

## TITLE 18

### WATER AND SEWERS<sup>1</sup>

#### CHAPTER

1. WASTEWATER SERVICE CONNECTION FEES.
2. WASTEWATER CONTROL.

#### CHAPTER 1

### WASTEWATER SERVICE CONNECTION FEES<sup>2</sup>

#### SECTION

- 18-101. Fee established.
- 18-102. System usage.
- 18-103. Formula.
- 18-104. Example guide.
- 18-105. Schedule of usage and fees.
- 18-106. Delegation of authority to mayor to determine fees.
- 18-107. Customer service fee.

**18-101. Fee established.** The city wastewater service connection fee is two hundred (200) gallons per day per examining room hereby set at one thousand two hundred dollars (\$1,200.00) per unit and:

(1) Each new customer must pay for the cost of the service connection to the wastewater system prior to any service connection.

(2) Residential customers are not permitted to share a common meter or connection to avoid the rate system designed for the recovery of capital and operating costs.

(3) Where the water utility has allowed the use of a common meter, the city may assess a separate connection fee per dwelling unit.

(4) All customers are required to pay at least a minimum wastewater service connection fee as established by this chapter.

(5) For the purpose of this chapter, a "unit" is defined as a separate living unit for apartments and dwellings. (2011 Code, § 18-101)

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<sup>1</sup>Municipal code references

Building, utility and residential codes: title 12.

<sup>2</sup>Wastewater rates, as amended from time to time, are available in the office of the recorder-treasurer.

**18-102. System usage.** In an effort to make the tap fee as fair and objective as possible, a method based upon commercial, industrial, and institutional water consumption requirements outlined in *Community Water Systems Source Book*, fifth edition, shall be used.

(1) Using one hundred (100) gallons per day of water per person and two and one-half (2-1/2) residents per household, the average usage for the service is seven thousand five hundred (7,500) gallons per month. Thus, seven thousand five hundred (7,500) is the basic measure of usage associated with one (1) connection or one (1) unit and it is the same measure used by the state in evaluating facility designs. The application of all other uses shall be computed according to the above referenced design standards regardless of what the actual usage of the system is.

(2) Schedule of water consumption requirements. The following water consumption shall be used in computing wastewater service connection fees:

<b>Residential:</b>	100 gallons per day per person
Apartments and condominiums	100 gallons per day per person (Based on the number of meters or rental units)
Schools	16 gallons per person per day (Based upon projected enrollment)
Churches	3 gallons per person per day (Based upon membership enrollment)
Civic clubs	3 gallons per person per day (Based upon membership enrollment)
Hospitals	300 gallons per bed per day
Nursing homes	Actual water consumption of the facility
Rooming houses	100 gallons per person per day (Based upon the number of roomers)
<b>Commercial and Industrial:</b>	
Barber shop	100 gallons per day per chair
Beauty shop	125 gallons per day per chair
Dentist office	200 gallons per day per chair
Department store	40 gallons per day per employee
Drug store	500 gallons per day

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With fountain service	Plus 1,500 gallons per day additional
Serving meals	Plus 50 gallons per day per seat additional
Industrial plant	30 gallons per day per employee
Laundry	5,000 gallons per day
Launderette	250 gallons per day per machine
Shopping center no food	150 gallons per day per 1000 SF
Retail store	150 gallons per day per 1000 SF
Restaurants	20 gallons per day per seat
Motels	38 gallons per room per day
Service station	10 gallons per day per vehicle served
Theater	3 gallons per day per seat
Office building	12 gallons per day per 100 SF
Car wash	1,500 gallons per day per wash rack
Physician's office	200 gallons per day per examining room
Child care center	10 gallons per day per child and adult

(Ord. #86, Oct. 2011, as amended by Ord. #95, April 2015)

