

ORDINANCE 23-28

AN ORDINANCE REPLACING CHAPTER 1 AND CHAPTER 2 UNDER TITLE 18 OF THE MUNICIPAL CODE PERTAINING TO WATER AND SEWER USE AND RENUMBERING CHAPTER 2 TO CHAPTER 3 AND CHAPTER 3 TO CHAPTER 4.

(Replaces Ordinance 15-08)

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEWISBURG, TENNESSEE, THAT;

1. Under Title 18 of the City’s Municipal Code, Chapter 1 be deleted and replaced in its entirety by the following:

TITLE 18
WATER AND WASTEWATER REGULATIONS

CHAPTER 1 – SEWER USE

- 18-101. Purpose and policy.
- 18-102. Administrative.
- 18-103. Definitions and Abbreviations.
- 18-104. Proper waste disposal required.
- 18-105. Private domestic wastewater disposal.
- 18-106. Connection to public sewers.
- 18-107. Septic tank effluent pump or grinder pump wastewater systems.
- 18-108. Regulation of holding tank waste disposal or trucked in waste.
- 18-109. Discharge regulations.
- 18-110. Enforcement and abatement.

2. Under Title 18 of the City’s Municipal Code, Chapter 2 be added as follows:

CHAPTER 2 – INDUSTRIAL/COMMERCIAL WASTEWATER REGULATIONS

- 18-201. Industrial pretreatment.
- 18-202. National Categorical Pretreatment Standards
- 18-203. Discharge permits.
- 18-204. Industrial user additional requirements.
- 18-205. Reporting requirements.
- 18-206. Enforcement response plan.
- 18-207. Enforcement response guide table.
- 18-208. Fees and billing.
- 18-209. Validity.

3. Under Title 18 of the City’s Municipal Code, Chapter 2 be renumbered as Chapter 3 as follows:

CHAPTER 3 – CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

- 18-301. Definitions
- 18-302. Standards
- 18-303. Construction, operation, and supervision.
- 18-304. Statement required.
- 18-305. Inspections required. .
- 18-306. Right of entry for inspections. .
- 18-307. Correction of existing violations.
- 18-308. Use of protective devices.
- 18-309. Unpotable water to be labeled.
- 18-310. Mortuaries.
- 18-311. Provision applicable
- 18-312. Violations.
- 18-313. Severability

4. Under Title 18 of the City’s Municipal Code, Chapter 3 be renumbered as Chapter 4 as follows:

CHAPTER 4 – STORMWATER ORDINANCE

- 18-401. Stormwater Ordinance

18-101. Purpose and policy. This chapter sets forth uniform requirements for users of the City of Lewisburg, Tennessee, wastewater treatment system and enables the Water and Wastewater Department to comply with the Federal Clean Water Act and the state Water Quality Control Act and rules adopted pursuant to these acts. The objectives of this chapter are:

- (1) To protect public health,
- (2) To prevent the introduction of pollutants into the municipal wastewater treatment facility, which will interfere with the system operation;
- (3) To prevent the introduction of pollutants into the wastewater treatment facility that will pass through the facility, inadequately treated, into the receiving waters, or otherwise be incompatible with the treatment facility;
- (4) To protect facility personnel who may be affected by wastewater, wastewater borne components, and sludge in the course of their employment and the general public;
- (5) To promote reuse and recycling of industrial wastewater and sludge from the facility;
- (6) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the facility; and
- (7) To enable the water department to comply with its National Pollution Discharge Elimination System (NPDES) Permit conditions, sludge and biosolid use and disposal requirement, and any other Federal or State industrial pretreatment rules to which the facility is subject.

In meeting these objectives, this chapter provides that all persons in the service area of the city of Lewisburg must have adequate wastewater treatment either in the form of a connection to the municipal wastewater treatment system or, where the system is not available, an appropriate private disposal system.

This chapter shall apply to all users inside or outside the city who are, by implied contract or written agreement with the water department, dischargers of applicable wastewater to the wastewater treatment facility. Chapter 2 provides for the issuance of permits to system users, for monitoring, compliance, and enforcement activities; establishes administrative review procedures for industrial users or other users whose discharge can interfere with or cause violations to occur at the wastewater treatment facility. Chapter 2 details permitting requirements including the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein.

18-102. Administrative. Except as otherwise provided herein, the local administrative officer of the water department shall administer, implement, and enforce the provisions of this chapter.

18-103. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

- (1) "Administrator." The Administrator or the United States Environmental Protection Agency.
- (2) "Act or the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, and found in 33 U.S.C. § 1251, *et seq.*
- (3) "Approval Authority." The Tennessee Department of Environment and Conservation, Division of Water Pollution Control.
- (4) "Authorized or Duly Authorized Representative of User:
 - (a) If the user is a corporation:
 - (i) The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any person who performs similar policy or decision-making functions for the corporation; or
 - (ii) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can insure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - (c) If the user is a federal, state, or local governmental agency: a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.

(d) The individual described in paragraphs (a)-(c), above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the water department.

(5) "Baseline Monitoring Report or BMR." a report submitted by an Industrial User to the Lewisburg Wastewater Department that is used as a tool by the control authority to identify those IUs in need of pretreatment to come in compliance with categorical standards.

(6) "Best Management Practices or BMP." means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 109 of this chapter. BMPs also include treatment requirement, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(7) "Biochemical Oxygen Demand (BOD₅)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20 centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(8) "Board." The Lewisburg Water and Wastewater Board.

(9) "Building Sewer." A sewer conveying wastewater from the premises of a user to the publicly owned sewer collection system.

(10) "Categorical Pretreatment Standards or Categorical Standard." Any regulation containing pollutant discharge promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of the Users and that appear in the National Categorical Pretreatment Standards as found in 40 CFR Chapter I, Subchapter N, Parts 405-471.

(11) "Categorical Industrial User or CIU." An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

(12) "City." The Board of Mayor and Council, City of Lewisburg, Tennessee

(13) "Chemical Oxygen Demand (COD)." A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

(14) "Chronic Violation." Chronic violation of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period on a rolling quarterly basis exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limit

(15) "Composite Sample." A combination of not less than 8 influent or effluent portions, of at least 100 ml, collected over a 24-hour period. Under certain circumstances a lesser time period may be allowed, but in no case, less than 8 hours.

(16) "Chemical Oxygen Demand or COD." A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

(17) "Code of Federal Regulations or CFR." In the law of the United States, is the codification of the general and permanent regulations promulgated by the executive departments and agencies of the federal government of the United States.

(18) "Conventional Pollutant" A pollutant that the wastewater facility is designed to treat. Including but not limited to BOD, COD, Ammonia and TKN. See "Surcharge."

(19) "Control Authority." The term "control authority" shall refer to the "approval authority," defined herein above; or the local hearing authority if the water department has an approved Pretreatment Program under the provisions of 40 CFR 403.11.

(20) "Cooling Water." The water discharge from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

(21) "Customer." Any individual, partnership, corporation, association, or group who receives sewer service from the water department under either an express or implied contract requiring payment to the water department for such service.

(22) "Daily Maximum." The arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day. The daily maximum for pH is the highest value tested during a 24-hour calendar day.

(23) "Daily Maximum Limit." The maximum allowable discharge limit of a pollutant during a calendar day. Where the limit is expressed in units of mass, the limit is the maximum amount of total mass of the pollutant that can be discharged during the calendar day. Where the limit is expressed in concentration, it is the arithmetic average of all concentration measurements taken during the calendar day.

(24) "Direct Discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(25) "Domestic Wastewater." Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent or commercial establishment containing sanitary facilities for the disposal of wastewater and used for residential or commercial purposes only.

(26) "Environmental Protection Agency, or EPA." The U. S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of the said agency.

(27) "Existing Source." Any source of discharge that is not a "New Source."

(28) "Fats, Oils, and Grease or FOG." Hexane Extractable Material test is to be used or an equivalent 40 CFR 136 approved method.

(29) "General Manager." The local administrative officer or person designated by him to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

(30) "Grab Sample." A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and is collected over a period of time not to exceed fifteen (15) minutes. Grab sampling procedure: Where composite sampling is not an appropriate sampling technique, a grab sample(s) shall be taken to obtain influent and effluent operational data. Collection of influent grab samples should precede collection of effluent samples by approximately one detention period. The detention period is to be based on a 24-hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year. Grab samples will be required, for example, where the parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical, or physical interactions which take place after sample collection and affect the results.

(31) "Grease Interceptor." An interceptor whose rated flow is fifty (50) g.p.m. (gallons per minute) or less and is generally located inside the building.

(32) "Grease Trap." An interceptor whose rated flow is fifty (50) g.p.m. or more and is located outside the building.

(33) "GP." Grinder Pump

(34) "g.p.d." Gallons Per Day

(35) "g.p.m." Gallons Per Minute

(36) "Holding (Septic) Tank Waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(37) "Indirect Discharge or Discharge." The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b), (c), or (d) of the Act, into the POTW (including holding tank waste discharged into the system).

(38) "Industrial User, (IU)." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Act (33 U.S.C. §1342).

(39) "Individual Wastewater Discharge and General Permit." As set forth in Chapter 2 of this Ordinance

(40) "Instantaneous Maximum Limit." The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

(41) "Interceptor." A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous, or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity.

(42) "Interference." A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the wastewater facility, its treatment processes or operations, or its sludge processes, use or disposal, or exceeds the design capacity of the treatment works or collection system.

(43) "Local Administrative Officer (LAO)." The General Manager (GM) of the Lewisburg Water and Wastewater Department.

(44) "Local Hearing Authority." The Lewisburg Water and Wastewater Board or such person or persons appointed by this board to administer and enforce the provisions of this chapter and conduct hearings pursuant to Section 205.

(45) "Local Limit." Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Tennessee Rule 0400-40-14-.05(1)(a) and (2).

(46) "Manhole." See "Utility Access Point".

(47) "Middle Tier Categorical Industrial User," Discharge of categorical wastewater that does not exceed the following:
0.01 percent of the design dry weather hydraulic capacity of the POTW, or 5,000 gpd, whichever is smaller
0.01 percent of the design dry weather organic treatment capacity of the POTW;
and
0.01 percent of the maximum allowable headworks loading for any pollutant for which approval local limits were developed by a POTW.

(48) "Medical Waste." Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(49) "Monthly Average." The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(50) "Monthly Average Limit." The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(51) "National Pollutant Discharge Elimination System or NPDES Permit". The

program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to Section 402 of the Clean Water Act as amended.

(52) "National Categorical Pretreatment Standard, Pretreatment Standard or Standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Federal Clean Water Act (33 U.S.C. § 1347) which applies to a specific category of industrial users. The term includes prohibitive discharge limits established pursuant to 0400-40-14-.05.

(53) "National Prohibitive Discharges." Prohibitions applicable to all nondomestic dischargers regarding the introduction of pollutants into POTW's set forth in 40 CFR 403.5.

(54) "NAICS, North American Industrial Classification System." A system of industrial classification jointly agreed upon by Canada, Mexico, and the United States. It replaces the Standard Industrial Classification (SIC) System.

(55) "New Source." (a) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Clean Water Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

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

(ii) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of parts (a)(ii) or (a)(iii) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(i) Begun, or caused to begin as part of a continuous onsite construction program:

(A) Any placement, assembly, or installation of facilities or equipment; or

(B) Significant site preparation work including cleaning, excavation or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or

modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph

- (56) "Non-Conventional Pollutant." All pollutants that are not in the list conventional pollutant" or "toxic pollutants in 40 CFR Part 401. Such as COD, TOC, Nitrogen and Phosphorous.
- (57) "Non-Significant Categorical Industrial User (NSCIU)," Lewisburg Water and Wastewater may determine that an Industrial User subject to categorical Pretreatment Standards under Tennessee Rule 400-40-14-.06 and 40 CFR Chapter 1, subchapter N is a Non-Significant Categorical Industrial User on the finding that the Industrial User never discharges more than 100 gallon per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling, boiler blowdown wastewater, unless specifically included in the categorical Pretreatment Standard). The CIU must have consistently complied with all applicable Pretreatment Standards; Annually submit a certification statement with any additional information to support the certification statement and never discharge any untreated concentrated wastewater.
- (58) "Pass-Through." A discharge which exits the Wastewater Facility into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the wastewater facility's NPDES permit including an increase in the magnitude or duration of a violation.
- (59) "Person." Any and all persons, including individual, partnership, co-partnership, firms, companies, public or private corporations or officers thereof, associations, joint stock companies, trusts, estates, governmental entities, municipalities or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.
- (60) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- (61) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- (62) "Pollutant." Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, turbidity, color, BOD, COD, toxicity, or odor discharge into water).
- (63) "Pretreatment or Treatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, biological processes, or process changes or other means, except as prohibited by Tennessee Rule 0400-40-14-.06(4). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with Tennessee Rule 0400-40-14-.06(5).
- (64) "Pretreatment Coordinator." The person designated by the local administrative

officer or their authorized representative to supervise the operation of the pretreatment program.

