

APPENDIX F

BOARD OF PUBLIC UTILITIES SEWER USE RULES AND REGULATIONS

ARTICLE I. Definitions

1.01 "Act" or "The Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, eq. seq.

1.02 "Approval Authority" shall mean The Tennessee Division of Water Pollution Control Director or his/her representative(s)

1.03 "Authorized Representative of Industrial User" shall be (a) a principal executive officer of at least vice-president, if the Industrial User is a corporation; (b) a general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; (c) a manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; (d) A director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee, if the User is a Federal, State, or local governmental facility; or (e) The individuals described in a through d 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 General Manager.

1.04 "Best Management Practices or BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 5.03 [Tennessee Rule 1200-4-14-.05(1)(a) and (2)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

1.05 "Biochemical Oxygen Demand (BOD)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

1.06 "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

1.07 "Building Inspector" shall be that person representing the City's Building Department which is responsible for all plumbing inspection of establishments served by the City Utilities within the City limits.

1.08 "Building Sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.

1.09 "Categorical Standard" or Categorical Pretreatment Standard shall mean any regulation containing pollutant discharge limits 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 Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

1.10 "Categorical Industrial User" means an Industrial User subject to a categorical pretreatment standard or categorical standard.

1.11 "Chemical Oxygen Demand (COD)" shall mean the quantity of oxygen required to oxidize the organic matter in a waste sample under specific conditions of oxidizing agent, temperature and time expressed in terms of concentration (milligrams per liter [mg/l]).

1.12 "Control Authority" shall refer to the City of Paris acting through its Board of Public Utilities.

1.13 "City" shall mean the City of Paris acting through its City Manager and designated agents, assistants or representatives.

1.14 "Cooling Water" means the water discharged from any use such as air conditioning, cooling or refrigeration, during which the only pollutant added to the water is heat.

1.15 "Compatible Pollutant" means BOD, suspended solids, ammonia, pH and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in this City's NPDES permit for its wastewater treatment works where said works have been designed and used to reduce or remove such pollutants.

1.16 "Customer" shall mean any individual, partnership, corporation, association or group who receives sewer service from the City under either an express or implied contract requiring payment to the City for such service.

1.17 "Daily Maximum" shall mean the arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day.

1.18 "Daily Maximum Limit" shall mean the maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

1.19 "Domestic Wastes" shall mean liquid wastes (a) from the non-commercial preparation, cooking and handling of food or (b) containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities and institutions.

1.20 "Easement" shall mean an acquired legal right for the specific use of land owned by others.

1.21 "Environmental Protection Agency or EPA" shall be 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 said agency.

1.22 "Floatable Oil" is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

1.23 "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

1.24 "General Manager" shall mean the General Manager of the Board of Public Utilities of the City of Paris, Tennessee, or his authorized duty, agent or representative. He has the full authority to enforce all regulations of the City of Paris Board of Public Utilities upon all wastewater customers as a condition of receiving service.

1.25 "Grab Sample" shall mean an individual sample collected over a period of time not exceeding 15 minutes. 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.

1.26 "Holding Tank Waste" shall mean any water from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.

1.27 "Incompatible Pollutant" means any pollutant which is not a "Compatible pollutant" as defined in this section.

1.28 "Indirect Discharge" shall mean the discharge or the introduction of non-domestic pollutants from any source regulated under Section (b) or (c) of the Act (33 U.S.C. 1317) into the POTW (including holding tank waste discharged into the system).

1.29 "Industrial User" shall be a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 403, of the Act (33 U.S.C. 1342).

1.30 "Industrial Wastes" shall mean the wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.

1.31 "Instantaneous Limit" shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

1.32 "Interference" shall mean a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; or exceeds the design capacity of the treatment works or the collection system

1.33 "Local Limit" shall mean 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 1200-4-14-.05(1)(a) and (2).

1.34 "Monthly Average" shall mean the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

1.35 "Monthly Average Limit" shall mean 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.

1.36 "Natural Outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body or surface of groundwater.

1.37 "National Pollutant Discharge Elimination System (NPDES)" means the program for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone and the oceans pursuant to Section 402 of the Federal Water Pollution Control Act Amendments of 1972 (PL 92-500).

1.38 "May" is permissive (see "Shall", 1.56).

1.39 "New Source" shall mean any building, structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which has commenced after the publication of proposed regulations describing Section 307 (c) (33 U.S.C. 1317) categorical pretreatment standard 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 integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (iv) 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 paragraphs (ii) or (iii) of this section, but otherwise alters, replaces, or adds to existing process or production equipment.
- (v) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
 - (a) Begun, or caused to begin, as part of a continuous onsite construction program any placement, assembly, or installation of facilities or equipment; or significant site preparation work including clearing, excavation, or removal of existing buildings,

structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is 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.

1.40 "Noncontact Cooling Water" shall mean water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

1.41 "Non-Significant Categorical Industrial User" shall mean a Categorical Industrial User that has been determined by the General Manager as Non-Significant in accordance with the issues described in paragraph 1.57 of this section.

1.42 "Pass Through" shall mean a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

1.43 "Person" shall mean any individual, partnership, co-partnership, firm, company, corporation, association, public or private institutions, joint stock company, trust, estate, government entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

1.44 "pH" shall mean the reciprocal of the logarithm of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution and is a measure of the acidity or alkalinity of a solution.