**18-103. Formula.** The formula for calculating the service connection fee, sometimes referred to as the "tap fee," is:

Gallons per day x 30 days usage / 7,500 gallons x \$1,200.00 (tap fee).  
(2011 Code, § 18-103, modified)

**18-104. Example guide.** Example: A ten thousand (10,000) SF office building, The number of units is twelve (12) gallons per day per one hundred (100) SF (from the above usage standards) or one thousand two hundred (1,200) gallons per day. Multiplied by thirty (30) days in the month the usage is thirty-six thousand (36,000) gallons per month. Divide by the seven thousand five hundred (7,500) gallon base for each unit or tap and twenty-four fifths (24/5) units are determined. To determine the connection fee, multiply twenty-four fifths (24/5) times one thousand two hundred dollars (\$1,200.00) (established by the city utility board). The connection fee for an office building used in the above example would be as follows: twenty-four fifths (24/5) times one thousand two hundred dollars (\$1,200.00) or five thousand seven hundred sixty dollars (\$5,760.00) connection fee. (2011 Code, § 18-104)

**18-105. Schedule of usage and fees.** The following schedules of fees are included as a part of this chapter and are applicable to all service connection fees.

**Wastewater connection fees schedule:**

Residential single unit - 100 gallons per day per person. Using 2.5 persons per household for 30 days the monthly water usage is 7,500 gallons. This monthly usage represents one equity connection fee. The equity connection fee is \$1,200.00.

Apartments, rooming houses, condominiums, duplexes, triplexes, etc. - Each apartment unit, rooming house unit, condominium unit, duplex unit, triplex unit, etc. are assessed a fee of \$1,200.00 per unit. Each unit is treated just like a single residential unit. The service connection fee for a 14 unit apartment building would be  $14 \times \$1,200.00$  or \$16,800.00.

Barber shop - 100 gallons per day per chair. Using 2 chairs,  $100 \times 2 \times 30$  days equal 6,000 gallons per month usage. 6,000 gallons/7,500 residential base usage equals 0.8 connections. The connection fee would be \$960.00. The shop would be assessed the minimum service connection fee of \$1,200.00.

Beauty shop - 125 gallons per day per chair. Using 4 chairs,  $125 \times 4 \times 30$  days equal 15,000 gallons per month usage. 15,000 gallons/7,500 residential base usage equals 2 connections. The connection fee would be  $2 \times \$1,200.00$  or \$2,400.00.

Dentist office - 750 gallons per day per chair. Using 2 chairs,  $750 \times 2 \times 30$  days equal 45,000 gallons per month usage. 45,000 gallons/7,500 residential base usage equals 6 connections. The connection fee would be  $6 \times \$1,200.00$  or \$7,200.00.

Department store - 40 gallons per day per employee. Using 4 employees,  $40 \times 4 \times 30$  days equal 4,800 gallons per month usage. 4,800 gallons/7,500 residential base usage equals 64 connections. The connection fee would be  $.64 \times \$1,200.00$  or \$768.00. The department store would be assessed the minimum service connection fee of \$1,200.00.

Drug store - 500 gallons per day.  $500 \times 30$  days equal 15,000 gallons per month usage. 15,000 gallons/7,500 residential base usage equals 2 connections. The connection fee would be  $2 \times \$1,200.00$  or \$2,400.00.

Church - 3 gallons per day per member. Using 300 members,  $3 \times 300 \times 30$  days equal 27,000 gallons per month usage 27,000 gallons/7,500 residential base usage equals 3.6 connections. The connection fee would be  $3.6 \times \$1,200.00$  or \$4,320.00. If the connection serves a separate building at the church an estimate of the number of people who will use the building should be used for the number of members.

Schools - 16 gallons per day per person. Using 300 enrollment,  $16 \times 300 \times 30$  days equal 144,000 gallons per month usage. 144,000 gallons/7,500 residential base usage equals 19.2 connections. The connection fee would be  $19.2 \times \$1,200.00$  or \$23,040.00.

