bldg
Lexington, KY 40506

is hereby authorized to discharge industrial wastewater from the above identified facility and through the outfalls identified herein into the LFUCG sewer system in accordance with the conditions set forth in this permit. Compliance with this permit does not relieve the permittee of its obligation to comply with any or all applicable pretreatment regulations, standards, or requirements under local, State and Federal laws, including any such regulations, standards, requirements, or laws that may become effective during the term of this permit.

Noncompliance with any term or condition of this permit shall constitute a violation of the LFUCG sewer user ordinance.

This permit shall become effective on January 1, 2024 and shall expire at midnight on December 31, 2026.

If the permittee wishes to continue to discharge after the expiration date of this permit, an application must be filed for a renewal permit in accordance with the requirements of Lexington-Fayette County Code, Chapter 16, Section 46, a minimum of 90 days prior to the expiration date.

By: , Deputy Director, Division of Water Quality

Issued this 19th day of December, 2023.

PART 1 - EFFLUENT LIMITATIONS

A. During the period of January 1, 2024 to December 31, 2026, the permittee is authorized to discharge wastewater to the LFUCG sewer system from the outfall(s) listed below.

Outfall	Classification	Description
01 (MC-1)	Significant Industrial User	Outfall wastewater sources include non-contact cooling, boiler blowdown, lab, surgery, and sanitary water. Wastewater flows through a 20" sewer line and will be sampled from a manhole currently located in construction area of the new bed tower approximately 40 feet downstream from manhole WR6_515.
02 (MC-2)	Significant Industrial User	Outfall wastewater sources include labs and sanitary water. Wastewater flows through a 14" sewer line located at the intersection near Annex 3 and Rose Street and will be sampled from manhole WR6_53H.
08 (CAM-8)	Significant Industrial User	Outfall wastewater sources include labs, distillery waste, and sanitary water. Wastewater flows into the sewer line west of the Agriculture South building. Sampling will be conducted from manhole WR6_30 located near the intersection of Nicholasville Rd. and Cooper Dr.
09 (CAM-9)	Significant Industrial User	Outfall wastewater sources include lab and sanitary water. Wastewater flows into the sewer line at the Northeast side of the B&E building. Sampling will be conducted at manhole TB2_310, 10' from side walk and 36' from northeast corner of the B&E building.
10 (Sam01)	Non-Significant Industrial User	Outfall wastewater sources include non-contact cooling, boiler blowdown, labs, and sanitary water. Wastewater flows through an 8" sewer line and will be sampled from manhole TB4_223A located 50' east Hospital entrance
11 (Sam02)	Non-Significant Industrial User	Outfall wastewater sources include labs and sanitary water. Wastewater flows from the hospital to the sanitary sewer on Maxwell and is sampled from a 4" cleanout located 4' from building and 10' south of Maxwell Street.
03 (MC-3)	Non-Significant Industrial User	Outfall wastewater sources include labs and sanitary water.. Wastewater flows into an 8" sewer line and will be sampled from a manhole, WR6_129.1 located on Leader Ave. adjacent to the loading dock of the Lee Todd Jr. Building (BioPharm)

Outfall	Classification	Description
04 (MC-4)	Non-Significant Industrial User	Outfall wastewater sources include labs, non-contact cooling water, boiler blowdown, sanitary water and harvested stormwater used heating/cooling. Wastewater flows into an 8" sewer line and will be sampled from a manhole, WR6_66C located on an access road for Substation #3 (behind the apartment complex on Press Ave.)

B. During the period of January 1, 2024 to December 31, 2026, the discharge from outfalls 01, 02, 03, 04, 08, 09, 10 and 11 shall not exceed the following effluent limitations. Outfalls are regulated by locally derived limits for Town Branch Wastewater Treatment Plant.