1.45 "Pollutant" shall mean any dredge, spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, silt or dirt and industrial, municipal, and agricultural wastes and certain characteristics of wastewater (e.g. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor).

1.46 "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by section 6.10(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 the Combined Wastestream Formula of Tennessee Rule 1200-4-14-.06(5).

1.47 "Pretreatment Standards" means all applicable Federal rules and regulations implementing Section 307 of PL 92-500, as well as any non-conflicting state or local limits. In cases of conflicting standards or regulations, the more stringent thereof shall be applied. The City shall review and update, on an annual basis, any changes needed to ensure compliance with Federal, State and Local pretreatment regulations as listed in this document and the Clean Water Act.

1.48 "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded into such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2" (1.27 centimeters) in any dimension.

1.49 "Publicly Owned Treatment Works (POTW)" shall mean a treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment.

1.50 "POTW Treatment Plant" shall mean that portion of the POTW designed to provide treatment to wastewater.

1.51 "Public Sewer" shall mean a common sewer controlled by a governmental agency or public utility.

1.52 "Sanitary Sewer" shall mean a sewer that carried liquid and water-carried wastes from residents, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

1.53 "Septic Tank Waste" shall mean any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

1.54 "Sewage" is the spent water of community. The preferred term is "wastewater", (see "Wastewater" 1.68).

1.55 "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.

1.56 "Shall" is mandatory; "May" is permissive.

1.57 "Significant Industrial User" shall mean all categorical industrial users or any non-categorical industrial user that:

(1) Discharges 25,000 gallons per day or more of process wastewater ("process wastewater" excludes sanitary, non-contract cooling and boiler blowdown wastewaters).

(2) Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant.

(3) Has a reasonable potential, in the opinion of the control or approval authority, to adversely affect the POTW treatment plant (inhibition, pass through of pollutants, sludge contamination, or endangerment of POTW workers) or for violating any Pretreatment Standard or Requirement.

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

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

(b) The Industrial User annually submits the certification statement required in Section 6.13(2) [see Tennessee Rule 1200-4-14-.12(17)], together with any additional information necessary to support the certification statement; and

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

(5) Upon a finding that a User meeting all other criteria of this ordinance has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the City 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 1200-4-14-.08(6)(f), determine that such User should not be considered a Significant Industrial User.

1.58 "Slug" shall mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 5.03 of this ordinance. A Slug Discharge is 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 POTW's regulations, Local Limits or Permit conditions.

1.59 "State" shall mean the State of Tennessee.

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

1.61 "Storm Drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

1.62 "Storm Water" shall mean any flow occurring during or immediately following any form of natural precipitation and resulting there from.

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

1.64 "Toxic Pollutant" shall mean any pollutant or combination of pollutants listed as toxic in the regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA 307 (a) or other Acts or will cause, alone or in combination with sewage or other

constituents, the effluent of the POTW to fail a whole effluent toxicity test as defined by the NPDES permit.

1.65 "Unpolluted Water" is water of quantity equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

1.66 "User" shall mean any person who discharges, causes or permits the discharge of wastewater into the City's wastewater treatment system.

1.67 "User Classification" shall mean a classification of user based on the 1972 (or subsequent) edition of the Standard Industrial Classification (SIC) Manual prepared by the Office of Management and Budget.

1.68 "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with any groundwater, surface water and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the wastewater treatment plant.

1.69 "Wastewater Facilities" shall mean the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

1.70 "Wastewater Treatment Works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant".

1.71 "Waste Treatment System" shall mean any devices, facilities, structures, equipment or works owned or used by the City for the purpose of the transmission, storage, treatment, recycling and reclamation of industrial and domestic wastes, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clean well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

1.72 "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

1.73 "Other Terms" shall be any terms not otherwise defined herein and shall be as adopted in the latest edition of Standard Methods for the Examination of Water & Wastewater published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

1.74 "24-Hour Flow Proportional Composite Sample" shall mean a sample consisting of several wastewater portions during a twenty-four (24) hour period in which the portions are apportioned to the flow and combine to form a representative sample.

ARTICLE II. Use of Public Sewers Required

2.01 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 City of Paris or in any area under the jurisdiction of said City, any human or animal excrement, garbage or objectionable waste.

2.02 It shall be unlawful to discharge to any natural outlet within the City of Paris, or in any area under the jurisdiction of said City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

2.03 Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

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

2.05 The Owner of a manufacturing facility may discharge wastewater to the waters of the State provided that he 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.

ARTICLE III. Private Wastewater Disposal

3.01 Where a public sanitary or combined sewer is not available under the provisions of Article II, Section 2.04, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.

3.02 The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Environment and Conservation of the State of Tennessee and of the Henry County Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

3.03 At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

3.04 The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City of Paris.

3.05 No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Henry County Health Department.

ARTICLE IV. Building Sewers and Connections

4.01 No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the General Manager.

4.02 There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner(s) or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the General Manager. A permit and inspection fee as established by the Paris Board of Public Utilities for a sewer permit shall be paid to the City at the time the application is filed. Such fee shall be in addition to the connection or tapping fee.

4.03 All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

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

4.05 Old building sewers may be used in connection with new buildings only when they are found, on examination and tests by the General Manager, to meet all requirements of this ordinance.