Hospitals - 300 gallons per day per bed. Using 100 beds,  $300 \times 100 \times 30$  days equal 900,000 gallons per month usage. 900,000 gallons/7,500 residential base usage equals 120 connections. The connection fee would be  $120 \times \$1,200.00$  or \$144,000.00.

Nursing homes - 195 gallons per day per bed. Using 25 beds,  $195 \times 25 \times 30$  days equal 146,250 gallons per month usage. 146,250 gallons/7,500 residential base usage equals 19.5 connections. The connection fee would be  $19.5 \times \$1,200.00$  or \$23,400.00.

Laundry - 5,000 gallons per day.  $5,000 \times 30$  days equal 150,000 gallons per month usage. 150,000 gallons/7,500 residential base usage equals 20 connections. The connection fee would be  $20 \times \$1,200.00$  or \$24,000.00.

Launderette - 250 gallons per day per machine. Using 10 washing machines,  $250 \times 10 \times 30$  days equal 75,000 gallons per month usage. 75,000 gallons/7,500 residential base usage equals 10 connections. The connection fee would be  $10 \times \$1,200.00$  or \$12,000.00.

Shopping center - 150 gallons per day per 1,000 SF. Using 20,000 SF,  $150 \times 20 \times 30$  days equal 90,000 gallons per month usage. 90,000 gallons/7,500 residential base usage equals 12 connections. The connection fee would be  $12 \times \$1,200.00$  or \$14,400.00.

Restaurant - 20 gallons per day per seat. Using 40 seats,  $20 \times 40 \times 30$  days equal 24,000 gallons per month usage. 24,000 gallons/7,500 residential base usage equals 3.2 connections. The connection fee would be  $3.2 \times \$1,200.00$  or \$3,840.00.

Motel - 63 gallons per day per room. Using 50 rooms,  $63 \times 50 \times 30$  days equal 94,500 gallons per month usage. 94,500 gallons/7,500 residential base usage equals 12.6 connections. The connection fee would be  $12.6 \times \$1,200.00$  or \$15,120.00.

Office building - 12 gallons per day per 100 SF. Using 10,000 SF,  $12 \times 100 \times 30$  days equal 36,000 gallons per month usage. 36,000 gallons/7,500 residential base usage equals 4.8 connections. The connection fee would be  $4.8 \times \$1,200.00$  or \$5,760.00.

Car wash - 1,500 gallons per day per wash rack. Using 6 wash racks,  $1,500 \times 6 \times 30$  days equal 270,000 gallons per month usage. 270,000 gallons/7,500 residential base usage equals 36 connections. The connection fee would be  $36 \times \$1,200.00$  or \$43,200.00.

Physician's office - 200 gallons per day per examining room. Using 4 rooms,  $200 \times 4 \times 30$  days equal 24,000 gallons per month usage. 24,000 gallons/7,500 residential base usage equals 3.2 connection fees. The connection fee would be  $3.2 \times \$1,200.00$  or \$3,840.00.

Child care center - 10 gallons per day per child and adult. Using 20 persons, 10 x 20 x 30 days equal 6,000 gallons per month. 6,000 gallons/7,500 residential base usage equals 8 connections. The connection fee would be .8 x \$1,200.00 or \$960.00. The minimum tap fee of \$1,200.00 would be charged.

Service station - 10 gallons per day per vehicle. Using 75 vehicles, 10 x 75 x 30 days equal 22,500 gallons per month usage. 22,500 gallons/7,500 residential base usage equals 3 connections. The connection fee would be 3 x \$1,200.00 or \$3,600.00. (2011 Code, § 18-105, modified)

**18-106. Delegation of authority to mayor to determine fees.** The board of mayor and aldermen, serving as the city's utility board, hereby delegates to the mayor or his designee the authority to determine service connection fees as herein required and to collect such fees upon application for service. Funds received shall be deposited in a utility enterprise fund. (2011 Code, § 18-106)