(65) "Pretreatment Requirements." Any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user.

(66) "Pretreatment Standards or Standards." A prohibited discharge standard, categorical pretreatment standard and local limit.

(67) "Process Wastewater." Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

(68) "Process Wastewater Pollutants." Pollutants present in process wastewater.

(69) "Prohibited Discharge Standards or Prohibited Discharges." Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Chapter 2 of this ordinances.

(70) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by Section 212 of the Act, (33 U.S.C. § 1292) which is owned in this instance by the municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. See (WWF), Wastewater Facility, found in definition number 68.

(71) "POTW Treatment Plant, Wastewater Treatment Plant, Treatment Plant or Water Reclamation Facility." That portion of the POTW designed to provide treatment to wastewater.

(72) "RCRA." Resource Conservation and Recovery Act

(73) "Sanitary Sewer." A sewer pipeline that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground-storm, and surface waters that are not admitted intentionally.

(74) "Sanitary Sewer System Utility Easement." A right held by one person or entity to make use of the land of another for a limited purpose including laying sewer lines and ingress/egress to monitor, operate, and maintain sewer lines. For the Lewisburg Water and Wastewater, maintenance may include washing the sewer main through utility access points (manholes), clearing of debris such as trees, shrubs, underbrush or any type of vegetation, repair of the main or complete replacement of the main. Types of cover allowed over a sewer easement include only the following: grass, pavement, sidewalks. All other items must be approved by the General Manager. Under no circumstances will any permanent structure be allowed to be built in the easement. The standard width of the Lewisburg Water and Wastewater Department utility easement is 20 linear feet. The easement is centered on the sewer main and manholes. The Control Authority has obtained easements in two different ways. The first can be described as an prescribed easement where there is no written descriptive easement or plat recorded. The second is a recorded easement on a form provided by the Control Authority or shown on a recorded plat or descriptive easement based on bearings and distances or based on construction drawings recorded with a deed.

(75) "Shall" is mandatory; "May" is permissive.

(76) "Sharps." any object contaminated with a pathogen or that may become contaminated with a pathogen through handling or during transportation and also capable of cutting or penetrating skin or packaging material. Sharps includes needles, syringes, scalpels, broken glass, culture slides, culture dishes, broken capillary tubes, broken rigid plastic, and exposed ends of dental wires.

(77) "SIC, Standard Industrial Classification," replaced by the NAICS North American Industrial Classification System

(78) "Significant Industrial User (SIU)." The term significant industrial user means:

(a) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; or

(b) Any other industrial user that:

(i) Discharges an average of 25,000 gallons per day or more of process wastewater to the wastewater facility (excluding sanitary, non-contact cooling and boiler blowdown wastewater);

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

(iii) Is designated as such by the Lewisburg Water and Wastewater Board (as defined in 40 CFR 403.3(f)) on the basis that the industrial user has a reasonable potential for adversely affecting the wastewater facility's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(c) The Lewisburg Water and Wastewater pretreatment coordinator may determine that an Industrial User subject to categorical Pretreatment standards under Tennessee Rule 0400-40-14-.06 and 40 CFR Chapter 1, subpart N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(i) The Industrial User, prior to the department's findings, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

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

(d) Upon finding that a User meeting the criteria in Subsection (b) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the General Manager may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in Tennessee Rule 0400-40-14-.08(6)(f), determine that such User is not a Significant Industrial User.

(79) "Significant Noncompliance." Per 0400-40-14-.08(6)(b)8. (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken for each parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limit.

(b) "Technical Review Criteria (TRC) violations." defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required.

(c) Any other violation of a pretreatment standard or requirement (daily maximum or longer-term average, instantaneous limit, or narrative standard) that the wastewater facility determines has caused, alone or in combination with other discharges,

interference or pass through (including endangering the health of wastewater facility personnel or the general public).

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the wastewater facility's exercise of its emergency authority under Section 205(1)(b)(i)(D), Emergency Order, to halt or prevent such a discharge.

(e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(f) Failure to provide, within 45 days after their due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(g) Failure to accurately report noncompliance.

(h) Any other violation or group of violations, which may include a violation of Best Management Practices, which the wastewater facility determines will adversely affect the operation or implementation of the local pretreatment program.

(i) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed limits by more than 0.5 s.u. more than eight times in four hours.

(80) "Significant Violation." A violation which remains uncorrected 45 days after notification of noncompliance; which is part of a pattern of noncompliance over a twelve month period; or which involves a failure to accurately report noncompliance; or which resulted in the POTW exercising its emergency authority under CFR 403.8 (f) (2) (vi) (B) and 403.8 (f) (2) (vii).

(81) "Slug Load or Slug Discharge." Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the wastewater facility's regulations, local limits, or Permit conditions.

(82) "Source." Any activity, operation, construction, building, structure, facility, or installation (permanent or temporary) from which there is or may be the discharge or pollutants.

(83) "Standard Industrial Classification (SIC)." A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(84) "State." The State of Tennessee.

(85) "STEP." Septic Tank Effluent Pump

(86) "Storm Sewer or Storm Drain." A pipe or conduit which carries storm and surface waters and drainage but excludes sewage and industrial wastes. It may, however, carry cooling waters and unpolluted waters, upon approval of the storm water director.

(87) "Storm Water." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(88) "Surcharge." An additional fee assessed to a user who discharges compatible pollutants at concentrations above the established surcharge thresholds. Surcharge thresholds are the level at which the permit holder will be billed higher rates to offset the cost of treating wastewater which exceeds the surcharge thresholds. Exceeding a surcharge threshold but not a Monthly Average or Daily Maximum limit will not result in enforcement action.

(89) "Technical Review Criteria (TRC) Violation." defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter

during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 1.2 multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other parameters except pH);

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

(91) "Toxic Pollutant." Any pollutant or combination of pollutants listed as toxic in regulations published by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

(92) "Twenty-four (24) hour flow proportional composite sample." A sample consisting of several sample portions collected during a twenty-four-hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

(93) "Upset." An exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. 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.

(94) "User or Industrial User." The owner, tenant or occupant of any lot or parcel of land connected to a sanitary sewer, or for which a sanitary sewer line is available if a municipality levies a sewer charge on the basis of such availability, Tennessee Code Annotated, § 68-221-201.

(95) "Utility Access Point, aka manhole." A hole usually with a cover, through which a person may enter a sewer.

(96) "Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the wastewater facility.

(97) "Wastewater Facility, (WWF)." Any or all of the following: the collection/transmission system, treatment plant, and the reuse or disposal system, which is owned by any person. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a wastewater facility treatment plant. The term also means the municipality as defined in section 502(4) of the Federal Clean Water Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. wastewater facility was formally known as a POTW, or Publicly Owned Treatment Works.

(98) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and other bodies of accumulation of water, surface or underground, natural or artificial, public or private, that are contained within, flow through, or border upon the state or any portion thereof.

(99) "Water Department." The Lewisburg Water and Wastewater Department.

(100) "0400-40-14." Chapter 0400-40-14 of the Rules and Regulations of the State of Tennessee, Pretreatment Requirements.

18-104. Proper waste disposal required.

(1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the water

department, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any waters of the state within the service area of the water department any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this ordinance or city or state regulations.

(3) Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other facility intended or used for the disposal of sewage.

(4) Except as provided in (6) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper private or public sewer in accordance with the provisions of this chapter. Where public sewer is available, property owners shall, within sixty (60) days after date of official notice to do so, connect to the public sewer. Service is considered "available" when a public sewer main is located in an easement, right-of-way, road, or public access way which abuts the property.

(5) Discharging into the sanitary sewer without permission of the water department is strictly prohibited and is deemed "theft of service."

(6) Where a public sanitary sewer is not available under the provisions of (4) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of Section 18-105 of this ordinance.

(7) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided that he/she obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations.

(8) Users have a duty to comply with the provisions of this ordinance in order for the water department to fulfill the stated Policy and Purpose. Significant Industrial Users must comply with the provisions of this ordinance and applicable state and federal rules according to the nature of the industrial discharge.

(9) The water department may inspect the properties, facilities, including service lines or building sewer, of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or its representative, with proper identification, ready access at all reasonable times to all parts of the premises for the purpose of inspection.

18-105. Private domestic wastewater disposal.

(1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of Section 104(4), the building sewer shall be connected, until the public sewer is available to a private wastewater disposal system complying with the provisions of the applicable local and state regulations.

(b) The owner shall always operate and maintain the private sewage disposal facilities in a sanitary manner, at no expense to the water department. When it becomes necessary to clean septic tanks, the sludge may be disposed of only according to applicable federal and state regulations.

(c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice from the water

department to do so.

(2) Requirements.

(a) The type, capacity, location, and layout of a private sewerage disposal system shall comply with all local or state regulations. Before commencement of construction of a private sewerage disposal system, the owner shall first obtain a written approval from the County Health Department. The application for such approval shall be made on a form furnished by the County Health Department which the applicant shall supplement with any plans or specifications that the Department has requested.

(b) Approval for a private sewerage disposal system shall not become effective until the installation is completed to the satisfaction of the local and state authorities, who shall be allowed to inspect the work at any stage of construction. (c) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Tennessee Department of Environment and Conservation, and the County Health Department. No septic tank or cesspool shall be permitted to discharge to waters of Tennessee.

(d) No statement contained in this chapter shall be construed to interfere with any additional or future requirements that may be imposed by the water department or the county health department.

18-106. Connection to public sewers.

(1) Application for Service. There shall be two (2) classifications of service;

(a) service to residential and

(b) service to commercial, industrial, and other nonresidential establishments. In either case, the owner or his agent shall make an application for connection on forms furnished by the water department. Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the general manager. Details regarding commercial and industrial permits include but are not limited to those required by this ordinance. Service Connection Fees for establishing a new sewer service are paid to the water department. Industrial User Discharge Permit Fees may also apply. The receipt by the water department of a prospective customer's application for connection shall not obligate the water department to render the connection. If the service applied for cannot be supplied in accordance with this chapter and the water department's rules and regulations and general practice, or state and federal requirement, the connection charge will be refunded in full, and there shall be no liability of the water department to the applicant for such service.

(c) Users shall notify the water department of any proposed new introduction of wastewater constituents or any proposed change in the volume or characteristics of the wastewater being discharged to the system a minimum of sixty (60) days prior to the change. The water department may deny or limit this new introduction or change based upon the information submitted in the notification.

(3) Physical connection to public sewer.

(a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof. The water department shall make all

connections to the public sewer upon the property owner first submitting a connection application to the water department. The connection application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the general manager. A service connection fee shall be paid to the water department at the time the application is filed.

The applicant is responsible for excavation and installation of the building sewer which is located on private property. A cleanout will be installed by the water department at the property line. The water department will inspect the installation of the cleanout connection prior to the contractor's backfilling.

(b) All costs and expenses incidental to the installation, connection, and inspection of the building sewer shall be borne by the owner including all service and connection fees. The owner shall indemnify the water department from any loss or damage that may directly or indirectly be caused by the installation of the building sewer.

(c) A separate and independent building sewer shall be provided for every building;

(i) except where one building stands at the rear of another on an interior lot and no private sewer is available or a building sewer cannot be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(ii) a separate sewer service shall be provided for each residential unit within a building such as a duplex, triplex building, etc.

(iii) where property is subdivided and buildings use a common building sewer are now located on separate properties, the building sewers must be separated within sixty (60) days.

(d) Old building sewers may be used in connection with new buildings only when they are found, on examination and evaluated by the general manager or designated department employee to meet all the requirements of this chapter. All others may be sealed to the specifications of the general manager or designated department employee.

(e) Building sewers shall conform to the following requirements:

(i) The minimum size of a building sewer shall be as follows: Conventional sewer system – shall be three inches (3") or four inches (4") or larger as designated by the local codes official.

(ii) The minimum depth of a building sewer shall be eighteen inches (18").