C. The permittee shall submit payment to LFUCG based on the volume of discharge to the sanitary sewer.

TABLE I
EFFLUENT LIMITATIONS

PARAMETER	DAILY MAX (mg/L)	MONTHLY AVERAGE (mg/L)
pH shall not be less than 5.5 standard units nor greater than 11.5 standard units.		
Flow		Report
Arsenic (As)	0.95	N/A
Cadmium (Cd)	0.009	N/A
Chromium, Total (Cr)	2.77	N/A
Chromium, Hexavalent (Cr ⁺⁶)	0.34	N/A
Copper (Cu)	0.42	N/A
Cyanide, Total (CNT)	0.18	N/A
Lead (Pb)	0.24	N/A
Mercury** (Hg) (Method 1631)	0.006	N/A
Nickel (Ni)	2.39	N/A
Selenium	0.26	N/A
Silver (Ag)	0.49	N/A
Zinc (Zn)	3.24	N/A

** Mercury must be collected and analyzed in accordance with EPA Method 1631

CONVENTIONAL POLLUTANTS***

PARAMETER	ALLOWABLE LOADING RATES***
Biochemical Oxygen Demand (BOD ₅)	250
Total Suspended Solids (TSS)	250
Ammonia (NH ₃)	25

*** Conventional pollutants are not subject to enforcement actions
Exceeding conventional pollutant limits is not a violation of this permit
Extra strength fees will apply to conventional pollutants in excess of allowable loading rates

D. The permittee shall not discharge to the sanitary sewer pollutants with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade). Closed cup flashpoint testing is to be done in accordance with 40 CFR 262.

E. The permittee shall not discharge wastewater violating the conditions set forth in Lexington-Fayette Urban County Code 16-43, from any of the outfalls.

- F. All discharges shall comply with all other applicable laws, regulations, standards, and requirements contained in Lexington-Fayette Urban County Code, Chapter 16, and any applicable State and Federal Pretreatment laws, regulations, standards and requirements including such laws, regulations, standards, or requirements that may become effective during the terms of this permit.

PART 2 - MONITORING REQUIREMENTS

- A. From the period beginning on January 1, 2024 to December 31, 2026, outfalls 01, 02, 03, 04, 08 and 09 shall be monitored for the following parameters, at the indicated frequency as shown in Table 2.

TABLE 2
SELF-MONITORING REQUIREMENTS

Sample Parameter	Frequency	Sample Type
Flow	2/Y	*
pH	Opt	Grab
TSS	Opt	Composite
NH ₃ N	Opt	Composite
BOD ₅	Opt	Composite
Arsenic	Opt	Composite
Cadmium	Opt	Composite
Chromium, T	Opt	Composite
Chromium, H	Opt	Composite
Copper	2/Y	Composite
Cyanide, T	Opt	Grab
Lead	2/Y	Composite
Mercury**	2/Y	Grab
Nickel	Opt	Composite
Selenium	Opt	Composite
Silver	Opt	Composite
Zinc	Opt	Composite

*flow is measured by user's flow meter or estimated from water bills

**Mercury must be collected and analyzed in accordance with Method 1631

2/Y = Twice per year (once in each six month period, Jan-Jun and Jul-Dec)

Opt = Optional

- B. From the period beginning on January 1, 2024 to December 31, 2026, outfalls 10 and 11 shall be monitored for the following parameters, at the indicated frequency as shown in Table 3.

TABLE 3
SELF-MONITORING REQUIREMENTS

Sample Parameter	Frequency	Sample Type
Flow	Opt	*
pH	Opt	Grab
TSS	Opt	Composite
NH ₃ N	Opt	Composite
BOD ₅	Opt	Composite
Oil & Grease	Opt	Grab
Arsenic	Opt	Composite
Cadmium	Opt	Composite
Chromium, T	Opt	Composite
Chromium, H	Opt	Composite
Copper	Opt	Composite
Cyanide, T	Opt	Grab
Cyanide, F	Opt	Grab
Lead	Opt	Composite