**18-107. Customer service fee.** A non-refundable customer service fee of one hundred twenty-five dollars (\$125.00) is hereby required each time a customer establishes an account and/or a connection with the city's wastewater treatment system. (Ord. #133, Feb. 2021)

## CHAPTER 2

### WASTEWATER CONTROL

#### SECTION

- 18-201. Purpose and policy.
- 18-202. Definitions.
- 18-203. Connection to public sewers.
- 18-204. Grinder pump wastewater systems.
- 18-205. Regulation of holding tank waste disposal or trucked in waste.
- 18-206. Wastewater collection regulations.
- 18-207. Discharge regulations.
- 18-208. Application for domestic wastewater connection and industrial wastewater discharge permits.
- 18-209. Industrial user monitoring, inspection reports, records access, and safety.
- 18-210. Enforcement and abatement.
- 18-211. Enforcement response guide table.
- 18-212. Application for sewer service.
- 18-213. Service contracts or contracts for service.
- 18-214. Fees and billing.
- 18-215. Validity.

**18-201. Purpose and policy.** This chapter sets forth uniform requirements for the disposal of wastewater in the service area of the City of Harrogate's wastewater collection system and the Claiborne Utility District's wastewater collection and treatment system. The objectives of this chapter are:

- (1) To protect the public health;
- (2) To provide problem free wastewater collection and treatment service;
- (3) To prevent the introduction of pollutants into the municipal wastewater treatment system, which will interfere with the system operation, which will cause the system discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements, or which will, cause physical damage to the city's wastewater collection system and CUDs wastewater collection and treatment system facilities;
- (4) To provide for full and equitable distribution of the cost of the wastewater treatment system;
- (5) To enable the city to comply with the provisions of the Federal Water Pollution Control Act, the general pretreatment regulations (40 CFR Part 403), and the Tennessee Water Quality Control Act, *Tennessee Code Annotated*, §§ 69-3-123, *et seq.*; and

(6) To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment system.

In meeting these objectives, this chapter provides that all persons in the service area of city must have adequate wastewater treatment either in the form of a connection to the municipal wastewater collection and treatment system or, where the system is not available, an appropriate private disposal system. This chapter also provides for the issuance of permits to system users, for the regulations of wastewater discharge volume and characteristics, for monitoring and enforcement activities; and for the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater collection and treatment system and from other activities required by the enforcement and administrative program established herein.

This chapter shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the municipal wastewater collection treatment system. Except as otherwise provided herein, the local administrative officer of the city shall administer, implement, and enforce the provisions of this chapter.

The city operates a wastewater collection system for the benefit of its customers. Wastewater collection by the city is treated pursuant to a certain wastewater agreement between the city and Claiborne Utility District. Therefore, customers of the city are also subject to the rules and regulations of Claiborne Utility District. (Ord. #80, April 2011)

**18-202. Definitions.** Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(1) "Act" or the "Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended 33 U.S.C. §§ 1251, *et seq.*

(2) "Approval authority." The Tennessee Department of Environment and Conservation, Division of Water Pollution Control.

(3) "Authorized representative of industrial user." An authorized representative of an industrial user may be:

(a) A principal executive officer of at least the level of 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; or

(c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

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



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

(6) "Categorical standards." The national categorical pretreatment standards or pretreatment standard.

(7) "City." The City of Harrogate.

(8) "CUD." Claiborne Utility District means the utility district organized in Claiborne County pursuant to the Utility District Law of 1937 with whom the city has contracted for wastewater treatment.

(9) "Commissioner." The commissioner of environment and conservation or the commissioner's duly authorized representative and, in the event of the commissioner's absence or a vacancy in the office of commissioner, the deputy commissioner.

(10) "Compatible pollutant." BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or may in the future be specified and controlled in the city's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(11) "Composite sample." A sample composed of two (2) or more discrete samples. The aggregate sample will reflect the average water quality covering the composting or sample period.