(iii) Building sewers shall be laid on the following minimum grades: Three-inch (3") or four-inch (4") sewers - 1/8 inch per foot.

Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least 2.0 feet per second.

(iv) Building sewers shall be installed in uniform alignment at uniform slopes.

(v) Building sewers shall be constructed only of polyvinyl chloride pipe (PVC) Schedule 40 or better. Joints shall be solvent welded, or compression gaskets designed for the type of pipe used. No other joints shall be acceptable.

(vi) A cleanout will be provided by the water department at or near the property line to allow cleaning in the direction of flow. A cleanout shall be located

five (5) feet outside of the building, as it crosses the property line and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than seventy-five (75) feet apart in horizontal building sewers of up to six (6) inch nominal diameter and not more than one hundred (100) feet apart for pipes larger than six (6) inches. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed and protected from damage. A "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches. Blockages on the property owner's side of the property line cleanout are the responsibility of the property owner.

(vii) Connections of building sewers to the public sewer system shall be made by qualified persons and shall be made at the appropriate existing wyes or tee branch using compression type couplings or collar type rubber joint with stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting using flexible neoprene adapters with stainless steel bands of a type approved by the general manager or department employees. Bedding must support pipe to prevent damage or sagging. All such connections shall be made gastight and watertight.

(viii) In all buildings in which any building sewer drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved pump system according to Section 18-107 and discharged to the building sewer at the expense of the owner.

(ix) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of Marshall County, TN or to the procedures set forth in appropriate specifications by the ASTM. Any deviation from the prescribed procedures and materials must be approved by the general manager or designated department employee before installation.

(x) An installed building sewer shall be gastight and watertight.

(f) All excavations for building sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the water department.

(g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, sump pumps, or other sources of surface runoff or groundwater to a building directly or indirectly to a public sanitary sewer.

(h) Inspection of connections.

(i) The sewer connection at the property line cleanout shall be inspected by an authorized representative of the water department.

(ii) The applicant for discharge shall notify the department when the building sewer is ready for inspection.

(4) Maintenance of building sewers.

(a) Each individual property owner shall be entirely responsible for the construction, maintenance, repair, or replacement of the building sewer as deemed necessary by the general manager to meet specifications of the water department. Owners failing to maintain or repair building sewers or who allow storm water or ground water to enter the sanitary sewer may face enforcement action by the general manager up to and including discontinuation of water and sewer service.

(b) The water department may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with.

(c) The point of division between the building sewer and the water department owned sewer tap or service connection shall be at the property line, right-of-way line, property line sewer cleanout, or such point in this general area as identified by the general manager or his/her designated department personnel. The water department owned tap or service line connection cannot extend onto private property except that minimal distance to the edge of rights-of-way, easements, or that distance necessary to cross other utility lines and provide a location unencumbered by other underground utilities where the user can make a connection to the building sewer without risk of damage to those other utilities.

(5) Sewer extensions. All expansion or extension of the public sewer constructed by property owners or developers must follow policies and procedures developed by the water department. In the absence of policies and procedures the expansion or extension of the public sewer must be approved in writing by the general manager or operator in charge of the wastewater collection system. All plans and construction must follow the latest edition of Tennessee Design Criteria for Sewerage Works, located at <https://www.tn.gov/environment>. Contractors must provide the general manager with as-built drawing and documentation that all mandrel, pressure, and vacuum tests as specified in design criteria were acceptable prior to use of the lines. The contractor's one-year warranty period begins with acceptance by the water department of as-built plans. Contractors are responsible for all maintenance and repairs during the warranty period and final inspections as specified by the general manager. The general manager must give written approval to the contractor to acknowledge the transfer of ownership to the water department. Failure to construct or repair lines to acceptable standards could result in denial or discontinuation of sewer service.

(6) Protection from damage. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structures, appurtenances or equipment which is a part of the wastewater facility.

18-107. Septic tank effluent pump or grinder pump wastewater systems. When connection of building sewers to the public sewer by gravity flow lines is not probable due to elevation differences or other encumbrances, Septic Tank Effluent Pump or Grinder Pump (STEP) systems may be installed subject to the regulations of the water department.

(1) Equipment requirements.

(a) Septic tanks shall be of watertight construction and must be approved by the water department.

(b) Pumps must be approved by the water department and shall be maintained by the property owner.

(2) Installation requirements. The location of tanks, pumps, and effluent lines shall be

subject to the approval of the water department. Installation shall follow design criteria for septic tank effluent pump and grinder pump systems as provided by the general manager or a designated department employee.

(3) Costs. Septic tank effluent pump and grinder pump equipment for new construction shall be purchased and installed at the developer's, homeowners, or business owner's expense according to the specification of the water department and connection will be made to the city sewer only after inspection and approval of the general manager, Marshall County Codes Director or operator in charge of the wastewater collection system.

(4) Use of septic tank effluent pump and grinder pump systems.

(a) Home or business owners shall follow the septic tank effluent pump and grinder pump policy provided by the water department.

(b) Home or business owners shall provide electrical power through an electrical connection that meets specifications and electrical codes.

(c) Home or business owners shall be responsible for maintenance of drain lines from the building to the septic tank effluent pump and grinder pump tank to the property line.

(d) Prohibited use of the septic tank effluent pump and grinder pump system are:

(i) Connection of roof guttering, sump pumps or surface drains.

(ii) Disposal of toxic household substances.

(iii) Use of commercial garbage grinders.

(iv) Discharge of pet hair, lint, or home vacuum water.

(v) Discharge of fats, rags, grease, and oil.

(vi) Other discharges which cause interference to the wastewater facility.

(5) Tank cleaning. Solids removal from the septic tank shall be the responsibility of the property owner.

(6) Additional charges. The homeowner or business owner shall be responsible for maintenance of the septic tank effluent pump and grinder pump equipment. Repeat service calls for similar problems shall be billed to the homeowner or business at a rate of no more than the actual cost of the service call including but not limited to transportation, labor, materials, excavation, subcontractors, engineering fees, cleanup expenses, and other expenses related to the service call. In addition, if the city receives regulatory fines related to equipment failure and sewage overflows all such fines will be passed on to the user.

18-108. Regulation of holding tank waste disposal or trucked in waste.

(1) No person, firm, association, or corporation shall haul in or truck into the wastewater facility any type of domestic, commercial, or industrial waste unless such person, firm, association, or corporation obtains a written approval from the water department to perform such acts or services and has a State of Tennessee issued permit. Lewisburg will only accept domestic waste; industrial waste will not be accepted.

Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the department when the conditions of this chapter have been met and providing the department employees are satisfied the applicant has adequate and proper equipment to perform

the services contemplated in a safe and competent manner.

(2) Fees. For each permit issued under the provisions of this chapter the applicant shall agree in writing by the provisions of this section and pay fees as established by the water department. Any such permit granted shall be for a specified period of time and shall continue in full force and effect from the time issued until the expiration date, unless sooner revoked, and shall be non-transferable. The number of the state issued permit shall be plainly painted in 3-inch permanent letters on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(3) Designated disposal locations. The general manager and/or department personnel shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association, or corporation to empty or clean such equipment at any place other than a place so designated. Any department employee may refuse a truckload of waste where the waste could interfere with the operation of the wastewater facility. Hauled waste will only be accepted Monday through Friday 0730 – 1530.

(4) Revocation of permit. Failure to comply with all the provisions of the permit or this chapter shall be sufficient cause for the revocation of such permit by the department employees. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank of wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of Marshall County.

(5) Trucked in waste. This part includes waste from trucks, railcars, barges, etc., or temporally pumped waste, all of which are prohibited without a permit issued by the department. This approval may require testing, flow monitoring and record keeping.

18-109. Discharge regulations.

(1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation and performance of the wastewater facility. These general prohibitions apply to all such users of a wastewater facility whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. Violations of these general and specific prohibitions or the provisions of this section or other pretreatment standard may result in the issuance of an industrial pretreatment permit, surcharges, discontinuance of water and/or sewer service and other penalties and provisions of Section 110 or 205.

(2) Specific Prohibitions A user may not contribute the following substances to any wastewater facility:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Prohibited flammable materials including, but not limited to, wastestreams with a closed cup flash point of less than 140⁰ F or 60⁰ C using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and other flammable substances.

(b) Any wastewater having a pH less than 5.0 or higher than 10.0 or

wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the wastewater facility.

(c) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities including, but not limited to: flushable or non-flushable wipes, oil or grease, garbage with particles greater than one-half inch (1/2") in any dimension, waste from animal slaughter, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, mud, or glass grinding or polishing wastes, any medical supplies such as sponges, bandages, catheters whether of natural or synthetic components, "sharps" such as hypodermic needles or syringes, scalpel blades, acupuncture needles, broken glass, slides & cover slips, or other items with acute ridged corners, edges or protuberances.

(d) Any pollutants, including oxygen demanding pollutants (BOD₅, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the wastewater facility.

(e) Any wastewater having a temperature which will inhibit biological activity in the wastewater facility treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the wastewater facility which exceeds 40°C (104° F) unless approved by the State of Tennessee.

(f) Petroleum oil, nonbiodegradable 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 explosive, flammable or toxic gases, vapors, or fumes within the wastewater facility in a quantity that may cause acute worker health and safety problems.

(h) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans, including wastewater plant and collection system operators, or animals, create a toxic effect in the receiving waters of the wastewater facility, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act and hazardous waste pharmaceuticals.

(i) Any trucked or hauled pollutants except at discharge points designated by the wastewater facility personnel.

(j) Any substance which may cause the wastewater facility 's effluent or any other product of the wastewater facility such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the wastewater facility cause the wastewater facility to be in non-compliance with sludge use or disposal criteria, 40 CFR 503, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(k) Any substances which will cause the wastewater facility to violate its NPDES Permit or the receiving water quality standards.

(l) Any wastewater causing discoloration of the wastewater treatment plant

effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(m) Any water or waste causing an unusual volume of flow or concentration of waste constituting "slug" as defined herein.

(n) Any waters containing any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the water department in compliance with applicable state or federal regulations.

(o) Any wastewater which causes a hazard to human life or creates a public nuisance.

(p) Any waters or wastes containing animal or vegetable fats, wax, grease, or oil, whether emulsified or not, which cause accumulations of solidified fat in pipes, lift stations and pumping equipment, or interfere at the treatment plant.

(q) Detergents, surfactants, surface-acting agents or other substances which may cause excessive foaming at the wastewater facility or pass through of foam.

(r) Wastewater causing, alone or in conjunction with other sources, the wastewater facility to fail toxicity tests.

(s) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by Lewisburg storm water coordinator and the Tennessee Department of Environment and Conservation. Industrial cooling water or unpolluted process waters may be discharged on approval of the Lewisburg storm water coordinator and the Tennessee Department of Environment and Conservation, to a storm sewer or natural outlet.

(t) All healthcare facilities including very small quantity generators and reverse distributors are prohibited from discharging hazardous waste pharmaceuticals to a sewer system, see 40- CFR-266.505.

(3) Local Limits. In addition to the general and specific prohibitions listed in this section, users permitted according to Chapter 2 may be subject to numeric and best management practices as additional restrictions to their wastewater discharge in order to protect the wastewater facility from interference or protect the receiving waters from pass through contamination. Local Limit numerical values are maintained in the office of the pretreatment coordinator.

(4) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the set of standards provided in Table A - Plant Protection Criteria, unless specifically allowed by their discharge permit according to Chapter 2 of this ordinance. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter. Numerical values for the plant protection criteria are maintained in the office of the pretreatment coordinator.

Table A Plant Protection Criteria*

*Plant Protection Criteria numerical values are on file in the office of the Lewisburg Water and Wastewater Pretreatment Coordinator.

Arsenic
Benzene
Cadmium
Carbon Tetrachloride
Chloroform
Chromium III
Chromium VI
Copper
Cyanide
Ethylbenzene
Lead
Mercury
Methylene Chloride
Naphthalene
Nickel
Phenols, Total
Selenium
Silver
Tetrachloroethylene
Toluene
Phthalates, Total
Trichloroethylene
Zinc
1,1,1-Trichloroethane
1,2 Transdichloroethylene

(5) Removal of fat, oil, and grease. The water department encourages all users of the sanitary sewer system to take voluntary steps to reduce the amount of fats, oils, and grease that is poured, drained, or washed down drains into the sanitary sewer system.