Mercury**	Opt	Grab
Nickel	Opt	Composite
Silver	Opt	Composite
Zinc	Opt	Composite
BTEX, T	Opt	Grab
PAH, T	Opt	Grab

*flow is measured by user's flow meter or estimated from water bills

**Mercury must be collected and analyzed in accordance with Method 1631

Opt = Optional

- C. Self-monitoring will be conducted by and at the expense of the permittee.
- D. All handling and preservation of collected samples and laboratory analyses of samples shall be performed in accordance with the Code of Federal Regulations, 40 CFR Part 136, and amendments thereto unless specified otherwise in the monitoring conditions of this permit.
- E. Grab samples must be used for pH, Mercury, and Cyanide. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques. The permittee may use time-proportional composite sampling based on the sample location and consistency of flow through the treatment system. The samples must be representative of the discharge. A minimum of one (1) grab samples must be collected for Industrial User required sampling in Part 2, Section A. The director, division of water quality may require a minimum of four (4) grab samples over the normal discharge period in order to determine continued compliance.

PART 3 - REPORTING REQUIREMENTS

A. Self-Monitoring Reports: Outfalls 01, 02, 03, 04, 08, 09

1. The permittee shall submit to the LFUCG twice per year a report indicating the nature and concentration of pollutants in the effluent from the 01, 02, 03, 04, 08 and 09 permitted outfalls. The self-monitoring shall test for the following parameters: Cu, Pb, and Hg. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period.
2. Self-monitoring of pollutants conducted in accordance with and beyond the requirements of this permit using test procedures approved under 40 CFR Part 136 must be submitted to the LFUCG in a monthly report. Self-monitoring is to be done by a laboratory considered acceptable by LFUCG and the permittee. The results of each self-monitoring report must be included in a monthly report and mailed, within 30 days from the last sample in the month, to LFUCG at the following address:

Lexington-Fayette Urban County Government
 Division of Water Quality
 125 Lisle Industrial Avenue, Ste 180
 Lexington, KY 40511
 ATTN: Compliance and Monitoring

OR by electronic submittal to: LFUCG_DWQ_IP@lexingtonky.gov

Failure to submit laboratory results is a violation of this permit.

B. Accidental Discharge Report

The permittee shall notify the LFUCG immediately upon the occurrence of an accidental discharge of substances prohibited by Lexington-Fayette County code, Chapter 16, or any slug loads or spills that may enter the public sewer. The Sewer Authority should be notified by telephone at (859) 425-2400. The notification shall include location of the discharge, date and time thereof, type of waste, including concentration and volume, and corrective actions taken. The permittee's notification of accidental releases in accordance with this section does not relieve it of other

reporting requirements that arise under local, State, or Federal laws. Failure to comply with this requirement is cause for revocation of the permit.

Within five days following an accidental discharge, the permittee shall submit to the LFUCG a detailed written report. The report shall specify:

- a.. Description and cause of the upset, slug load, or accidental discharge, the cause thereof, and the impact on the permittee's compliance status. The description should also include location of discharge, type, concentration and volume of waste.
- b. Duration of noncompliance, including exact dates and times of noncompliance and, if the noncompliance is continuing, the time by which compliance is reasonably expected to occur.
- c. All steps taken or to be taken to reduce, eliminate, and/or prevent recurrence of such an upset, slug load, accidental discharge, or other conditions of non-compliance.

C. Automatic Resampling

Whenever the IU samples in accordance with 40 CFR 136, or EPA approved analytical methods, and the sample is in violation, it must:

- 1. Inform the Division of Water Quality within 24 hours of becoming aware of the violation, and
- 2. Repeat the sampling and pollutant analysis and submit, in writing, the results of this second analysis within 30 days of becoming aware of the first violation.

D. The industrial user shall notify the POTW , the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Notification will comply with all requirements 40 CFR 403.12(p)(1).