4.06 The building sewer shall be cast iron soil pipe, ASTM A-74, latest revision; vitrified clay sewer pipe ASTM C-700, latest revision or PVC (polyvinyl chloride) pipe, ASTM D-3033 or D-3034, SDR 35 or heavier. Approved joints shall be tight and water proof. Any part of the building sewer that is located within five (5) feet of a water service pipe shall be constructed with cast iron soil pipe or PVC pipe. Cast iron pipe or PVC pipe may be required by the General Manager where the building

sewer is exposed to damage or stoppage by tree roots, or where the sewer is located in fill material or unstable soil.

4.07 The size and slope of the building sewer shall be subject to the approval of the General Manager. In general, the building sewer shall be the same size as the service branch but in no event less than four (4) inches in diameter. The slope of the building sewer shall in no event be less than one-eighth (1/8) inch per foot.

4.08 Wherever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to, and within three (3) feet of, any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment. Changes in direction shall be allowed only as approved by the General Manager and made only with properly curved pipe and fittings with an appropriate clean-out (See 4.18).

4.09 In all buildings in which any building drain is too low to permit gravity flow to the public sewer, or where any fixture served is below the level of the street, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

4.10 All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the General Manager. Pipe laying and backfill shall be performed in accordance with all applicable portions of the latest revision of ASTM Specifications, C-12 or D2321 except that no backfill shall be placed until the work has been inspected by BPU.

4.11 All joints and connections shall be made gas tight and watertight. Cast iron pipe joints, vitrified clay pipe joints and PVC pipe joints shall be an approved type of bell and spigot compression joint utilizing a rubber ring gasket, or in lieu thereof may be a neoprene coupling secured with stainless steel bands over plain end pipe. All joints between pipe of different size and/or material shall be made with approved adapters or transitions which provide a watertight flexible connection.

Any other joint materials except those noted in this section shall not be used unless approved in advance by the General Manager.

4.12 The building sewer shall be connected into the public sewer at the curb or property line if a service branch is available at a suitable location. Where no properly located service branch is available, a neat hole may be cut into the main line of the public sewer and a suitable wye or tee saddle installed to receive the building sewer. The invert of the building sewer at such joint of connection with a wye saddle shall be in the upper quadrant of the main line of the public sewer. A neat workmanlike connection shall be made and the saddle made secure and watertight. The joint shall not be backfilled until inspected by BPU.

4.13 No person(s) shall make connection of roof downspouts, foundation drains, areaway 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 unless such connection is approved by the General Manager for purposes of disposal of polluted surface drainage.

4.14 The connection of the building sewer into the public sewer shall conform to the applicable rules and regulations of the Board of Public Utilities. All such connections shall be made gas tight and watertight and verified by proper testing and inspection.

4.15 The applicant for the building sewer permit shall notify the General Manager when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the General Manager or his representative.

4.16 All excavations for building sewer installation shall be adequately guarded with barricades and light so as 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 City.

4.17 In accordance with Ordinance #1086 (5/1/08), a cleanout shall be provided at the house end of each and every sewer service. Cleanout shall be constructed of four inch (4") cast-iron pipe or PVC pipe and shall be connected to the service by not greater and no more than two (2) 45 degree elbows and one (1) 45 degree "Y". Bell of pipe at end of cleanout shall be rifled with a standard screw type cleanout plug, mounted flush with the ground, surrounded by a concrete pad (12" x 12" x 6"). A cleanout shall also be installed in the same manner at any point where more than one bend is used to change the direction of a service by 45 degrees or more; and at a point to be determined by the Board of Public Utilities, where the total length of the service exceeds one hundred (100) feet.

4.18 In the event of damage, extension, or any changes that affect a sewer service with respect to the service as it was originally inspected will be considered a new service, requiring inspection by the Board of Public Utilities.

ARTICLE V. Use of Public Sewers

5.01 No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer, except storm water runoff from limited areas, which storm waters may be polluted at times, may be discharged to the sanitary sewer by permission of the General Manager.

5.02 Storm water other than that exempted under Section 5.01, 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 the City and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approved by the General Manager, to a storm sewer, natural outlet.

5.03 No person shall discharge or deposit or cause or allow to be discharged or deposited into the wastewater treatment system any wastewater containing the following:

(1) Oils and Grease. (a) Oil and grease concentrations or amounts from industrial facilities violating Federal pre-treatment standards; (b) Wastewater containing floatable fats, wax, grease, oils, petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through; (c) total fat, wax, grease or oil concentration of more than 100 mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32° and 150° F (0° and 65° C) at the point of discharge into the system.

(2) Explosive Mixtures. 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 system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosion Limit (L.E.L.) of the meter. Also prohibited shall be wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21.

(3) Noxious Material. Noxious or malodorous solids, liquids or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.

(4) Improperly Shredded Garbage. Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particle greater than one-half (1/2) inch in any dimension.

(5) Radioactive Wastes. Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the sewerage facilities or personnel operating the system.

(6) Solid or Viscous Wastes. Solid or viscous wastes which will or may cause obstruction to the flow in the POTW, or otherwise cause interference with the POTW. Potential prohibited materials include, but are not limited to, grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil and similar substances.

(7) Excessive Discharge Rate. Wastewaters at a flow rate or containing such concentrations or quantities or pollutants in quantities or flow during normal operation and that could cause interference with the POTW.