(a) Definitions. In the interpretation and application of this ordinance the following words and phrases shall have the indicated meanings:

- i. Fats, Oils, and Grease. Organic polar compounds derived from animal and/or plant sources. If lab testing is required to quantify the amount of fats, oils and grease, the Hexane Extractable Material test is to be used or an equivalent 40 CFR 136 approved method.
- ii. Food Service Establishment. Any establishment, business or facility engaged in

preparing, serving, or making food available for consumption. Single family residences are not a Food Service Establishment; however, multi-residential facilities may be considered a Food Service Establishment at the discretion of the General manager. Food Service Establishments are classified as follows:

- A. **Class 1:** Deli- engaged in the sale of cold-cut and microwaved sandwiches/subs with no frying or grilling on site, ice cream shops and beverage bars as defined by North American Industrial Classification System (NAICS) 722515 or mobile food vendors as defined by NACIS 722330. Bed and breakfast establishments as defined by NACIS 721119.
 - B. **Class 2:** Limited-service restaurants (a.k.a. fast-food facilities) as defined by NACIS 722513 except fast food with a food line that is heavily fried and a history of FATS, OILS AND GREASE discharges that interfere with the sanitary sewer system, and catering as defined by NACIS 722320.
 - C. **Class 3:** Full-service restaurants as defined by NACIS 722511.
 - D. **Class 4:** Buffet and cafeteria facilities as defined by NACIS 722514.
 - E. **Class 5:** Institutions (schools, hospitals, prisons, etc.) as defined by NACIS 722310 but not to exclude self-run operations.
- iii. Grease, Brown. Fats, oils, and grease are discharged to the grease control equipment.
 - iv. Grease, Yellow. Fats, oils, and grease that have not been in contact with or contaminated from other sources such as water, wastewater, solid waste and can be readily recycled.
 - v. Grease Control Equipment. A device for separating and retaining wastewater fats, oils, and grease prior to the wastewater exiting the food service establishment property and entering the sanitary sewer system. Grease control equipment includes grease traps and grease interceptors, or other devices approved by the General manager or designated department personnel.
 - vi. Grease Interceptor. An interceptor whose rated flow exceeds fifty (50) gallons per minute (g.p.m.) and is located outside the building.
 - vii. Grease Trap. An interceptor whose rated flow is fifty (50) g.p.m. or less and is typically located inside the building.
 - viii. Grease Recycle Container. A container used for the storage of yellow grease for recycling.
 - ix. Interceptor. A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous, or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity flow.
 - x. Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the sanitary sewer collection operation, the treatment processes or operations, or the sludge processes, use or disposal, or exceeds the design capacity of the treatment works or collection system.
 - xi. Tee (influent & effluent). A T-shaped pipe attached to the horizontal influent and effluent pipes of a grease interceptor and extending downward into the trap to depths specified by design which on the influent side forces influent flow into the center of the trap and prevents floating FATS, OILS AND GREASE from escaping the effluent pipe.
 - xii. Black water. Wastewater containing human waste from sanitary fixtures such as toilets and urinals.
 - xiii. Gray water. Refers to all other wastewater other than black water.

(b) Discharge fats, oils, and grease. “No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation and performance of the Wastewater Facility. Prohibited discharges include, “Any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two (32) or one hundred fifty degrees (150°) F or (0 to 65° C).

(c) Interference with the sanitary sewer system operations. Any user who discharges animal fat, vegetable fat, oil, grease, flushable wipes, non-flushable wipes, food waste, sand, and soil, in the volume or form which interferes with the operation of the sanitary sewer system may be subject to enforcement actions as specified in Chapter 18-110 of this Ordinance and may be billed for cleanup charges incurred by the department when that user’s discharge causes operation and maintenance problems in the sanitary sewer system such as blockages, backups, overflows, interruption of service, excessive fats, oils, grease and rags accumulation in lift stations and pipes, and other fats, oils and grease related problems that are tracked to that user’s discharge.

(d) Control of fats, oils, grease.

- i. All existing and new food service establishments shall effectively control the discharge of fats, oils, and grease into the sanitary sewer system. A Class 1 food service establishment may do this using Restaurant Industry best management practices such as those published by the National Restaurant Association. If best management practices fail to prevent sanitary sewer system interferences Class 1 food service establishments shall install grease control equipment as specified in 18-109 (e) (f), or by the general manager.
- ii. All new Class 2-5 food service establishments shall install grease control equipment in sizes specified in 18-109 (e) (f), or by the general manager and properly maintain that equipment in such a way to prevent interference with the sanitary sewer system.
- iii. Existing food service establishments that do not meet these minimum sizes may continue to use existing grease control equipment and/or best management practices if the discharge from the food service establishment is not interfering with the sanitary sewer system and the general manager gives written permission stating that the current grease control equipment and practices are preventing interference with the sanitary sewer system. Upon written notice from the general manager that the existing grease control equipment or best management practices are inadequate to protect the sanitary sewer system from interference, the food service establishment shall have 60 days to install additional grease control equipment to prevent fats, oils, and grease interference with the sanitary sewer system.
- iv. All food service establishments with grease control equipment shall maintain records of cleaning and maintenance of that equipment. Records include at a minimum the date of cleaning or maintenance, company or person conducting the cleaning or maintenance, and the amount of grease and water removed from the equipment. A grease waste hauler completed manifest will meet this requirement.
- v. Yellow grease such as fryer oil, shall not be discharged into the grease control equipment or into stormwater conveyances. The use of yellow grease recycling containers is

- required.
- vi. Owners of commercial property will be held responsible for wastewater discharges from food service establishment leaseholders on their property.
 - vii. All food service establishments shall provide access to department utility personnel (after proper identification) for the purpose of inspection of grease control equipment, kitchen equipment and practices, and any cleaning and drain remediation products which relate to the wastewater and fats, oils, and grease discharge.

(e) Grease Control Equipment

- i. The minimum acceptable size of grease control equipment is as follows. The general manager may require larger sizes.
 - a. Class 1: 20 g.p.m./40 lbs. grease trap.
 - b. Class 2: 500-gallon grease interceptor.
 - c. Class 3 1,000-gallon grease interceptor.
 - d. Class 4: 1,500-gallon grease interceptor.
 - e. Class 5 2,000-gallon grease interceptor.
- ii. Any food service establishment either new or existing that is found by the general manager to be interfering with the sanitary sewer system will be asked to install grease control equipment that is larger than the minimum size and take other steps to stop that interference.
- iii. Existing food service establishments that do not meet these minimum sizes may continue to use existing grease control equipment and/or best management practices if the discharge from the food service establishment is not interfering with the sanitary sewer system and the general manager gives written permission stating that the current grease control equipment and practices are preventing interference with the sanitary sewer system. Upon written notice from the general manager that the existing grease control equipment or best management practices are inadequate to protect the sanitary sewer system from interference, the food service establishment shall have sixty (60) days to install additional grease control equipment to prevent fats, oils, and grease interference with the sanitary sewer system.
- iv. Additionally, food service establishments that discharge the water from dishwashing machines through a grease interceptor shall install a grease control equipment which is larger than the minimum to allow for cooling of the discharge and thereby prevent discharge of fats, oils, and grease into the sanitary sewer system.

(f) Installation of grease control equipment.

- i. Owners/users are responsible for installation of the grease control equipment.
- ii. Grease traps shall be installed according to the requirements in 18-109 (e)(f).
- iii. Grease interceptors shall be substantially similar to sample drawings available from the water department.
- iv. Tanks must be watertight and protected from rainwater inflow and infiltration.
- v. Two access manholes with a minimum of 24" diameter shall be provided, one directly over the influent pipe and Tee and one directly over the effluent pipe and Tee.
- vi. Influent and effluent pipes shall be 4" or larger PVC Schedule 40 or stronger.
- vii. Influent and effluent pipes shall be equipped with Tee fittings properly positioned as follows. Influent flow shall be directed downward, and the Tee shall terminate 24 inches below the water surface. Effluent Tee shall block all surface grease and terminate 12" above the bottom of the unit.

viii. The tank shall be constructed to have two compartments. Two thirds of the volume shall be in the influent side and one third on the effluent side. A solid baffle wall shall extend from the bottom to within 6” of the top and shall be equipped with a 6” elbow installed in the baffle wall withdrawing flow from the influent side of the unit at a depth of 12” from the bottom.

ix. Manhole covers shall be of materials and strength to withstand expected surface loads and secured to prevent accidental entry.

x. Interceptors shall be located for effective cleaning and not blocked by structures or landscaping.

xi. Interceptor sizes greater than 2,500 gallons shall be served by two tanks installed in series.

(g). Maintenance of grease control equipment.

i. Owners/users are responsible for maintenance of the grease control equipment.

ii. Grease traps should be cleaned once every two weeks, or sometimes more often, if the combined depth of fats, oils and grease and solids exceed 50% of the trap.

iii. Grease Interceptors shall be pumped when the layer of fats, oils and grease and settled solids combined reaches 25% of the tank depth.

iv. When grease interceptors are pumped, the entire contents, fats, oils, and grease layer, settled solids and water shall be fully removed. No water may be returned to the tank.

v. Interceptors shall be inspected for deterioration and damage by the waste grease hauler each time the unit is cleaned.

vi. Deteriorated or damaged tanks shall be repaired or replaced within 60 days of notice of such conditions.

(h). Additives.

i. Additives include but are not limited to products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes, and bacteria. They may be inorganic or organic in origin.

ii. The use of additives is prohibited with the following exceptions:

A. Additives may be used to clean food service establishment drain lines but only in such quantities that will not cause fats, oils, and grease to be discharged from the grease control equipment to the sanitary sewer or cause temporary breakdown of the fats, oils and grease that will later re-congeal in the downstream sewer pipes.

B. If a product used can be proven to contain 100% live bacteria, with no other additives, a request for permission to use the product shall be made to the pretreatment coordinator. The request must be submitted in writing with a full disclosure Safety Data Sheet (SDS) and a certified statement from the manufacturer.

(i). Implementation. This ordinance empowers the general manager to adopt reasonable operating policies to facilitate the implementation of this ordinance. These policies may include but are not limited to: food service establishment inspections, grease control equipment sizing

and maintenance, food service establishment wastewater discharge testing and monitoring, approval or disapproval of grease control equipment servicing vendors (Grease Waste Haulers), permitting of food service establishment's, and other operating policies needed to protect the sanitary sewer system from interference from fats, oils and grease.

(j). Fees. This ordinance empowers the Lewisburg Water and Wastewater Board to establish fees (through a separate fee resolution) to offset costs associated with the implementation of this ordinance. Fees include inspection fees, permitting fees, septic discharge fees, surcharge fees for high strength discharges, cleanup fees associated with fats, oils, grease, flushable wipes, food waste and sand cleanup within the sanitary sewer system, and other fees necessary for implementation of this ordinance.

(k). Permitting. The department may use food service establishment permits as a way of implementing this ordinance and may further require the permitting or certification of grease control equipment service and pumping vendors.

(l) Wipes; flushable or non-flushable. Wipes; flushable and non-flushable shall not be discharged into the public sewer. Wipes sold as "flushable" will never decompose in the collection system. The wipes will collect in the lines and equipment used to convey wastewater causing blockages, obstruction, and overflows in the collection system. Everyone shall dispose of "flushable" wipes in collection containers (trash can) and dispose of them with other trash.

(m) Sand, Soil and Oil. All car washes, truck washes, garages, service stations, and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors when directed by the POTW. These interceptors shall be sized to effectively remove sand, soil, and oil at the proper flow rates. These interceptors shall be cleaned on a regular basis to prevent impact upon the POTW. Owners whose interceptors are deemed to be ineffective by the Control Authority may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners and operators of washing facilities shall prevent the inflow of rainwater into the sanitary sewer.

(n) Laundries. When directed by the Control Authority commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the POTW of solids one-half-inch or larger in size such as strings, rags, buttons, or other solids detrimental to the POTW.

18-110. Enforcement and abatement. Violators of these Wastewater Regulations may be cited to city court, general sessions court, chancery court, or other court of competent jurisdiction face fines, have sewer service terminated or the water department may seek further remedies as needed to protect the collection system, treatment plant, receiving stream and public health including the issuance of discharge permits according to Chapter 2. Repeated or continuous violation of this ordinance is declared to be a public nuisance and may result in legal action against the property owner and/or occupant and the service line disconnected from sewer main. Upon notice by the general manager that a violation has or is occurring, the user shall immediately take steps to stop or correct the violation. The water department may take any or all the following remedies:

- (1) Cite the user to city or general sessions court, where each day of violation shall

constitute a separate offense.