(12) "Control authority." The term "control authority" shall refer to the "approval authority," defined hereinabove; or the local hearing authority if HUB has an approved pretreatment program under the provisions of 40 CFR § 403.11.

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

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

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

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

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

(18) "Garbage." Solid wastes generated from any domestic, commercial or industrial source.

(19) "Grab sample." A sample which is taken from a waste stream on a one (1) time basis with no regard to the flow in the waste stream and is collected over a period of time not to exceed fifteen (15) minutes. Grab sampling

procedure: Where composite sampling is not an appropriate sampling technique, a grab sample(s) shall be taken to obtain influent and effluent operational data. Collection of influent grab samples should precede collection of effluent samples by approximately one (1) detention period. The detention period is to be based on a twenty-four (24) hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year. Grab samples will be required, for example, where the parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical or physical interactions which take place after sample collection and affect the results.

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

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

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

(23) "HUB." Harrogate Utility Board or the board of mayor and aldermen.

(24) "Incompatible pollutant." Any pollutant which is not a "compatible pollutant" as defined in this section.

(25) "Indirect discharge." The discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. § 1317), into the POTW (including holding tank waste discharged into the system).

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

(27) "Industrial wastes." Any liquid, solid, or gaseous substance, or combination thereof, or form of energy including heat, resulting from any process of industry, manufacture, trade, food processing or preparation, or business or from the development of any natural resource.

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

(29) "Interference." The inhibition or disruption of the municipal wastewater processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the Act (33 U.S.C. § 1345) or any criteria including 40 CFR part 503, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), being 42 U.S.C. §§ 6901, *et seq.*, rules and regulations of the State of Tennessee, chapter 0400-11-01 (Solid Waste Processing and Disposal), the Clean Air Act,

the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to title IV of SWDA) applicable to the method of disposal or use employed by the municipal wastewater treatment system.

(30) "Local administrative officer." The chief administrative officer of the city or his or her designated representative.

(31) "Local hearing authority." The board of mayor and aldermen or such person or persons appointed by the board to administer and enforce the provisions of this chapter and conduct hearings pursuant to § 18-210.

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

(33) "National categorical pretreatment standard or pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. § 1317) which applies to a specific category of industrial users.

(34) "New source." Any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 307(c) (33 U.S.C. § 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the federal register. Where the standard is promulgated later than one hundred twenty (120) days after proposal, a "new source" means any source, the construction of which is commenced after the date of promulgation of the standard.

(35) "NPDES (National Pollution Discharge Elimination System)." The program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to section 402 of the Federal Water Pollution Control Act, as amended.

(36) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

(37) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(38) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharge into water.

(39) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(40) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater.

(41) "Pretreatment or treatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, biological processes, or process changes or other means, except through dilution as prohibited by 40 CFR § 403.6(d).

(42) "Pretreatment coordinator." The person designated by the local administrative officer or his authorized representative to supervise the operation of the pretreatment program.

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

(44) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act (33 U.S.C. § 1292) which is owned in this instance by the 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. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city, who are, by contract or agreement with the city, users of the city's POTW.

(45) "Secondary cutoff." A device installed on the customer's side of any metering device utilized by any potable water provider which allows the city to discontinue potable water service to the customer to enforce the provisions of this chapter including, but not limited to, the collection of fees and charges imposed in connection with providing sewer service.

(46) "Service contract." The service contract or contract for sewer service entered into between the city and any customer which contains the terms and conditions under which the city provides sewer service to the customer including, but not limited to, the terms and conditions of this chapter, the rates, fees and charges imposed by the sewer use ordinance or any other enactment adopted by the city or that is authorized by either the sewer use ordinance enactment.

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

(48) "Significant industrial user." The term "significant industrial user" means:

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

(b) Any other industrial user that: discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, on-contact cooling and

boiler blow down wastewater); contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority as defined in 40 CFR § 403.12(b) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR § 403.8(f)(6)).