PART 4 - SPECIAL CONDITIONS

SECTION 1 - ADDITIONAL/SPECIAL MONITORING REQUIREMENTS

If applicable, the permittee shall conduct self-monitoring of the effluent at the location(s) identified in Part 1 for the parameters and at the frequency identified in Table 2. Self-monitoring shall occur twice per year (once in each six month period).

If applicable, the permittee shall submit compliance reports twice per year—once between January and June and once between July and December. The report shall describe the nature and concentration of self-monitoring pollutants required in section 2.A and shall include measured or estimated average and maximum daily flows at the sample location identified in Part 1.

Demand monitoring may be required if deemed necessary by the LFUCG in accordance with Section 16-46 (c) of the County Code. Demand monitoring will be conducted by and at the expense of the permittee. See “Standard Conditions” for definitions.

SECTION 2 - REOPENER CLAUSE

This permit may be reopened and modified for reasons noted in Part Five - Standard Conditions, Section A-4.

SECTION 3 - COMPLIANCE SCHEDULE

In the event the permittee is in significant non-compliance with this permit, the permittee will be required to develop a compliance schedule. This compliance schedule will outline each event of the permittee's efforts to achieve full compliance and will include the dates when each event will be completed.

EXAMPLE COMPLIANCE SCHEDULE

<u>EVENT</u>	<u>NO LATER THAN</u>
1. New wastewater pretreatment plant design completed	Date
2. Equipment and materials ordered	Date
3. Develop, and submit a copy to the Lexington-Fayette Urban County Sewer Authority of a slug loading control plan to eliminate or minimize the accidental spill or slug discharge of pollutants into the sewer system	Date
4. Implement the slug loading control plan	Date
5. Complete installation of wastewater pretreatment plant	Date
6. Education and training of responsible personnel completed	Date
7. Obtain full pretreatment plant operational status and achieve full compliance	Date

B. Compliance Schedule Reporting

No later than 14 days following each date in the above schedule, the permittee shall submit to the LFUCG a letter including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with the increment of progress, the reasons for the delay, and the steps being taken to return the project to the schedule established.

PART 5 - STANDARD CONDITIONS

SECTION A. GENERAL CONDITIONS AND DEFINITIONS

1. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

2. Duty To Comply

The permittee must comply with all conditions of this permit. Failure to comply with the requirements of this permit may be grounds for administrative action, or enforcement proceedings, including civil or criminal penalties, injunctive relief, and summary abatements.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or correct adverse impact to the public treatment plant or the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

4. Permit Modification

This permit may be modified for good causes including, but not limited to, the following:

- a. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.
- b. Material or substantial alterations or additions to the discharger's operation processes, or discharge volume or character which were not considered in drafting the effective permit.
- c. A change in any condition in either the industrial user or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- d. Information indicating that the permitted discharge poses a threat to the LFUCG's collection and treatment systems, POTW personnel or the receiving waters.
- e. Violation of any terms or conditions of the permit.
- f. Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting.
- g. Revision of a grant or variance from such categorical standards pursuant to 40 CFR 403.13; or
- h. To correct typographical or other errors in the permit.
- I. To reflect transfer of the facility ownership and/or operation to a new owner/operator.
- j. Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

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.

5. Permit Termination

This permit may be terminated for the following reasons:

- a. Falsifying self-monitoring reports
- b. Tampering with monitoring equipment
- c. Refusing to allow timely access to the facility premises and records
- d. Failure to meet effluent limitations
- e. Failure to pay fines
- f. Failure to pay sewer charges
- g. Failure to meet compliance schedule
- h. Failure to report an accidental spill

6. Permit Appeals

Grievances arising after the 30 day initial appeals period must be submitted to the Director, Division of Water Quality. If satisfactory action cannot be met on this level, the matter must go to the Office of the Commissioner of Environmental Quality. If a third level is necessary to resolve the dispute, a hearing board, as described in Lexington-Fayette County Code, Section 16-51, will be called to meet. Suspension and rights of the permittee regarding

suspension are addressed in the same manner. Section 16-46 of the Code may be referenced for additional information. The permittee seeking judicial review of the Board's final action must do so by filing a complaint with the District Court for Fayette County within the time required by law.

7. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any violation of Federal, State or local laws or regulations.

8. Limitation on Permit Transfer

No permit for industrial wastewater discharge is transferable, without the prior written consent of the Director, Division of Water Quality.

9. Continuation of Expired Permits

An expired permit will continue to be effective and enforceable until the permit is reissued if:

- a. The permittee has submitted a complete permit application at least ninety (90) days prior to expiration of the user's existing permit.
- b. The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.

10. Dilution

The permittee shall not increase the use of potable or process water or, in any way, attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

11. Definitions

Bi-Monthly - Once every other month.

Bi-Weekly - Once every other week.

By-Pass - Means the intentional diversion of wastes from any portion of a treatment facility.

Composite Sample - A sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The sample shall be a flow proportional composite sample; collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots. For a time composite sample, the length of composite sample should be timed to the facility's operating hours. For example, if an industrial user operates one 8 hour shift and discharges only during these hours, then sampling needs to be conducted only during these hours. However, if the facility operates and discharges on a 24 hour shift, then the sample should be conducted over a period of 24 hours. The sample may be composited as a time composite sample with written approval from LFUCG; composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of stream flow;

Daily Maximum - The maximum allowable discharge of pollutant during a calendar day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Demand Monitoring - An additional testing demanded of the industrial user by the POTW authorities. The demand is usually a result of, but not limited to, a questionable discharge or one in violation of the ordinance.

Grab Sample - An individual sample collected in less than 15 minutes, without regard for flow or time.

LFUCG - Lexington-Fayette Urban County Government.

Monthly Average - The arithmetic mean of the values for effluent samples collected during a calendar month or specified 30 day period (as opposed to a rolling 30 day window).

Pretreatment or Treatment - Shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.

Publicly Owned Treatment Works (POTW) - Shall mean a treatment works which is owned by the Lexington-Fayette Urban County Government. This includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this permit, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside Lexington-Fayette County who are, by contract or agreement with Lexington-Fayette County, users of the POTW,

Scheduled Monitoring - The organized, systematic sampling and detailed monitoring of significant industrial contributions to the POTW system in accordance with a predetermined schedule. The schedule is to be maintained as confidential information so that industrial users in the system are without notice well in advance of monitoring visits. When the sampling point is located on plant property, the POTW will notify the industry just prior to the visit to arrange for required utilities and proper access to sampling areas.

Self-Monitoring - Refers to monitoring by the industrial user using procedures outlined in 40 CFR 136 or other EPA accepted procedures at its permit-prescribed monitoring point. Self-monitoring is required as per the terms of the permit or optional above permit requirements and occurs at the initiation and expense of the industrial user.

Slug - Shall mean any discharge of water or waste of a non-routine episodic nature, including but not limited to an accidental spill or a non-customary batch discharge which has reasonable potential to cause interference or pass through, or in any way violate local limits or permit conditions

State - Shall mean the Commonwealth of Kentucky, or an authorized agency thereof having regulatory authority.

Unscheduled Monitoring - A random type of compliance monitoring not formally planned by the POTW designed to view the industrial user on a more general, typical scale. Grab samples are frequently used, especially where resources are limited due to the spontaneity of the visit, however, flow samples are also desirable.

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, excluding such factors as operational error, improperly designed or inadequate treatment facilities, or improper operation and maintenance or lack thereof.

Weekly Average - The arithmetic mean of the values for effluent samples collected over a period of 7 consecutive days.