(2) In an emergency where the general manager has determined that immediate action is needed to protect the public health, safety or welfare, a public water supply or the facilities or workers of the sewerage system, the general manager may discontinue water service or disconnect sewer service.

(3) File a lawsuit in chancery court or any other court of competent jurisdiction seeking damages against the user, including if applicable legal costs, and further seeking an injunction prohibiting further violations by user.

(4) Seek further remedies as needed to protect the public health, safety or welfare, the public water supply, or the facilities of the sewerage system.

(5) The remedies provided for in this ordinance are not exclusive. The General Manager may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the Lewisburg Water and Wastewater department's enforcement response plan. However, the General Manager may take other action against any User when the circumstances warrant. Further, the General Manager is empowered to take more than one enforcement action against any noncompliant User.

CHAPTER 2

INDUSTRIAL/COMMERCIAL WASTEWATER REGULATIONS

SECTION

- 18-201. Industrial Pretreatment.
- 18-202. National Categorical Pretreatment Standards
- 18-203. Discharge Permits.
- 18-204. Industrial user additional requirements.
- 18-205. Reporting Requirements.
- 18-206. Enforcement response plan.
- 18-207. Enforcement response guide table.
- 18-208. Fees and billing.
- 18-209. Validity.

18-201. Industrial Pretreatment. In order to comply with Federal Industrial Pretreatment Rules 40 CFR 403 and Tennessee Pretreatment Rules 0400-40-14 and to fulfill the Purpose and Policy of this ordinance the following regulations are adopted.

- (1) National Categorical Pretreatment Standards.
- (2) User discharge restrictions. All system users must follow the General and Specific discharge regulations specified in Section 109 of this ordinance.
- (3) Users wishing to discharge pollutants at higher concentrations than Table A Plant Protection Criteria of Section 109, or those dischargers who are classified as Significant Industrial Users will be required to meet the requirements of this Chapter. Users who discharge waste which falls under the criteria specified in this Chapter and who fail to or refuse to follow the provisions shall face termination of service and/or enforcement action specified in Section 18-206 and 18-207.
- (4) Discharge regulation. Discharges to the sewer system may be regulated through use of a permitting system. The permitting system may include any or all of the following activities: completion of survey/application forms, issuance of permits, oversight of users monitoring and permit compliance, use of compliance schedules, inspections of industrial processes, wastewater processing, and chemical storage, public notice of permit system changes and public notice of users found in significant noncompliance.
- (5) Discharge Permits shall limit concentrations of discharge pollutants to those levels that are established as Local Limits, Table B or other applicable Local, State and Federal pretreatment rules which may be in effect or take effect after the passage of this ordinance.

18-202. National Categorical Pretreatment Standards
Users must comply with the categorical Pretreatment Standards for new and existing sources set out in 40 CFR Chapter I, Subchapter N, Parts 405-471 and shall serve as the minimum requirements.

- a) Where a categorical Pretreatment Standard is expressed in terms of either the mass or the concentration of a pollutant in wastewater, the Control Authority may impose equivalent concentration or mass limits in accordance with 18-202 (e)(f) as allowed at 40 CFR 403.6(c).
- b) When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Control Authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to the individual Industrial Users as allowed

at 40 CFR 403.6(c) (2).

c) When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Control Authority shall impose an alternate limit in accordance with Tennessee Rule 1200-4-14-.06(5).

d) A CIU may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraphs of this Section as allowed at 40 CFR 403.15. (i) Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the department. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e. adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (ii) of this Section are met.

(ii) Criteria

(a) Either (1) The applicable categorical Pretreatment Standards contained in 40 CFR, Chapter I, subchapter N specifically provide that they shall be applied on a net basis; or (2) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in absence of pollutants in the intake waters.

(b) Credit for generic pollutants such as biochemical oxygen demand (BOD5), total suspended solids (TSS), and oil and grease shall not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

(c) Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring (at the person's, applying for credit, expense) may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.

(d) Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The General Manager may waive this requirement if it finds that no environmental degradation will result.

(e) When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the General Manager convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Control Authority. The General Manager may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 18-202(e)(i)(a) through 18.202(e)(i)(e) below.

(i) To be eligible for equivalent mass limits, the Industrial User must:

(a) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge or general permit;

(b) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;

(c) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

(d) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and

(e) Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

(ii) An Industrial User subject to equivalent mass limits must:

(a) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

(b) Continue to record the facility's flow rates through the use of a continuous flow monitoring device;

(c) Continue to record the facility's production rates and notify the Control Authority whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 18-202(e)(i)(c) of this Section. Upon notification of a revised production rate, the Control Authority will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

(d) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 18-202(e)(i)(a) of this Section as long as it discharges under an equivalent mass limit.

(iii) When developing equivalent mass limits, the Control Authority:

(a) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;

(b) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

(c) May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 18-109(4). The Industrial User must also be in compliance with Section 18-204(9) regarding the prohibition of bypass.

(f) The Control Authority may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Control Authority. When converting such limits, the Control Authority will use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited in Section 18-109(4) of this ordinance (see 40 CFR 403.6(d)). In addition, the Control Authority will document how the equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available (see 40 CFR 403.6(c)(7)).

(g) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section 18-202 in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.

(h) Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second for calculating Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be

used in calculating both the average and the maximum equivalent limitation.

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

Table B – Local Limits**

Pollutant	Monthly Maximum Concentration (mg/l)	Average* Concentration	Daily Maximum Concentration (mg/l)
Arsenic			
Benzene			
Cadmium			
Carbon Tetrachloride			
Chloroform			
Chromium, Total			
Copper			
Cyanide			
Ethylbenzene			
Lead			
Mercury			
Methylene Chloride			
Naphthalene			
Nickel			
Phenol			
Selenium			
Silver			
Tetrachloroethylene			
Toluene			
Total Phthalate			
Trichloroethylene			
1,1,1-Trichloroethane			
1,2 Trans dichloroethylene			
Zinc			

*Based on 24-hour flow proportional composite samples unless specified otherwise.

**Numeric values are on file in the office of the pretreatment coordinator

(6) Surcharge threshold and maximum concentration. Dischargers of high strength waste may be subject to surcharges based on the following surcharge thresholds. Maximum concentrations may also be established for other parameters.

Table C-Surcharge Thresholds

<u>Parameter</u>	<u>Surcharge Threshold**</u>	<u>Maximum Concentration**</u>
Total Kjeldahl Nitrogen (TKN)		
Oil & Grease		
MBAS		
BOD		
COD		
Suspended Solids		
Ammonia		

**Numeric values are on file in the office of the pretreatment coordinator

(7) Protection of treatment plant influent. The pretreatment coordinator shall monitor the treatment works influent for each parameter in Table A - Plant Protection Criteria. Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the wastewater facility reaches or exceeds the levels established by Table A or subsequent criteria calculated as a result of changes in pass through limits issued by the Tennessee Department of Environment and Conservation, the pretreatment coordinator shall initiate technical studies to determine the cause of the influent violation and shall recommend to the water department the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised local limits, best management practices, or other criteria used to protect the wastewater facility. The pretreatment coordinator shall also recommend changes to any of these criteria in the event that: the wastewater facility effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the wastewater facility.

(8) User inventory. The pretreatment coordinator will maintain an up-to-date inventory of users whose waste does or may fall into the requirements of this Chapter and will notify the users of their status.

(9) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the pretreatment coordinator from establishing specific wastewater discharge criteria which are more restrictive when wastes are determined to be harmful or destructive to the facilities of the wastewater facility or to create a public nuisance, or to cause the discharge of the wastewater facility to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the wastewater facility resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Environment and Conservation and/or the United States Environmental Protection Agency.

(10) Combined wastestream formula. When wastewater subject to categorical

Pretreatment Standards is mixed with wastewater not regulated by the same Standard, the permitting authority may impose an alternate limit using the combined wastestream formula.

18-203. Discharge permits.

(1) Application for discharge of commercial or industrial wastewater. All users or prospective users which generate commercial or industrial wastewater shall make an application to the pretreatment coordinator for connection to the municipal wastewater treatment system. It may be determined through the application that a user needs a discharge permit according to the provisions of federal and state laws and regulations. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service or where there is a planned change in the industrial or wastewater treatment process. Connection to the water department sewer or changes in the industrial process or wastewater treatment process shall not be made until the application is received and approved by the pretreatment coordinator, the building sewer is installed in accordance with section 18-106 of this ordinance and an inspection has been performed by the general manager or his representative.

The receipt by the water department of a prospective customer's application for connection shall not obligate the water department to render the connection. If the service applied for cannot be supplied in accordance with this chapter and the water department's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the water department or the city to the applicant for such service.

(2) Industrial wastewater discharge permits.

(a) General requirements. All industrial users proposing to connect to or to contribute to the wastewater facility shall apply for service and apply for a discharge permit before connecting to or contributing to the wastewater facility. All existing industrial users connected to or contributing to the wastewater facility may be required to apply for a permit within 180 days after the effective date of this chapter.

(b) Applications. Applications for wastewater discharge permits shall be required as follows:

(i) Users required by the general manager to obtain a wastewater discharge permit shall complete and file with the pretreatment coordinator an application on a prescribed form accompanied by the appropriate fee.

(ii) The application shall be in the prescribed form of the water department and shall include, but not be limited to the following information: name, address, and SIC/NAICS number of applicant; wastewater volume; wastewater constituents and characteristic, including but not limited to those mentioned in Section 18-109, 18-201 and 18-205-1(b)(i-v). Discharge variations -- daily, monthly, seasonal and 30 minute peaks; a description of all chemicals handled on the premises, each product produced by type, amount, process or processes and rate of production, type and amount of raw materials, number and type of employees, hours of operation, site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the pretreatment coordinator.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit submit plans, specifications, and other pertinent information relative to the proposed construction to the pretreatment coordinator for approval. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the water department under the provisions of this chapter.

(iv) If additional pretreatment and/or operations and maintenance are required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this paragraph, "pretreatment standard," shall include either a national pretreatment standard or a pretreatment standard imposed by this chapter.

(v) The water department will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the water department may issue a wastewater discharge permit subject to the terms and conditions provided herein.

(vi) The receipt by the water department of a prospective customer's application for wastewater discharge permit shall not obligate the water department to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the water department's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the water department/city to the applicant of such service.

(vii) The pretreatment coordinator will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the pretreatment coordinator that the application is deficient, and the nature of such deficiency will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such an extended period as allowed by the local administrative officer, the local administrative officer shall deny the application and notify the applicant in writing of such action.

(viii) The duly authorized representative shall sign applications.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the water department.

(i) Permits shall contain the following:

(a) Statement of duration, 18-203-3(c)

(b) Provisions of transfer, 18-203-3(d)

(c) Effluent limits, including best management practices, based on applicable pretreatment standards in this Chapter, State Rules, categorical pretreatment standards, local, state, and federal laws.

(d) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an

identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;

(e) Statement of applicable civil and criminal penalties for violations of pretreatment standards and the requirements of any applicable compliance schedule. Such schedules shall not extend the compliance date beyond the applicable federal deadlines;

(f) Requirements to control slug discharges, if determined by the wastewater facility to be necessary;

(g) Requirement to notify the wastewater facility immediately if changes in the users' processes affect the potential for a slug discharge.

(ii) Additionally, permits may contain the following:

(a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(b) Requirements for installation and maintenance of inspection and sampling facilities;

(c) Compliance schedules;

(d) Requirements for submission of technical reports or discharge reports;

(e) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the water department, and affording water department access thereto;

(f) Requirements for notification of the water department sixty (60) days prior to implementing any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system, and of any changes in industrial processes that would affect wastewater quality or quantity;

(g) Prohibition of bypassing pretreatment or pretreatment equipment;

(h) Effluent mass loading restrictions;

(3) Prohibited connections. No person shall make connections of roof downspouts, sump pumps, basement wall seepage, or floor seepage, exterior foundation drains, area way drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connections which already exist on the effective date of this ordinance shall be completely and permanently disconnected within sixty (60) days of the effective day of this ordinance. The owners of any building sewer having such connections, leaks, or defects shall bear all the costs for removal of such sources. Pipes, sumps, and pumps for such sources of ground water shall be separated from the sanitary sewer.

(a) Other conditions as deemed appropriate by the water department to ensure compliance with this chapter.