(49) "Significant non-compliance." Per 40 CFR § 403.8(f)(2)vii:

(a) "Chronic violations of wastewater discharge limits," defined herein as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceeds (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.

(b) "Technical Review Criteria (TRC) violations," defined herein as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for 800, TSS fats, oils and grease, and 1.2 for all other pollutants except pH).

(c) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR § 403.8 (f)(1)(vi)(8) to halt or prevent such a discharge.

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

(f) Failure to provide, within thirty (30) days after their due date, required reports, such as baseline monitoring reports, ninety (90) day compliance reports, periodic self monitoring reports, and reports on compliance with compliance schedules.

(g) Failure to accurately report non-compliance.

(h) Any other violation or group of violations which the control authority determines will adversely affect the operation of implementation of the local pretreatment program.

(i) Continuously monitored pH violations that exceeds limits for a time period greater than fifty (50) minutes or exceeds limits by more than 0.5 s.u. more than eight (8) times in four (4) hours.

(50) "Slug." Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in § 18-207 of this chapter or any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge.

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

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

(53) "Storm sewer or storm drain." A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes. It may, however, carry cooling waters and unpolluted waters, upon approval of the superintendent.

(54) "Stormwater." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

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

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

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

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

(59) "User." Any person who contributes, causes or permits the contribution of wastewater into the city's POTW.

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

(61) "Wastewater treatment systems." Defined the same as "POTW."

(62) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and other bodies of accumulation of water, surface or underground, natural or artificial, public or private, that are contained within, flow through, or border upon the state or any portion thereof. (Ord. #80, April 2011, modified)

**18-203. Connection to public sewers.** (1) Requirements for proper wastewater disposal. (a) It shall be unlawful for any person to

place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the city, any human or animal excrement, garbage, or other objectionable waste.

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

(c) Except as herein 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 sewage.

(d) Except as provided in § 18-203(1)(e) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of the chapter, within sixty (60) days after date of official notice to do so; provided that said public sewer is within five hundred feet (500') of the property line over public access.

(e) 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.

(f) Where a public sanitary sewer is not available under the provisions of § 18-203(1)(d) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-205 of this chapter.

(2) Physical connection to public sewer. (a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof. The city shall make all connections to the public sewer upon the property owner first submitting a connection application from the superintendent as required by § 18-208 of this chapter.

The connection application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. A connection fee shall be paid to the city at the time the application is filed.

(b) All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(c) A separate and independent building sewer shall be provided for every building; except where one (1) 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 (1) building sewer.

(d) Old building sewers may be used in connection with new buildings only when they are found on examination and tested by the superintendent to meet all requirements of this chapter. All others may be sealed to the specifications of the superintendent.

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

(i) The minimum size of a building sewer shall be as follows:

(A) Conventional sewer system - four inches (4").

(B) Low pressure sewer - one and one quarter inches (1-1/4").

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

(iii) Building sewers shall be laid on the following grades:

(A) Four inch (4") sewers - one-eighth inch (1/8") per foot.

(B) Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') per second.

(iv) Slope and alignment of all building sewers shall be neat and regular.

(v) Building sewers shall be constructed only of ductile iron pipe class 50 or above or polyvinyl chloride pipe schedule 40 or and SDR-21 or greater. Joints shall be rubber or neoprene "O" ring compression joints or solvent welded. No other joints shall be acceptable.

(vi) A cleanout shall be located five feet (5') outside of the building, one (1) as it crosses the property line and one (1) at each change of direction of the building sewer which is greater than forty-five (45) degrees.

Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of six inch (6") nominal diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wye) and one-eighth (1/8) bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4").



(vii) Connections of building sewers to the public sewer system shall be made only by the city and shall be made at the appropriate existing wyes or tee branch using compression type couplings or collar type rubber joint with stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by removing a length of pipe and replacing it with a wye or tee fitting using flexible neoprene adapters with stainless steel bands of a type approved by the superintendent. All such connections shall be made gastight and watertight.