(8) Toxic Substances. Any toxic substances in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to Section 307 (a) of PL 92-500 and chemical elements or compounds, phenols or other taste- or odor-producing substances, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system, that will pass through the system or will cause, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity testing as defined in the City's NPDES permit.

(9) Unpolluted Waters. Any unpolluted water including, but not limited to, water from cooling systems or of storm water origin, which will increase the hydraulic load on the treatment system.

(10) Discolored Material. Wastes with objectionable color not removable by the treatment process.

(11) Corrosive Wastes. Any waste which will cause corrosion or deterioration of the treatment system. All wastes discharged to the public sewer system must have a pH value in the range of 5.5 to 10.5 standard units.

(12) High Temperature. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant that results in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40° C (104° F) unless an alternate limit is approved by the Approval Authority.

(13) Toxic Gases. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(14) Hauled Pollutants. Trucked or hauled pollutants, except at discharge points designated or permitted by the General Manager. The General Manager may establish a permit program for hauled pollutants.

(15) Surfactants. Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW or the POTW effluent.

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

5.04 Other components not normally found in domestic wastewater may be accepted in accordance with limitations set out in Section 6.10.

5.05 Grease, oil and sand interceptors shall be provided when, in the opinion of the General Manager, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 5.03 (1), or any flammable wastes, sand or any other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity specifically approved by the General Manager but should in no case have a capacity less than 500 gallons. They shall be located as to be readily and easily accessible for cleaning and inspection.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight and equipped with easily removable covers, which, when bolted in place shall be gas tight and watertight.

In the maintaining of these interceptors, the Owner shall be responsible for the proper removal and disposal of appropriate means of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by the General Manager. Any removal and hauling of the collected materials not performed by the Owner's personnel must be performed by currently licensed waste disposal firms.

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

(1) Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the General Manager may impose equivalent concentration or mass limits in accordance with Section 5.07.

(2) When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the General Manager 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 individual Industrial Users

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

5.07 When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that General Manager convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the General Manager. The General Manager may establish equivalent mass limits only if the Industrial User meets all the conditions set forth below.

- (1) 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 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.
- (2) 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 effluent flow monitoring device;
 - c. Continue to record the facility's production rates and notify the General Manager whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 5.07(1)(c) of this Section. Upon notification of a revised production rate, the General Manager 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 5.07(1)(a) of this Section as long as it discharges under an equivalent mass limit.
- (3) When developing equivalent mass limits, the General Manager will:
 - 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 6.10(4). The Industrial User

must also be in compliance with Section 10.4(3) regarding the prohibition of bypass.

- (4) The General Manager 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 General Manager.
- (5) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section 5.07 in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.

ARTICLE VI. Control of Industrial Waste Discharge

6.01 (1) When requested by General Manager, all users of the sewerage system who discharge industrial wastes to the public sewers shall fill in and file with the General Manager an industrial waste questionnaire which shall provide pertinent data, inclusive of quantity of flow and an analysis of the water discharged to the sewage works. Similarly, any persons desiring to make a new connection to the sewer works for the purpose of discharging industrial wastes to the public sewers shall fill in and file with the General Manager an industrial waste questionnaire which shall furnish pertinent or predicted data inclusive of quantity of flow and an analysis of the industrial waste to be discharged into the sewerage system. The General Manager may periodically require Users to update this information.

(2) Individual Wastewater Discharge Permit Requirement

(a) No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the General Manager, except that a Significant Industrial User that has filed a timely application pursuant to Section 6.01(3) of this ordinance may continue to discharge for the time period specified therein.

(b) The General Manager may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this ordinance.

(c) Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 of this ordinance. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

(3) Permit Application - Users seeking a wastewater discharge permit shall complete and file with the General Manager an application on the form prescribed by the General Manager and accompanied by the applicable fee. An application for this individual wastewater discharge permit must be filed at least 60 days prior to the date upon which any discharge will begin or recommence. In support of this application, the user shall submit the following information:

(a) Name, address and SIC number(s) of applicant, including the name of the operator and owner.

(b) Volume of wastewater to be discharged, including the measured average daily and maximum daily flow, in gallons per day, to the POTW

(c) Wastewater constituents and characteristics from each regulated process including, but not limited to, those set forth in Section 6.10 of this ordinance as determined by a reliable analytical laboratory. Sampling and analysis shall be in accordance with Section 6.08 of this ordinance and shall include the concentration (or mass, where required by the Pretreatment Standard or the General Manager) of pollutants. The sample shall be representative of daily operations. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph. In cases where the

Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the General Manager or the applicable Pretreatment Standards to determine compliance with the Pretreatment Standard. The User shall identify the Pretreatment Standards applicable to each regulated process.