(b) Permit modification. The terms and conditions of the permit may be subject to modification by the pretreatment coordinator during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any

proposed changes to their permit at least 60 days prior to the effective date of change. Except in the case where federal deadlines are shorter, in which case the federal rule must be followed. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(c) Permit duration. Permits shall be issued for a specified period, not to exceed five (5) years. A permit may be issued for a period of less than a year or may be stated to expire on a specific date. The user shall apply for permit renewal a minimum of ninety (90) days prior to the expiration of the user's existing permit.

(d) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the prior written approval of the Local Administrative Officer. The permittee must give at least thirty (30) days' advance notice to the POTW. The notice to the POTW that the new owner or operator has no immediate intent to change the facility's operation and processes;

(i) Identifies the specific date on which the transfer is to occur; and

(ii) Acknowledges full responsibility for complying with the existing permit.

(4) Revocation of permit. Any permit issued under the provisions of this chapter is subject to be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

(i) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.

(ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.

(iii) A change in:

(A) Any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

(B) Strength, volume, or timing of discharges;

(C) Addition or change in process lines generating wastewater.

(iv) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

(5) Confidential information. All information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspection shall be available to the public or any governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the pretreatment coordinator that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the users.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to governmental agencies for use; related to this chapter or the water department's or user's NPDES permit. Provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and

characteristics will not be recognized as confidential information.

Information accepted by the pretreatment coordinator as confidential shall not be transmitted to any governmental agency or to the general public by the pretreatment coordinator until and unless prior and adequate notification is given to the user.

18-204. Industrial user additional requirements.

(1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users. A monitoring facility shall be a utility access point or other suitable facility approved by the pretreatment coordinator.

When in the judgment of the pretreatment coordinator, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user the pretreatment coordinator may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If sampling or metering equipment is also required by the pretreatment coordinator, it shall be provided and installed at the user's expense.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The pretreatment coordinator may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(2) Sample methods. All samples collected and analyzed pursuant to this regulation shall be conducted using protocols (including appropriate preservation) specified in the current edition of 40 CFR 136 and appropriate EPA guidance. Multiple grab samples collected during a 24-hour period may be composited prior to the analysis.

(3) Representative sampling and housekeeping. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measuring facilities shall be properly operated, kept clean, and in good working order at all times. The failure of the User to keep its monitoring facilities in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

(4) Proper operation and maintenance. The user shall at all times properly operate and maintain the equipment and facilities associated with spill control, wastewater collection, treatment, sampling, and discharge. Proper operation and maintenance include adequate process control as well as adequate testing and monitoring quality assurance.

(5) Right of Entry: Inspection and sampling. The General Manager or his/her designated water department employee shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge permit or order issued hereunder. Users shall allow ready access to all parts of the premises for the purpose of inspection, sampling, records examination and copying, and the performance of any additional duties.

(i) Where a User has security measures in force which require proper identification

and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the General Manager or his/her water department representative shall be permitted to enter without delay for the purposes of performing specific responsibilities.

(ii) The General Manager or his/her water department representative shall have the right to set up on the User's property, or required installation of, such devices as are necessary to conduct sampling and/or metering of the User's operation.

(iii) The General Manager or his/her water department representative may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure accuracy.

(iv) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the General Manager or his/her representative and shall not be replaced. The cost of clearing such access shall be born by the User.

(v) Unreasonable delays in allowing the General Manager or his/her representative access to the User's premises shall be a violation of this ordinance.

(6) Safety. While performing the necessary work on private properties, the pretreatment coordinator or duly authorized employees of the water department shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the water department employees and the water department shall indemnify the company against loss or damage to its property by water department employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(7) New sources. New sources of discharges to the wastewater facility shall have in full operation all pollution control equipment at startup of the industrial process and be in full compliance of effluent standards within ninety (90) days of startup of the industrial process.

(8) Slug discharge evaluations. Evaluations will be conducted of each significant industrial user according to the state and federal regulations. Where it is determined that a slug discharge control plan is needed, the user shall prepare that plan according to the appropriate regulatory guidance.

(9) Bypass of Treatment Facilities and the Control Authority may take enforcement action against the permittee for a bypass, unless;

- i. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- ii. There is no feasible alternative to the bypass, including 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 preventative maintenance; and
- iii. The permittee properly notified the Control Authority as required.

iv. The Control Authority may approve an anticipated bypass, after considering its effects, if the Control Authority determines that it will meet the above conditions.

(10) Accidental discharges or slug discharges.

(a) Protection from accidental or slug discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental or slug discharge into the wastewater facility of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. Detailed plans showing the facilities and operating procedures shall be submitted to the pretreatment coordinator before the facility is constructed.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

(b) Notification of accidental discharge or slug discharge. Any person causing or suffering from any accidental discharge or slug discharge shall immediately notify the pretreatment coordinator in person, or by the telephone to enable countermeasures to be taken by the pretreatment coordinator to minimize damage to the wastewater facility, the health and welfare of the public, and the environment.

This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence.

Such notification shall not relieve the user of liability for any expense, loss, or damage to the wastewater facility, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or state or federal law.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

18-205. Reporting requirements. Users, whether permitted or non-permitted, may be required to submit reports detailing the nature and characteristics of their discharges according to the following subsections. Failure to make a requested report in the specified time is a violation subject to enforcement actions under Section 18-205.

(1) Baseline monitoring report.

(a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under Tennessee Rule 0400-40-14-.06(1)(d), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the wastewater facility shall submit to the general manager a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical Standard, shall submit to the general manager a

report which contains the information listed in paragraph (b), below. A new source shall report on the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Users described above shall submit the information set forth below.

(i) Identifying Information. The username, address of the facility including the name of operators and owners.

(ii) Permit Information. A listing of any environmental control permits held by or for the facility.

(iii) Description of operations. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) conducted by such User. This description should include a schematic process diagram, which indicates points of discharge to the wastewater facility from the regulated processes.

(iv) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula.

(v) Measurement of pollutants.

(A) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.

(B) The results of sampling and analysis identify the nature and concentration, and/or mass, where required by the standard or by the general manager, of regulated pollutants in the discharge from each regulated process.

(C) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.

(D) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in 40 CFR 136 and amendments, unless otherwise specified in an applicable categorical standard. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the general manager or the applicable standards to determine compliance with the standard.

(E) The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

(F) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula to evaluate compliance with the pretreatment standards.

(G) Sampling and analysis shall be performed in accordance with 40 CFR 136 or other approved methods;

(H) The general manager may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

(I) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the wastewater facility.

(c) Compliance certification. A statement, reviewed by the user's duly authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(d) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 204(2) of this ordinance.

(e) Signature and report certification. All baseline monitoring reports must be certified in accordance with section 204(14) of this ordinance and signed by the duly authorized representative.

(2) Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by section 204(1)(d) of this ordinance:

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing, and completing construction, and beginning and conducting routine operation)

(b) No increment referred to above shall exceed nine (9) months,

(c) The user shall submit a progress report to the general manager no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule,

(d) In no event shall more than nine (9) months elapse between such progress reports to the general manager.

(3) Reports on compliance with categorical pretreatment standard deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the wastewater facility, any user subject to such pretreatment standards and requirements shall submit to the general manager a report containing the information described in section 204(1)(b)(iv) and (v) of this ordinance. For

all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection 14 of this section. All sampling will be done in conformance with subsection 11.

(4) Periodic compliance reports.

(a) All significant industrial users must, at a frequency determined by the general manager submit no less than twice per year (April 15 and October 15) reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the general manager or the pretreatment standard necessary to determine the compliance status of the user.

(b) All periodic compliance reports must be signed and certified in accordance with this ordinance.

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

(d) If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the general manager, using the procedures prescribed in subsection 11 of this section, the results of this monitoring shall be included in the report.

(5) Reports of changed conditions. Each user must notify the general manager of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.

(a) The pretreatment coordinator may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 201 of this chapter.

(b) The pretreatment coordinator may issue an individual wastewater discharge permit under section 18-202 of this chapter or modify an existing wastewater discharge permit under section 18-202 of this chapter in response to changed conditions or anticipated changed conditions.

(6) Report of potential problems.

(a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, which might cause potential problems for the POTW, the User shall immediately telephone and notify the general manager of the incident. This notification shall include the location of the discharge, type of

waste, concentration, and volume, if known, and corrective actions taken by the user.

(b) Within five (5) days following such discharge, the user shall, unless waived by the general manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the wastewater facility, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees who could cause such a discharge to occur, are advised of the emergency notification procedure.

(d) Significant industrial users are required to notify the general manager immediately of any changes at its facility affecting the potential for a slug discharge.

- (7) Reports from unpermitted users. All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the general manager as the general manager may require determining users' status as non-permitted.
- (8) Notice of violations/repeat sampling and reporting. Where a violation has occurred, another sample shall be conducted within 30 days of becoming aware of the violation, either a repeat sample or a regularly scheduled sample that falls within the required time period. If sampling performed by a user indicates a violation, the user must notify the pretreatment coordinator within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the general manager within thirty (30) days after becoming aware of the violation. Resampling by the industrial user is not required if the water department performs sampling at the user's facility at least once a month, or if the water department performs sampling at the user's facility between the time when the initial sampling was conducted and the time when the user or the water department receives the results of this sampling, or if the Water department has performed the sampling and analysis in lieu of the industrial user.
- (9) Notification of the discharge of hazardous waste.
- (a) Any user who commences the discharge of hazardous waste 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. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the

notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph needs to be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under section 204(5) of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 18-204 (1), (3), and (4) of this chapter.

(b) Dischargers are exempt from the requirements of paragraph (a), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the general manager, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued there under, or any applicable federal or state law.

(10) Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the general manager or other parties approved by EPA.

(11) Sample collection. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring

during the reporting period.

(a) Except as indicated in sections (b) and (c) below, the user must collect wastewater samples using twenty-four-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the general manager. Where time-proportional composite sampling or grab sampling is authorized by the water department, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the water department, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(c) For sampling required in support of baseline monitoring and 90-day compliance reports required in Subsections (1) and (3) of this section, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the general manager may authorize a lower minimum. For the reports required by subsection (4) of this section, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(12) Date of receipt of reports. Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, the date of receipt of the report shall govern.

(13) Recordkeeping. Users subject to the reporting requirements of this ordinance shall 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 established under section 202. 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 the water department, or where the user has been specifically notified of a longer retention period by the general manager.

(14) Lewisburg Water and Wastewater may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any

increase in the pollutant due to activities of the Industrial User. 40 CFR 403.12(e)(2) This authorization is subject to the following conditions:

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

(2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.

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

(4) The request for a monitoring waiver must be signed in accordance with 18-103(4), and include the certification statement in 18-205 15(i) (40 CFR 403.6(a)(2)(ii)).

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

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

(7) Upon approval of the monitoring waiver and revision of the User's permit by the General Manager, the Industrial User must certify on each report with the statement in 18-205 14(iv) below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.

(8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of 18-205 (4)(a), or other more frequent monitoring requirements imposed by the General Manager, and notify the department.

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

(15) Certification statements.

(i) Signature and certification. ***ALL*** reports associated with compliance with the pretreatment program shall be signed by the duly authorized representative and shall have the following certification statement attached:

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

and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Reports required to have signatures and the above certification statement include, permit applications, periodic reports, compliance schedules, baseline monitoring, reports of accidental or slug discharges, and any other written report that may be used to determine water quality and compliance with local, state, and federal requirements.

(ii) Annual Certification by Non-Significant Categorical Industrial Users

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR chapter I, subpart N, I certify that, to the best of my knowledge and belief that during the period from *(m,d,y)*, to *(m,d,y)*.

- a) The facility described as *(facility name)*, met the definitions of a Non-Significant Categorical Industrial User as described in paragraph (1) of Rule 0400-40-14-.03.
- b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
- c) The facility never discharged more than one hundred (100) gallons of total categorical wastewater on any given day during this reporting period.

(iii) Total Toxic Organic Declarative Statement

“Based on my inquiry of the permit or persons directly responsible for managing compliance with the pretreatment standard for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing of the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the Control Authority.”

(iv) Monitoring Waiver Statement

Users that have an approved monitoring waiver must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the permittee.

“Based on my inquiry of the person directly responsible for managing compliance with the pretreatment standard for 40 CFR Part 433, I certify that, to the best of my knowledge and belief, there has been no increase in the level of (List Contaminant) in the wastewaters due to the activities at the facility since filing of the last periodic report under 40 CFR 403.12(e)(1).”