(viii) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of one-eighth inch (1/8") per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a step or grinder pump and discharged to the building sewer at the expense of the owner, pursuant to § 18-204.

(ix) The methods to be used in excavating, placing of pipe jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of HUB or to the procedures set forth in appropriate specifications of the ASTM and *Water Environment Federation Manual of Practice FD-S*. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

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

(f) All excavations for building sewer installation shall be adequately guarded with barricades and lights 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.

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

(h) Inspection of connections. (i) The sewer connection and all building sewers from the building to the public sewer main line shall be

inspected before the underground portion is covered, by the superintendent or his authorized representative.

(ii) The applicant for discharge shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

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

(4) Sewer extensions. All expansion or extension of the public sewer constructed by property owners or developers must follow policies and procedures developed by the city. In the absence of policies and procedures, the expansion or extension of the public sewer must be approved in writing by the superintendent or manager of the wastewater collection system. All plans and construction must follow the latest edition of *Tennessee Design Criteria for Sewage Works*. Contractors must provide the superintendent or manager with documentation that all mandrel, pressure and vacuum tests as specified in the design criteria were acceptable prior to use of the lines. A contractor's one (1) year warranty period begins with occupancy or first permanent use of the lines. Contractors are responsible for all maintenance and repairs during the warranty period and final inspections as specified by the superintendent or manager. The superintendent or manager must give written approval to the contractor to acknowledge transfer of ownership to the city. Failure to construct or repair lines to acceptable standards could result in denial or discontinuation of sewer service. (Ord. #80, April 2011, modified)

**18-204. Grinder pump wastewater systems.** When connection of building sewers to the public sewer by gravity flow lines is impossible due to elevation differences or other encumbrances, Grinder Pump (GP) systems may be installed subject to the regulations of the city.

(1) Equipment requirements. Pumps must be approved by the city and shall be maintained by the city.

(2) Installation requirements. Location of pumps and effluent lines shall be subject to the approval of the city. Installation shall follow design criteria for GP systems as provided by the superintendent.

(3) Costs. GP equipment for new construction shall be purchased and installed at the developer's, homeowner's, or business owner's expense according to the specification of the city and connection will be made to the city sewer only after inspection and approval of the city.

(4) Ownership and easements. Homeowners or developers shall provide HUB with ownership and an easement. Access by the city to the GP system must be guaranteed to operate, maintain, repair, and restore service. Access manholes, ports, and electrical disconnects must not be locked, obstructed or blocked by landscaping or construction.

(5) Use of GP systems. (a) Home or business owners shall follow the GP users guide provided by the superintendent.

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

(c) Home or business owners shall be responsible for maintenance drain lines from the building to the GP tank.

(d) Prohibited uses of the GP system.

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

(ii) Disposal of toxic household substances.

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

(iv) Discharge of fats, grease, and oil.

(6) Additional charges. The city shall be responsible for maintenance of the GP equipment. Repeat service calls for identical problems shall be billed to the homeowner or business at a rate of no more than the actual cost of the service call. (Ord. #80, April 2011)

**18-205. Regulation of holding tank waste disposal or trucked in waste.** (1) Permit. No person, firm, association or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excreta disposal system, unless such person, firm, association, or corporation obtains a permit from the city to perform such acts or services. Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the superintendent when the conditions of this chapter have been met and providing the superintendent is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste.

(2) Fees. For each permit issued under the provisions of this chapter, the applicant shall agree in writing by the provisions of this section and pay an annual service charge to the city to be set as specified in § 18-211. Any such permit granted shall be for one (1) fiscal year or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year, unless sooner revoked, and shall be nontransferable. The number of the permits granted hereunder shall be plainly painted in three inch (3") permanent letters on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(3) Designated disposal locations. The superintendent shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated. The superintendent may refuse to accept any truckload of waste at his absolute discretion where it appears that the waste could interfere with the operation of the POTW.