- (d) Time and duration of discharge.
- (e) Average and 30-minute peak wastewater flow rates, from regulated process streams and other streams including daily, monthly and seasonal variations, if any. For Users with multiple process lines regulated by a categorical standard including other streams as necessary to allow use of the combined wastestream formula of Tennessee Rule 1200-4-14-.06(5)., the flow rates for each line shall be separated. The General Manager may allow for verifiable estimates of these flows where justified by cost or feasibility considerations. Mass calculations shall be included where required by the Pretreatment Standard or the General Manager.
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation.
- (g) Description of activities, facilities and plant processes on the premises including all materials and types of materials which are, or could be, discharged. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes (if a categorical industrial user) including measured or estimated daily average and maximum daily flow in gallons per day.
- (h) Each product produced by type, amount and rate of production.
- (i) Number and type of employees and hours of work.
- (j) A list of any environmental control permits held by or for the facility.
- (k) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge.
- (l) Any other information as may be deemed by the General Manager to be necessary to evaluate the permit application.
- (m) The User 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 POTW;
- (n) A facility determined to be a Non-Significant Categorical Industrial User by General Manager pursuant to 1.41 and 1.57 must annually submit the signed certification statement in Section 6.13(2)).
- (p) All wastewater discharge permit applications must be signed by an Authorized Representative of the User and contain the certification statement in Section 6.13(1)).

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

(4) Permit Conditions - Wastewater discharge permits shall be expressly subject to all provisions of this ordinance and all other regulations, user charges and fees established by the City. The conditions of wastewater discharge permits shall be uniformly enforced in accordance with this ordinance, and applicable state and federal regulations. Permit conditions will include the following:

- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the system.
- (b) The average and maximum wastewater constituents and characteristics.

- (c) Limits on rate and time of discharge or requirements for flow regulations and equalization.
- (d) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
- (e) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges.
- (f) Requirements for installation of inspection and sampling facilities and specifications for monitoring programs.
- (g) Requirements for maintaining and submitting technical reports and plant records relating to wastewater discharges.
- (h) Daily average and daily maximum discharge rates or other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's wastewater discharge.
 - (i) Compliance schedules.
 - (j) Other conditions to ensure compliance with this ordinance.
- (k) Requirements for maintaining and retaining plant records relating to wastewater discharge for a minimum of three (3) years as specified by the City and affording City access thereto. In addition, this period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or the POTW, or when requested by the City.
- (l) Requirements for notification to the City sixty (60) days prior to the introduction of any new wastewater constituents, any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system, or any substantial process modifications of the facility.
- (m) Requirements to control slug discharges, if determined by the General Manager to be necessary.
- (n) Statement of duration (in no case more than five years).
- (o) Statement of non-transferability of the permit without prior POTW approval with a copy provided to the new owner or operator.
- (p) Applicable effluent limits, including Best Management Practices based on categorical pre-treatment standards and local limits.
- (q) Applicable self-monitoring, sampling, notification reporting and recordkeeping requirements including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on federal, state and local law.
- (r) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 6.11(3). Any grant of the monitoring waiver by the General Manager must be included as a condition in the User's permit.
- (s) Statement of applicable civil and criminal penalties for violation of pre-treatment standards and requirements and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law. The maximum penalty for each offense shall be \$10,000 as outlined in Article X of this Ordinance.
- (t) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment

Standards, including those which become effective during the term of the individual wastewater discharge permit.

- (u) Other conditions as are deemed reasonably necessary by the General Manager to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(5) Duration of Permits - Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than one (1) year, or may be stated to expire on a specific date. If the user is not notified by the General Manager thirty (30) days prior to the expiration of the permit, the permit shall automatically be extended for six (6) months. A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with this section, a minimum of 60 days prior to the expiration of the User's existing individual wastewater discharge permit. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(6) Transfer of a Permit - Wastewater discharge permits are issued to a specific user for a specific operation at a specific location. A permit may only be transferred with explicit, prior approval of the City with a copy provided to the new owner or operator.

(7) Permit Modification. The General Manager may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (a) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- (b) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
- (c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (d) Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;
- (e) Violation of any terms or conditions of the individual wastewater discharge permit;
- (f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (g) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to Tennessee Rule 1200-4-14-.13;
- (h) To correct typographical or other errors in the individual wastewater discharge permit; or
- (i) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested.

(8) Revocation of Permit - Any user who violates the following conditions of his permit or of this ordinance, or of applicable state and federal regulations, is subject to having his

permit revoked. Violations subjecting a user to possible revocation of his permit include, but are not limited to, the following:

- (a) Failure of a user to accurately report the wastewater constituents and characteristics of his discharge.
- (b) Failure of the user to report significant changes in operations or wastewater constituents and characteristics prior to the changed conditions.
- (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
- (d) Falsifying self-monitoring reports and certification statements.
- (e) Tampering with monitoring equipment.
- (f) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring, or
- (g) Violation of conditions of the permit.

6.02 If any industrial process wastes are discharged or proposed to be discharged to the public sewers, which wastes contain substances or possess characteristics not normally associated with ordinary domestic sewage and which is the judgment of the General Manager may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the General Manager may:

- (1) Reject the wastes
- (2) Require pre-treatment to an acceptable condition for discharge to the public sewers
- (3) Require control over the quantities and rates of discharge

6.03 Any industry discharging industrial process wastes of any description shall install a suitable monitoring manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the General Manager. The manhole shall be installed by the Owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

6.04 Any industry discharging industrial process wastes of any description shall be charged a monthly surveillance fee to compensate the City for the added cost of collecting and analyzing waste samples on a periodic basis to ensure compliance with the terms of this ordinance and the cost of administering the Pre-treatment Program. The monthly surveillance fee shall be established annually by the City based on their actual cost for administration and operation of the City Industrial Pre-treatment Program.