(v) No Discharge Statement (if there has been “no discharge” from the facility)

A no discharge statement must accompany each Semi-Annual report as follows:

“There has been no discharge of process wastewater or categorical wastewater from outfall *(number)* of *(facility name)*, since the last Semiannual report.

18-206. Enforcement response plan. Under the authority of Tennessee Code Annotated, § 69-3-123 et. seq.

(1) Complaints; notification of violation; orders.

(i) Whenever the local administrative officer has reason to believe that a violation of any provision of the Lewisburg Wastewater Regulations, pretreatment program, or of orders of the local hearing authority issued under it has occurred, is occurring, or is about to occur, the local administrative officer may cause a written complaint to be served upon the alleged violator or violators.

(ii) The complaint shall specify the provision or provisions of the pretreatment program or order alleged to be violated or about to be violated and the facts alleged to constitute a violation, may order that necessary corrective action be taken within a reasonable time to be prescribed in the order, and shall inform the violators of the opportunity for a hearing before the local hearing authority.

(iii) Any such order shall become final and not subject to review unless the alleged violators request by written petition a hearing before the local hearing authority as provided in section 205(2), no later than thirty (30) days after the date the order is served; provided, that the local hearing authority may review the final order as provided in Tennessee Code Annotated, 69-3-123(a)(3).

(iv) Notification of violation. Notwithstanding the provisions of subsections (i) through (iii), whenever the pretreatment coordinator finds that any user has violated or is violating this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirements, the water department or its agent may serve upon the user a written notice of violation. Within thirty (30) days of the receipt of this notice, the user shall submit to the pretreatment coordinator an explanation of the violation and a plan for its satisfactory correction and prevention including specific actions. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section limits the authority of the water department to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(v) When the local administrative officer finds that a user has violated or continues to violate this chapter, wastewater discharge permits, any order issued hereunder, or any other pretreatment standard or requirement, he/she may issue one of the following administrative orders. These orders are not prerequisite to taking any other action against the user.

(A) Compliance order. An order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the specified time, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation.

(B) Cease and desist order. An order to the user directing it to cease all such violations and directing it to immediately comply with all requirements and take needed remedial or preventive action to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. This order will be used in situations where the discharge is causing interference, pass through, environmental harm, or

otherwise creating an emergency. This order may be given verbally with a written order to be served by the department before the close of business on the next business day. If the user fails to comply, the department may take independent action to halt the discharge.

(C) Consent order or Agreed Order. Assurances of voluntary compliance, or other documents establishing an agreement with the user responsible for noncompliance and the department. This order is appropriate when the user assumes responsibility for its noncompliance and is willing to correct the causes. This order includes specific action to be taken by the user to correct the noncompliance. This order contains the following elements, not limited to: (1) compliance schedules with specific milestone dates; (2) stipulated penalties, damages, and/or remedial actions; and (3) signature by the Director or the User representative.

(D) Emergency order.

(1) Whenever the local administrative officer finds that an emergency exists imperatively requiring immediate action to protect the public health, safety, or welfare, the health of animals, fish or aquatic life, a public water supply, or the facilities of the wastewater facility, or workers of the wastewater facility, the local administrative officer may, without prior notice, issue an order reciting the existence of such an emergency and requiring that any action be taken as the local administrative officer deems necessary to meet the emergency. This emergency authority applies to either permitted, non-permitted, commercial, or residential users.

(2) If the violator fails to respond or is unable to respond to the order, the local administrative officer may take any emergency action as the local administrative officer deems necessary, or contract with a qualified person or persons to conduct the emergency measures. The local administrative officer may assess the person or persons responsible for the emergency condition for actual costs incurred by the water department in meeting the emergency.

(vi) Appeals from orders of the local administrative officer.

(A) Any user affected by any order of the local administrative officer in interpreting or implementing the provisions of this chapter may file with the local administrative officer a written request for reconsideration within thirty (30) days of the order, setting forth in detail the facts supporting the user's request for reconsideration.

(B) If the ruling made by the local administrative officer is unsatisfactory to the person requesting reconsideration, he may, within thirty (30) days, file a written petition with the local hearing authority as provided in subsection (2). The local administrative officer's order shall remain in effect during the period of reconsideration.

(C) Except as otherwise expressly provided, any notice, complaint, order, or other instrument issued by or under authority of this section may be served on any named person personally, by the local administrative officer or any person designated by the local administrative

officer, or service may be made in accordance with Tennessee statutes authorizing service of process in civil action. Proof of service shall be filed in the office of the local administrative officer.

(2) Hearings.

(a) Any hearing or rehearing brought before the local hearing authority shall be conducted in accordance with the following, Under the authority of Tennessee Code Annotated, § 69-3-124:

(i) Upon receipt of a written petition from the alleged violator pursuant to this subsection, the local administrative officer shall give the petitioner thirty (30) days' written notice of the time and place of the hearing, but in no case shall the hearing be held more than sixty (60) days from the receipt of the written petition, unless the local administrative officer and the petitioner agree to a postponement;

(ii) The hearing may be conducted by the local hearing authority at a regular or special meeting. A quorum of the local hearing authority must be present at the regular or special meeting to conduct the hearing;

(iii) A verbatim record of the proceedings of the hearings shall be taken and filed with the local hearing authority, together with the findings of fact and conclusions of law made under subdivision (a)(vi). The recorded transcript shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the local administrative officer to cover the costs of preparation;

(iv) In connection with the hearing, the chair shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the chancery court of Marshall County has jurisdiction upon the application of the local hearing authority or the local administrative officer to issue an order requiring the person to appear and testify or produce evidence as the case may require, and any failure to obey an order of the court may be punished by such court as contempt;

(v) Any member of the local hearing authority may administer oaths and examine witnesses;

(vi) On the basis of the evidence produced at the hearing, the local hearing authority shall make findings of fact and conclusions of law and enter decisions and orders that, in its opinion, will best further the purposes of the pretreatment program. It shall provide written notice of its decisions and orders to the alleged violator. The order issued under this subsection shall be issued by the person or persons designated by the chair no later than thirty (30) days following the close of the hearing;

(vii) The decision of the local hearing authority becomes final and binding on all parties unless appealed to the courts as provided in subsection (b).

(viii) Any person to whom an emergency order is directed under 205(1)(b)(i)(D) shall comply immediately, but on petition to the local hearing authority will be afforded a hearing as soon as possible. In no case will the hearing be held later than three (3) days from the receipt of the petition by the local hearing

authority.

(b) An appeal may be taken from any final order or other final determination of the local hearing authority by any party who is or may be adversely affected, including the pretreatment agency. Appeal must be made to the chancery court under the common law writ of certiorari set out in Tennessee Code Annotated, § 27-8-101, et seq. within sixty (60) days from the date the order or determination is made.

(c) Show cause hearing. Notwithstanding the provisions of subsections (a) or (b), the pretreatment coordinator may order any user that causes or contributes to violation(s) of this chapter, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirements, to appear before the local administrative officer and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for the action, and a request that the user show cause why the proposed enforcement action should be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. The notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be prerequisite for taking any other action against the user. A show cause hearing may be requested by the discharger prior to revocation of a discharge permit or termination of service.

(3) Violations, Administrative civil penalty. Under the authority of Tennessee Code Annotated, § 69-3-125.

(a) (i) Any person including, but not limited to, industrial users, who does any of the following acts or omissions is subject to a civil penalty of up to ten thousand dollars (\$10,000.00) per day for each day during which the act or omission continues or occurs:

- (A) Unauthorized discharge, discharging without a permit;
- (B) Violates an effluent standard or limitation;
- (C) Violates the terms or conditions of a permit;
- (D) Fails to complete a filing requirement;
- (E) Fails to allow or perform an entry, inspection, monitoring or reporting requirement;
- (F) Fails to pay user or cost recovery charges; or
- (G) Violates a final determination or order of the local hearing authority or the local administrative officer.

(ii) Any administrative civil penalty must be assessed in the following manner:

(A) The local administrative officer may issue an assessment against any person or industrial user responsible for the violation;

(B) Any person or industrial user against whom an assessment has been issued may secure a review of the assessment by filing with the local administrative officer a written petition setting forth the grounds and reasons for the violator's objections and asking for a hearing in the matter involved before the local hearing authority and, if a petition for review of the assessment is not filed within thirty (30) days after the date the

assessment is served, the violator is deemed to have consented to the assessment and it becomes final;

(C) Whenever any assessment has become final because of a person's failure to appeal the assessment, the local administrative officer may apply to the appropriate court for a judgment and seek execution of the judgment, and the court, in such proceedings, shall treat a failure to appeal the assessment as a confession of judgment in the amount of the assessment;

(D) In assessing the civil penalty, the local administrative officer may consider the following factors:

(1) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

(2) Damages to the pretreatment agency, including compensation for the damage or destruction of the facilities of the publicly owned treatment works, and also including any penalties, costs and attorneys' fees incurred by the pretreatment agency as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damages;

(3) Cause of the discharge or violation;

(4) The severity of the discharge and its effect upon the facilities of the publicly owned treatment works and upon the quality and quantity of the receiving waters;

(5) Effectiveness of action taken by the violator to cease the violation;

(6) The technical and economic reasonableness of reducing or eliminating the discharge; and

(7) The economic benefit gained by the violator.

(E) The local administrative officer may institute proceedings for assessment in the chancery court of the county in which all or part of the pollution or violation occurred, in the name of the pretreatment agency.

(iii) The local hearing authority may establish by regulation a schedule of the amount of civil penalty which can be assessed by the local administrative officer for certain specific violations or categories of violations.

(iv) Assessments may be added to the user's next scheduled sewer service charge and the local administrative officer shall have such other collection remedies as may be available for other service charges and fees.

(b) Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the commissioner for violations of Tennessee Code Annotated, § 69-3-115(a)(1)(F). However, the sum of penalties imposed by this section and by Tennessee Code Annotated, § 69-3-115(a) shall not exceed ten thousand dollars (\$10,000) per day for each day during which the act or omission continues or occurs.

(4) Assessment for noncompliance with program permits or orders. Under the authority of Tennessee Code Annotated, § 69-3-126.

(a) The local administrative officer may assess the liability of any polluter or violator for damages to the water department resulting from any person's or industrial user's pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program or this section.

(b) If an appeal from such assessment is not made to the local hearing authority by the polluter or violator within thirty (30) days of notification of such assessment, the polluter or violator shall be deemed to have consented to the assessment, and it shall become final.

(c) Damages may include any expenses incurred in investigating and enforcing the pretreatment program of this section, in removing, correcting, and terminating any pollution, and also compensation for any actual damages caused by the pollution or violation.

(d) Whenever any assessment has become final because of a person's failure to appeal within the time provided, the local administrative officer may apply to the appropriate court for a judgment and seek execution on the judgment. The court, in its proceedings, shall treat the failure to appeal the assessment as a confession of judgment in the amount of the assessment.

(5) Injunctive relief. When General Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the General Manager may petition the Civil Court, City Court, General Sessions Court, Chancery Court, or other court of competent jurisdiction through departments attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the User. The General Manager may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

(6) Judicial proceedings and relief. Under the authority of Tennessee Code Annotated, § 69-3-127.

The local administrative officer may initiate proceedings in the chancery court of the county in which the activities occurred against any person or industrial user who is alleged to have violated or is about to violate the pretreatment program, this section, or orders of the local hearing authority or local administrative officer. In the action, the local administrative officer may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

(7) Termination of discharge. In addition to the revocation of permit provisions in 202(2)(g) of this chapter, users are subject to termination of their wastewater discharge for violations of a wastewater discharge permits, or orders issued hereunder, or for any of the following conditions:

(a) Violation of wastewater discharge permit conditions.

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge.

(c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.

(d) Refusal of reasonable access to the user's premises for the purpose of

inspection, monitoring or sampling.

(e) Violation of the pretreatment standards in the general discharge prohibitions in Section 109 of chapter 1.

(f) Failure to properly submit an industrial waste survey when requested by the pretreatment coordination general manager.

The user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause, as provided in subsection (2)(c) above, why the proposed action should not be taken.

(7) Disposition of damage payments and penalties--special fund. All damages and/or penalties assessed and collected under the provisions of this section shall be placed in a special fund by the pretreatment agency and allocated and appropriated for the administration of its wastewater fund or combined water and wastewater fund.