12. **Rates**

Rates and charges for sanitary sewer service are established in Lexington-Fayette County Code, Section 16-59. Any changes in the rates will be effective immediately upon adoption without issuance of a new permit. When parameter loadings are in excess of those established in the Ordinance, charges are assessed as follows:

Through June 30, 2024:

Parameter Cost*	Unit
Flow per first unit (100cuft) per unit	\$10.58
Flow per unit over 1 unit per unit	\$7.99
Plus	
Suspended solids discharged, per pound in excess of 250 ppm	\$1.189
Ammonia nitrogen discharged, per pound in excess of 25 ppm	\$3.612
Biochemical oxygen demand discharged, per pound in excess of 250 ppm	\$1.439

Rate change increases effective July 1 of on-going years:

All rates and fees set forth in sections 16-48, 16-59 and 16-60 shall be adjustable each July 1 beginning on July 1, 2010, by an amount based upon the Consumer Price Index for All Urban Consumers, the U.S. City Average ("CPI-u") published monthly by the Bureau of Labor Statistics or by an amount approved by the Urban County Council. These rates shall be adjusted up if so indicated by a factor determined by averaging the monthly CPI-u published for the twelve-month period ending, and including, April of the year before the July 1 adjustment or by an amount approved by the Urban County Council.

***Unit cost rates are based on Lexington-Fayette County Code, Section 16-59.**

The LFUCG will permit the installation of a separate water meter for users subject to the terms of this permit. The installation of meters will be at the expense of the customer. This meter will measure the amount of water used that does not go into the sewer system and can then be excluded from the billing. All exclusion requests shall be in compliance with LFUCG's most recent exclusion policy. A copy is available on request.

13. Compliance with Applicable Pretreatment Standards

Compliance with this permit does not relieve the permittee from its obligations regarding compliance with any and all applicable local, State and Federal pretreatment standards and requirements including any such standards or requirements that may become effective during the term of this permit.

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. 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 includes but is not limited to: effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

2. Duty to Halt or Reduce Activity

Upon reduction of efficiency of operation, or loss or failure of all or part of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control its production or discharges (or both) until operation of the treatment facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced. 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. By-pass of Treatment Facilities

By-pass is prohibited unless it is unavoidable to prevent loss of life, personal injury, or severe property damage or no feasible alternatives exist. The permittee may allow by-pass to occur which does not cause effluent limitations to be exceeded, but only if it is also for essential maintenance to assure efficient operation.

Notification of by-pass:

Anticipated by-pass. If the permittee knows in advance of the need for a by-pass, it shall submit prior written notice, at least ten days before the date of the by-pass, to the LFUCG.

Unanticipated by-pass. The permittee shall immediately notify the LFUCG and submit a written notice to the POTW within 5 days. This report shall specify:

1. A description of the by-pass, and its cause, including its duration;
2. Whether the by-pass has been corrected; and
3. The steps being taken, or to be taken, to reduce, eliminate and prevent a recurrence of the bypass.

4. Removed Substances

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

5. Slug Control Plan.

University of Kentucky has been evaluated for the need of a slug control plan and LFUCG has determined that it is not necessary at this time. The permittee must notify LFUCG immediately of any operational or facility changes that would affect the potential for a slug discharge.

The permittee, if required by LFUCG, shall develop an accidental discharge/slug discharge control plan or other action to control Slug Discharges. LFUCG shall, at least once, evaluate each significant industrial user (SIU) to determine if the SIU has a reasonable potential to discharge in accordance with the slug discharge definition. If there is a reasonable potential, LFUCG may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, LFUCG may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying LFUCG of any accidental or Slug Discharge, as required by Section 6.6 of this ordinance; and
- D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and

unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

SECTION C. MONITORING AND RECORDS

1. Representative Samples

Samples and measurements taken as required herein shall be representative of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water or substance. All equipment used for sampling and analysis must be routinely calibrated, inspected and maintained to ensure their accuracy. Monitoring points shall not be changed without notification to and the approval of the LFUCG. Failure to calibrate, inspect and maintain in good working order sampling equipment and facilities shall not be used by the Industrial User as grounds to claim samples collected from this location are not representative and therefore cannot be used as a basis for enforcement.