6.05 The General Manager may require an industrial user to install automatic flow proportional composite samplers and flow monitoring units under the following conditions:

- (1) Where the nature of the manufacturing operation or process wastes provides a reasonable possibility for an accidental or intentional discharge in violation of this ordinance.
- (2) Where the installation of such monitoring unit is a condition for acceptance of the wastes in the public sewers.
- (3) Where accidental or intentional violations of discharge conditions are detected on more than one occasion during a twelve (12) month period.
- (4) Where monitoring is required by state or federal regulations.

6.06 Wastes having an average 5-day BOD in excess of 250 mg/l, suspended solids in excess of 300 mg/l or ammonia nitrogen in excess of 15 mg/l may be accepted in the public sewers subject to a surcharge to cover the additional cost of treating such wastes. The surcharges will be based on the average of composite samples collected over a three (3) month period. If less than three (3) composite samples are collected and analyzed in the three (3) month period immediately preceding billing period samples for the preceding month or months will be utilized to provide the required number of samples. The surcharge shall be based on the average concentration and the metered water consumption and shall be subject to review and adjustment on an annual basis to reflect changes in operating costs. The surcharge will be established by the Board of Public Utilities.

6.07 (1) Where pre-treatment or equalization of wastewater flows prior to discharge into any part of the wastewater treatment system is required, plans, specifications and other pertinent data or information relating to such pre-treatment or flow-control facilities shall first be submitted to the General Manager for review and approval. Such approval shall not exempt the discharge or such

facilities from compliance with any applicable code, ordinance, rule, regulation or order of any governmental authority. Any subsequent alterations or additions to such pre-treatment or flow-control facilities shall not be made without due notice to and prior approval of the General Manager.

(2) If pre-treatment or control of waste flows is required, such facilities shall be maintained in good working order and operated as efficiently as possible by the Owner or operator at his own cost and expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances and laws. 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 of 40 CFR 403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted.

6.08 (1) 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.

(2) All measurements, tests and analysis of the characteristics of water and waste to which reference is made in this ordinance shall be determined 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, the user shall use "Standard Methods for the Examination of Water and Sewage," latest edition, "Methods for Chemical Analysis of Water and Waste" published by the U.S. Environmental Protection Agency or the "Annual Book of Standards, Part 23, Water, Atmospheric Analysis" published by the American Society for Testing and Materials.

(3) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The General Manager may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow-proportional sampling will be representative of the discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities.. 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.

(4) 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 of Tennessee Rule 1200-4-14-.06(5) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with Tennessee Rule 1200-4-14-.06(5) this adjusted limit along with supporting data shall be submitted to the General Manager.

(5) If an User subject to the reporting requirement in Section 6.11 monitors any regulated pollutant at the appropriate sampling location more frequently than required by the General Manager, using the procedures prescribed in subparagraph (2) of this paragraph, the results of this monitoring shall be included in the report.

6.09 Any user of the public sewer who discharges industrial waste or matter must satisfy and meet such United States Federal Government guidelines for pre-treatment as may be prescribed from time to time by the Environmental Protection Agency or its successor agency and such guidelines for pre-treatment as may be prescribed from time to time by the Water Quality Control Division of the Tennessee Department of Environment & Conservation or its successor agency and further must furnish at its own expense the necessary monitoring equipment for such pre-treatment as may reasonably be necessary in the opinion of the General Manager of the Board of Public Utilities.

6.10 Limitations on the discharge of industrial wastes are hereby established for both compatible and incompatible wastes as follows:

- (1) Compatible Wastes
 - (a) Total waste load must not be such as to cause an overload on plant treatment works.
 - (b) Concentration shall not exceed the following limits unless a variance is granted.

Parameter	Maximum Daily Avg. Conc. mg/l	Maximum Instantaneous Conc. mg/l
Biochem. Oxygen Demand	1500	2000
Chemical Oxygen Demand	2500	3500
Settleable Solids	15	20
Total Susp. Solids	1500	2000
Total Dissolved Solids	5000	7500
Nitrogen (Total Kjeldahl)	60	90

- (2) Incompatible Wastes
 - (a) No person or User shall discharge wastewater which exceeds the following set of standards unless an exception is permitted as provided in this Ordinance. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this Ordinance.

Parameter	Maximum Concentration (mg/l)
Copper	1.09
Chromium Total	2.5
Chromium III	2.5
Chromium VI	0.93
Nickel	1.51
Cadmium	0.015
Lead	0.12
Mercury	0.0014
Silver	0.009
Zinc	2.04
Cyanide	0.42
Toluene	2.67
Benzene	0.15
1,1,1 Trichloroethane	3.11
Ethyl benzene	0.35
Carbon tetrachloride	1.86
Chloroform	2.79
Tetrachloroethylene	1.73
Trichloroethylene	1.24
1,2 trans Dichloroethylene	0.082
Methylene Chloride	1.14
Total Phenols*	5.77
Naphthalene	0.045
Total Phthalates**	3.20

*Total Phenols - 4AAP Method

**Total Phthalates – the sum of bis (2-ethylhexyl) phthalate, butyl benzylphthalate, di-n-butylphthalate and diethyl phthalate.

(b) Industrial discharges of incompatible pollutant shall be treated to a maximum concentration level set by the practical limits of technology unless otherwise approved by the Board of Public Utilities.

(3) Best Management Practices The General Manager may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits to implement Local Limits and the requirements of (1) & (2) above.