(8) Levels of non-compliance

(a) Insignificant non-compliance: For the purpose of this guide, insignificant non-compliance is considered a relatively minor infrequent violation of pretreatment standards or requirements. These will usually be responded to informally with a phone call or site visit but may include a Notice of Violation (NOV).

(b) "Significant noncompliance." Per 0400-40-14-.08(6)(b)8.

(i) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all the measurements taken for each parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limit.

(ii) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC (TRC=1.4 for BOD, TSS fats, oils and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required.

(iii) Any other violation of a pretreatment standard or requirement (daily maximum of longer-term average, instantaneous limit, or narrative standard) that the wastewater facility determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the wastewater facility's exercise of its emergency authority under 205(1)(b)(i)(D), Emergency Order, to halt or prevent such a discharge.

(v) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(vi) Failure to provide, within forty-five (45) days after their due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance

schedules.

(vii) Failure to accurately report noncompliance.

(viii) Any other violation or group of violations, which may include a violation of Best Management Practices, which the wastewater facility determines will adversely affect the operation of implementation of the local pretreatment program.

(ix) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed limits by more than 0.5 s.u. more than eight times in four hours.

Any significant non-compliance violations will be responded to according to the Enforcement Response Plan Guide Table (Appendix A).

(9) Public Notice of significant violations. The general manager shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the wastewater facility, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates paragraphs (C), (D) or (H) of this section) and shall mean:

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

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH), TRC calculations for pH are not required;

(c) Any other violation of a pretreatment standard or requirement (daily maximum of longer-term average, instantaneous limit, or narrative standard) that the wastewater facility determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the general manager's exercise of its emergency authority to halt or prevent such a discharge;

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

(g) Failure to accurately report noncompliance; or

(h) Any other violation(s), which may include a violation of best management practices, which the general manager determines will adversely affect the operation or implementation of the local pretreatment program.

(i) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed limits by more than 0.5 s.u. more than eight times in four hours.

(10) Criminal Penalties. In addition to civil penalties imposed by the local administrative officer and the State of Tennessee, any person who willfully and negligently violates permit conditions is subject to criminal penalties imposed by the State of Tennessee and the United States.

18-207. Enforcement response guide table.

(1) Purpose. The purpose of this chapter is to provide for the consistent and equitable enforcement of the provisions of this ordinance.

(2) Enforcement Response Guide Table. The applicable officer shall use the schedule found in Appendix A to impose sanctions or penalties for the violation of this ordinance.

18-208. Fees and billing.

(1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from users of the water department's wastewater treatment system including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

(2) Types of charges and fees. The charges and fees as established in the water department's schedule of charges and fees may include but are not limited to:

- (a) Inspection fee and tapping fee;
- (b) Fees for applications for discharge;
- (c) Sewer use charges;
- (d) Surcharge fees (see Table C);
- (e) Waste Hauler Permit;
- (f) Fees to cover the cost of damage or interference caused by a user's discharge or a user's neglect;
- (g) Industrial wastewater discharge permit fees;
- (h) Fees for industrial discharge monitoring; and
- (i) Other fees as the water department may deem necessary.

(3) Fees for application for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by §202 of this chapter.

(4) Inspection fee and tapping fee. An inspection fee and tapping fee for a building sewer installation shall be paid to the water department's sewer department at the time the application is filed.

(5) Sewer user charges.¹ The board of mayor and council shall establish monthly rates

¹Such rates are reflected in administrative ordinances or resolutions, which are of record in the office of the city recorder.

and charges for the use of the wastewater system and for the services supplied by the wastewater system.

(6) Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge fee in accordance with § 207 of this chapter.

(7) Fees for industrial discharge monitoring. Fees may be collected from industrial users having pretreatment or other discharge requirements to compensate the water department for the necessary compliance monitoring and other administrative duties of the pretreatment program.

(8) Administrative civil penalties. Administrative civil penalties shall be issued according to the following schedule. Violations are categorized in the Enforcement Response Guide Table (Appendix A). The local administrative officer may assess a penalty within the appropriate range. Penalty assessments are to be assessed per violation per day unless otherwise noted.

Category 1	No penalty
Category 2	\$50.00-\$500.00
Category 3	\$500.00-\$1,000.00
Category 4	\$1,000.00-\$5,000.00
Category 5	\$5,000.00-\$10,000.00

18-209. Validity. This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the City of Lewisburg and/or the Lewisburg Water and Wastewater Department.

APPENDIX A

Enforcement Response Guide Table

Unauthorized Discharge (no permit)				
Noncompliance	Nature of Violation	Category	Enforcement Response	Personnel
Failure to Return Industrial Waste Survey	Initial, requirements not understood	1	Phone call or visit to explain and/or assist	I, PC
	Persistent after assistance	4	AO and/or penalty and/or termination of service	PC, LAO
Unpermitted discharge	IU unaware of requirements; no harm to POTW or environment	1	Phone Call and /or NOV, may need permit application	I, PC
	IU unaware of requirement; harm to POTW or environment	4	AO and/or penalty or Termination of service	LAO
	Aware of requirement but have repeated discharges such as spills or accidents. Incident #1 through #4	1 st , 1 2 nd , 2 3 rd , 3 4 th , 4	Phone Call and/or NOV NOV and/or Order Show Cause Hearing and/or Order Order	I, PC PC, LAO PC, LAO LAO
	Discharge continues after previous steps	5	Civil Action in Chancery Court and/or Criminal investigation and/or Termination	LAO
Failure to renew permit	IU has not submitted application within 10 days of due date	1	Phone call and/or NOV	I, PC
Discharge Permit Violations				
Exceeding of local, state, or federal standards	Isolated, <or= 1/ month (no harm)	1	Phone call and/ or NOV	I, PC
	Isolated, > 1/month (no harm)	2	NOV and/or AO	I, PC, LAO
	Isolated, harmful to POTW or environment	3	Show Cause Hearing and/ or AO and penalty, and/or legal action	PC LAO

Chronic or TRC, no harm	1	NOV and Public Notice	PC
Chronic or TRC, no harm	2,2nd 3,3rd 4,4th	Public Notice, with/without AO & penalty	PC, LAO
Chronic or TRC, harm to POTW or environment	4	AO and penalty, and/or legal action, and/or Termination of service	LAO
Persistent violations, causing harm to the POTW or the appearance of intent, or disregard of permit requirements and enforcement actions	5	Administrative Order and/or criminal investigation, and/or termination of service	LAO

Monitoring and Reporting Violations				
Noncompliance	Nature of Violation	Category	Enforcement Response	Personnel
Reporting violation	Report improperly signed or certified	1	Phone call and/ or NOV	I, PC
	Report improperly signed or certified after prior notice	2	Show Cause Hearing and/ or AO	PC LAO
	Isolated, (<20% / 6mo. >5 days late)	1	Phone call and/ or NOV	I, PC
	Significant, (>20% / 6mo.>5 days late)	2	AO to submit and penalty for each additional day late	LAO
	Reports always late: failure to submit (>75% of reports > 5 days late) within 12-month reporting period	5	AO and penalty and/ or Civil action or Chancery Court or Termination of service	LAO
	Failure to report spill or discharge change, no harm	1	NOV	I, PC

	Failure to report spill or discharge change with harm	3	AO and penalty and/ or Civil action	LAO
	Repeated failure to report spills >2 failures / 12 mo. Reporting periods	5	AO and penalty and/ or civil action or termination	LAO
	Falsification of records	5	Criminal Investigation and/or termination	LAO
	Failure to report change in industrial process	1 st , 1 Additional step / event	1 st , NOV, Repeated AO and/or penalty	PC, LAO
Failure to monitor correctly	Failure to monitor all permit required pollutants	1 2	NOV 1 st / 12mo. reporting period AO 2 nd / 12mo. Reporting period	I, PC LAO
	Recurring failure to monitor > 4 failures/ 24-month reporting period	3	AO and penalty and/ or Civil action	LAO
Improper sampling	No evidence of intent	1	NOV	PC
	Evidence of intent, tampering with sampler	3, 1 st 5, Repeated	1 st , NOV - AO, Criminal investigation and/or termination	PC, LAO

Enforcement Response Guide Table

Monitoring and Reporting Violations (cont.)				
Noncompliance	Nature of Violation	Category	Enforcement Response	Personnel
Failure to install monitoring equipment	Delay of less than 30 days	1	NOV	I, PC
	Delay of more than 30 days	2	AO to install with penalty for each additional day	LAO

	Recurring, violation of AO	5	Civil Action or Criminal Investigation or termination of service	LAO
Compliance schedule	Missed milestone, less than 30 days, will not affect final schedule	1	NOV	I, PC
	Missed milestone more than 30 days, will affect final schedule (good cause)	2	AO	LAO
	Missed milestone, more than 30 days, will affect final schedule (no good cause)	4	AO and penalty Civil action or termination	LAO
	Recurring violations or violations of AO	5	Civil Action and/or Criminal Investigation and/ or Termination of service	LAO

Enforcement Response Guide Table

Other Permit Violations				
Non-compliance	Nature of Violation	Category	Enforcement Response	Personnel
Waste Stream Dilution in lieu of pretreatment	Initial violation	2	AO and/or penalty	LAO
	Recurring	3	Show Cause Hearing possible Termination	LAO
Failure to mitigate chronic noncompliance or halt production	Does not cause harm	1	NOV	I, PC
	Does cause harm	2,2nd 3,3rd 4,4 th 5,5 th	AO and/or penalty or Civil action	LAO
Discharging following a terminated permit due to enforcement action that terminated service	Initial violation	5	Maximum penalties	LAO

Failure to resample following violation	Initial violation	1	Phone call or visit	I, PC
	Repeated failure after notice by PC	2 nd #1,3rd#2, 4th#3	2 nd NOV 3 rd AO and penalty 4 th AO and penalty and/or termination of service	I, PC, LAO
Failure to properly operate and maintain facility	Does not cause harm	1	NOV	I, PC
	Does cause harm, or reoccurring	4	AO and penalty or, Civil Action	LAO
Violations Detected During Site Visit				
Entry Denial	Entry denied or consent withdrawn copies of records denied	2	Obtain warrant and return to IU	I, PC
Illegal Discharge, violation of general discharge prohibitions	No harm to POTW or environment	2	AO and penalty	LAO
	Caused harm or evidence of intent or negligence	4	AO and penalty and/ or Civil action and or criminal investigation	LAO
	Recurring, violation of AO	5	Terminate Service	LAO

Enforcement Response Guide Table

Violations During Site Visits (cont.)				
Non-compliance	Nature of violation	Category	Enforcement Response	Personnel
Improper sampling	Unintentional sampling at incorrect location	1	NOV	I, PC
	Unintentional using incorrect sample type	1	NOV	I, PC
	Unintentional using incorrect techniques	1	NOV	I, PC
Inadequate record keeping	Files incomplete or missing (no evidence of intent)	1	NOV	I, PC

	Recurring	3	AO and penalty	LAO
Failure to report additional monitoring	Inspection finds additional files (unintentional)	2	NOV	LAO
	Recurring (considered falsification)	4	AO with penalty, and/or criminal prosecution	LAO

Damage to Wastewater Facility				
Hindering Operations, such as sewer line blockage, lift station interference, no WWF violations.	Incidental, First Occurrence	1	NOV and cleanup or repair charges	I, PC
Hindering Operations, such as sewer line blockage, lift station interference, no WWF violations	Incidental but Reoccurring, Second Occurrence Third Occurrence Forth Occurrence	2	2 nd AO, plus cleanup and repair charges 3 rd Clean up and repair charges, AO and/or Show Cause Hearing 4 th Clean up and repair charges, AO and/or termination of service	PC, LAO
		3		
		4		
Hindering Operations, such as sewer line blockage, lift station interference causing WWF violations	First Occurrence Second Occurrence	4	1 st , AO, plus clean up and repair charges 2 nd , AO, plus clean up and repair charged, possible termination of service	LAO
		5		
Documented Physical Damage	First Occurrence without knowledge	1	NOV, plus repair charges	I, PC
	First Occurrence with knowledge	5	AO, plus repair charges	LAO
	Subsequent Occurrences	5	AO, plus repair charges, with possible termination of service	LAO

AO - Administrative Order
 IU - Industrial User
 NOV - Notice of Violation
 TRC - Technical Review Criteria

I - Inspector
 LAO - Local Administrative Officer
 PC - Pretreatment Coordinator