2. Flow Measurements

If flow measurement is required by this permit, the appropriate flow measurement devices and methods consistent with approved scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10 percent from true discharge rates throughout the range of expected discharge volumes. Failure to calibrate, inspect and maintain in good working monitoring and flow measuring equipment shall not be used by the Industrial User as grounds to claim flow data collected from this location are not representative and therefore unusable data.

3. Inspection and Entry

The permittee shall allow the LFUCG, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- a. 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;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit;
- d. Sample or monitor, for the purposes of assuring permit compliance, any substances or parameters at any location; and
- e. Inspect any production, manufacturing, fabricating, or storage areas where pollutants, regulated under the permit, could originate, be stored, or be discharged to the sewer system.

4. Record-Keeping Requirements

The permittee shall:

- a. retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices required by ordinance or permit to satisfy a local limit. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the

samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or LFUCG, or where the User has been specifically notified of a longer retention period by director, division of water quality. Maintain records of all information resulting from any monitoring activities required by this permit. Such records shall include for all samples:

1. the date, exact place method and time of sampling and the name of person(s) taking the samples;
 2. the date analyses were performed;
 3. who performed the analyses;
 4. the analytical techniques/methods used; and
 5. the results of such analyses.
 6. any documentation of calibration or maintenance of sampling or analytical equipment.
- b. Retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this permit) and shall make such records available for inspection and copying by LFUCG. This period of retention shall be extended during the course of any resolved litigation regarding the conditions of this permit.

SECTION D. ADDITIONAL REPORTING REQUIREMENTS

1. Planned Changes

The permittee shall give notice to the LFUCG 90 days prior to any facility expansion, production increase, or process modifications which result in new or substantially increased discharges or a change in the nature of the discharge.

2. Notification of Changes Affecting Slug Potential

The Industrial User shall notify LFUCG immediately of changes that occur at the facility affecting the potential for a slug discharge.

3. Anticipated Noncompliance

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

4. Duty to Provide Information

The permittee shall furnish to the LFUCG any information which the Authority 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, upon request, furnish to the LFUCG within 30 days copies of any records required to be kept by this permit.

5. Signatory Requirements

All applications, reports, or information submitted to the LFUCG must be signed by a responsible official of the industry or company. This official is responsible for being familiar with and understanding the consequences of knowingly supplying false information.

6. Annual Publication

A list of all industrial users which were subject to enforcement proceedings during the 12 previous months shall be annually published by the LFUCG in the largest daily newspaper within its service area. Accordingly, the permittee is apprised that noncompliance with this permit may lead to an enforcement action and may result in publication of its name in an appropriate newspaper in accordance with this section and Lexington-Fayette County Code, 16-50 (e).

7. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil and/or criminal penalties for noncompliance under Lexington-Fayette County code or State or Federal laws or regulations.

8. Penalties for Violations of Permit Conditions

Section 16-50 of the Lexington-Fayette Urban County Code provides that any person who violates a permit condition shall be served by the Urban County Government with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Any person who shall continue any violation beyond this time limit provided shall for every offense, if any individual, be fined not less than two hundred dollars (\$200.00) nor any more than five hundred dollars (\$500.00); or if a corporation, be fined less than five hundred dollars (\$500.00), nor more than ten thousand dollars (\$10,000.00). For violations of section 16-42, 16-43 or 16-45(a) corporations shall be fined not less than one thousand dollars (\$1,000.00) nor more than ten thousand dollars (\$10,000.00). Each day in which such violation shall continue shall be deemed a separate offense.

Any person violating any of the provisions of section 16-36 through 16-71 shall become liable to the Urban County Government for any expense, loss or damage occasioned by the Urban County Government by reasons of such violation. Said person shall also be liable for repairing or restoring any sanitary sewer, storm sewer and natural outlet damaged by such violation to its pre-existing condition.