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

6.11 Discharge Reports

(1) All Significant Industrial Users (except a Non-Significant Categorical User) must, at a frequency determined by the General Manager but no less than twice per year (June and December [or on dates specified]) submit 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. The General Manager may require any other industrial users discharging or proposing to discharge into the treatment system to file such periodic reports.

(2) The discharge report shall include but, in the discretion of the General Manager, shall not be limited to, nature of process, volume, rates of flow, mass emission rate, production quantities, hours of operation, concentrations of controlled pollutants or other information which relates to the generation of waste. Such reports may also include the materials stored on-site even though they are not normally discharged. In addition to discharge reports, the General Manager may require information in the form of Industrial Discharge Permit Applications and self-monitoring reports.

(3) The General Manager 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. This authorization is subject to the following conditions:

- a) 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.
- b) 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.
- c) 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.
- d) The request for a monitoring waiver must be signed in accordance with Section 6.13(1), and include the certification statement in 6.13(3) (Tennessee Rule 1200-4-14-.06(1)(b)2).
- e) 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.

- f) 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.
- g) 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 Section 6.13(3) below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
- h) 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 Section 6.11, or other more frequent monitoring requirements imposed by the General Manager, and notify the General Manager.
- i) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

(4) 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 1200-4-14-.06(1)(d), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the General Manager a baseline monitoring report which contains the information listed 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 below. A New Source shall report 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.

- a) All information required in Section 6.01 (3).
- b) Identification of the pretreatment standards applicable to each regulated process.
- c) 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.
- d) 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 POTW.
- e) A statement, reviewed by the User's Authorized Representative as defined in Section 1.03 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.
- f) 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 9.05 of this ordinance.

- g) All baseline monitoring reports must be certified in accordance with Section 6.13(1) of this ordinance and signed by an Authorized Representative.

(5) 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 POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the General Manager a report containing the information described in Section 6.01(3)(c)-(e) and 6.11(1) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 5.07, this report shall contain a reasonable measure of the User's long-term production rate. 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 Section 6.13(1) of this ordinance. All sampling will be done in conformance with Section 6.08.

(6) 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 45 days before the change.

- (a) The General Manager 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 6.01(3) of this ordinance.
- (b) The General Manager may issue an individual wastewater discharge or modify an existing wastewater discharge permit under Section 6.01 of this ordinance in response to changed conditions or anticipated changed conditions.

(7) 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, that 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.

(8) Significant Industrial Users are required to notify the General Manager immediately of any changes at its facility affecting the potential for a Slug Discharge.

(9) If sampling performed by a User indicates a violation, the User must notify the General Manager 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 BPU performs sampling at the User's facility at least once a month, or if BPU performs sampling at the User between the time when the initial sampling was conducted and the time when the User or BPU receives the results of this sampling, or if BPU has performed the sampling and analysis in lieu of the Industrial User.

(10) 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 need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 6.11(6) 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 Section 6.11(1) of this ordinance.

- (a) Dischargers are exempt from the notification requirements 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.
- (b) 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.
- (c) 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.
- (d) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

(11) 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 6.10(3). 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, BPU or the City, or where the User has been specifically notified of a longer retention period by the General Manager.

(12) Such records shall be made available upon request by the General Manager. All such records relating to compliance with pre-treatment standards shall be made available to officials of the U.S. Environmental Protection Agency and State of Tennessee Department of Environment & Conservation upon demand. A summary of such data indicating the industrial user's compliance with this Ordinance shall be prepared quarterly and submitted to the General Manager.

6.12 (1) Protection from Accidental Discharge - Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Owner or operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the General Manager for review, and shall be approved by him before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his facility as necessary, to meet the requirements of this ordinance.

(2) Reporting of Accidental Discharge - If, for any reason, a facility does not comply with or will be unable to comply with any prohibition or limitations in this ordinance, the facility responsible for such discharge shall immediately notify the General Manager so that corrective action may be taken to protect the treatment system. In addition, a written report addressed to the General Manager detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges, shall be filed by the responsible

industrial facility within five (5) days of the occurrence on the non-complying discharge.

6.13 (1) Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications; Users submitting baseline monitoring reports; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines; Users submitting periodic compliance reports, and Users submitting an initial request to forego sampling of a pollutant. The following certification statement must be signed by an Authorized Representative:

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.

(2) Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by the General Manager must annually submit the following certification statement signed by an Authorized Representative. This certification must accompany an alternative report required by the General Manager:

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

(i) The facility described as _____

[facility name] met the definition of a Non-Significant Categorical Industrial User

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

This compliance certification is based on the following information.

(3) Certification of Pollutants Not Present—Users that have an approved monitoring waiver based on Section 6.11(3) must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

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

6.14 Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the General Manager's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the General Manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

6.15 The General Manager shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, 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 (3), (4) or (8) of this Section) and shall mean:

1. 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 as defined in Section 1;

2. 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, as defined by Section 6.10 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

3. Any other violation of a Pretreatment Standard or Requirement as defined by Section 6.10 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the General Manager 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;

4. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted the General Manager's exercise of its emergency authority to halt or prevent such a discharge;

5. 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;

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

7. Failure to accurately report noncompliance; or

8. 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.

ARTICLE VII. Protection for Damage

No person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE VIII. Powers and Authority of Inspectors

8.01 The General Manager and other duly authorized employees of the Board of Public Utilities or the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of (1) copying any records required to be kept under the provisions of this ordinance, (2) inspecting any monitoring equipment or method, and (3) sampling any discharge of wastewater to the treatment works. The General Manager may enter upon the property at any hour under emergency circumstances. Unreasonable delays in allowing the General Manager access to the User's premises shall be a violation of this ordinance. 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 and shall not be replaced. The costs of clearing such access shall be born by the User.

8.02 The General Manager or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

8.03 The General Manager and other duly authorized employees of the Board of Public Utilities or the City bearing proper credentials and identification shall be permitted to enter all

private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE IX. Enforcement

9.01 The General Manager shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:

- (1) Describe how the POTW will investigate instances of noncompliance;
- (2) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;
- (3) Identify (by title) the official(s) responsible for each type of response;
- (4) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR 403.8 (f)(1) and (f)(2).

9.02 Whenever the General Manager finds that any person has violated or is violating any provisions of this ordinance except Article VII, or any prohibition, limitation or requirement contained herein, he may serve upon such person a written notice stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days, for the satisfactory correction thereof. Such correction 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 shall limit the authority of the General Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

9.03 Any discharge in violation of the substantive provisions of this ordinance shall be considered a public nuisance. If any person discharges sewage, industrial wastes or other wastes into the City treatment system contrary to the substantial provisions of this ordinance, the City Attorney shall commence an action for appropriate legal and/or equitable relief in the Circuit Court of this County.

9.04 The General Manager may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document.

9.05 The General Manager may develop a compliance schedule for any user to comply with this ordinance or any categorical pretreatment standard. Compliance schedules shall be developed in accordance with the following conditions:

- (1) 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);
- (2) No increment referred to above shall exceed nine (9) months;
- (3) 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, as 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; and

(4) In no event shall more than nine (9) months elapse between such progress reports to the General Manager.

9.06 The General Manager may order a User which 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, to appear before the General Manager and show cause why the 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 such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 14 days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 1.03 and required by Section 6.01(3)(m). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

9.07 When the 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 issue 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 time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may 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 Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

9.08 When the 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, or that the User's past violations are likely to recur, the General Manager may issue an order to the User directing it to cease and desist all such violations and directing the User to:

(1) Immediately comply with all requirements; and

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

9.09 Appeals. Any person, including the User, may petition the General Manager to reconsider the terms of an individual wastewater discharge permit or an administrative enforcement action within 30 days of notice of its issuance.

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

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

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

(4) The General Manager shall schedule a hearing with the Board of Public Utilities (BPU) within 45 days of receipt of an appeal petition. The petitioner and General Manager shall be allowed to provide evidence and make arguments at such hearing. BPU shall provide a final decision on the appeal within 14 days of the hearing. The decision of BPU shall be considered final administrative actions for purposes of judicial review.

ARTICLE X. Penalty; Costs

10.1 Any person who is found to have willfully or negligently failed to comply with any provision of this ordinance, and the orders, rules and regulations issued hereunder, shall be subject to

responses ranging from a verbal notice to a civil penalty of no more than Ten Thousand Dollars (\$10,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporter fees and other expenses of litigation by appropriate suit at law against the person found to have violated this ordinance or the orders, rules and regulations issued hereunder. The City also has the authority to disconnect sewer service to those industrial users that habitually violate any portion of this ordinance.

10.2. In addition to other remedies for enforcement provided in this article, the General Manager may petition the state or the Environmental Protection Agency, as appropriate, to exercise such methods or remedies as shall be available to such government entities to seek criminal or civil penalties, injunctive relief, or such other remedies as may be provided by applicable federal or state laws to ensure compliance by Users of applicable Pretreatment Standards, to prevent the introduction of toxic pollutants or other regulated pollutants into the POTW, or to prevent such other water pollution as may be regulated by state or federal law.

10.3. 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 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.

10.4. The following affirmative defenses may be available for discharge violations:

(1) Upset. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the 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. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements below, are met. An Industrial User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (a) An upset occurred and the User can identify the cause(s) of the upset;
- (b) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- (c) The User has submitted the following information to the General Manager within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]: (i) A description of the indirect discharge and cause of noncompliance; (ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and (iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (d) In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- (e) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.
- (f) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(2) User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the prohibitions in Section 5.01 and Section 5.03, Subsections 1, 4, 6, 7, 8, 9, 10 15 and 16 of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

- (a) A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or
- (b) No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when POTW was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

(3) Bypass. For the purpose of this Section, Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

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

(b) Bypass Notifications

- (i) If a User knows in advance of the need for a bypass, it shall submit prior notice to the General Manager, at least ten (10) days before the date of the bypass, if possible.
- (ii) A User shall submit oral notice to the General Manager of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The General Manager may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(c) Bypass is prohibited, and the General Manager may take an enforcement action against a User for a bypass, unless

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

- (d) The General Manager may approve an anticipated bypass, after considering its adverse effects, if the General Manager determines that it will meet the three conditions listed in paragraph (3)(c) of this Section.

ARTICLE XI. Validity

11.01 If any provision, paragraph, word, section or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and articles shall not be affected and shall continue in full force and effect.

11.02 All ordinances and parts of ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

ARTICLE XII. Effective Date

12.01 This ordinance shall be in full force and effect from and after May 4, 2017 (Ord. #1003, 11/07/02, Ord. #1210, 6/1/2017).