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

(5) Trucked in waste. No waste material or cleaning waste will be allowed from trucks, railcars, barges, etc., or temporally pumped waste without written approval by the superintendent. This approval may require testing, flow monitoring and recordkeeping or the issuance of an industrial pretreatment permit. (Ord. #80, April 2011)

**18-206. Wastewater collection regulations.** Users of the city's wastewater collection system are subject to the provisions of this chapter, including any amendments hereto, as well as the regulations, as the same may from time to time be amended, adopted by the Claiborne Utility District which provides collection and treatment of wastewater for the city. Any violation of either this chapter as amended or the regulations of Claiborne Utility District will subject the violator to the sanctions of this chapter. (Ord. #80, April 2011)

**18-207. Discharge regulations.** (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation and performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. Violations of these general and specific prohibitions or the provisions of § 18-207 may result in the issuance of an industrial pretreatment permit, surcharges, discontinuance of water and/or sewer service and other fines and provisions of § 18-210. A user may not contribute the following substances to any POTW:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other

way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over twenty percent (20%) of the Lower Explosive Limit (LEL) of the meter. Prohibited flammable materials including, but not limited to, waste streams with a closed cap flash point of less than one thousand four hundred degrees Fahrenheit (1,400°F) or six hundred degrees Celsius (600°C) using the test methods specified in 40 CFR § 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Any wastewater having a pH less than 5.5 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(c) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities including, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, waste from animal slaughter, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, mud, or glass grinding or polishing wastes.

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

(e) 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.

(f) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(g) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans, including wastewater plant and collection system operators, or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to section 307(a) of the Act, being 33 U.S.C. § § 1317.

(h) Any trucked or hauled pollutants except at discharge points designated by the POTW.

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

(j) Any substances which will cause the POTW to violate its NPDES permit or the receiving water quality standards.

(k) Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(l) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds forty degrees Celsius (40°C) or one hundred four degrees Fahrenheit (104°F).

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

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

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

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

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

(2) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the set of standards provided in Appendix A - Plant-Protection Criteria, unless specifically allowed by their discharge permit local limits (Appendix B - Local Discharge Limits). Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

(3) Fats, oils and grease traps and interceptors. (a) Fat, Oil and Grease (FOG), waste food, and sand interceptors. FOG, waste food and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, any flammable wastes, ground food wasteland, soil, and solids, or other harmful ingredients in excessive amount which impacts the wastewater collection system. Such interceptors shall not be required for single-family residences, but may be required on multiple-family residences. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

(b) Fat, oil, grease, and food waste. (i) New construction and renovation. Upon construction or renovation, all restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall submit a FOG and food waste control plan that will effectively control the discharge of FOG and food waste.

(ii) Existing structures. All existing restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall be required to submit a plan for control of FOG and food waste if and when the superintendent determines that FOG and food waste are causing excessive loading, plugging, damage or potential problems to structures or equipment in the public sewer system.

(iii) Implementation of plan. After approval of the FOG plan by the superintendent, the sewer user must:

(A) Implement the plan within a reasonable amount of time.

(B) Service and maintain the equipment in order to prevent adverse impact upon the sewer collection system and treatment facility. If in the opinion of the superintendent, the user continues to impact the collection system and treatment plan, additional pretreatment may be required, including a requirement to meet numeric limits and have surcharges applied.

(C) Sand, soil, and oil interceptors. All car washes, truck washes, garages, service stations and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors. These interceptors shall be sized to effectively remove sand, soil, and oil at the expected flow rates. The interceptors shall be cleaned on a regular basis to prevent impact upon the wastewater collection and treatment system. Owners whose interceptors are deemed to be ineffective by the superintendent may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities will prevent the inflow of rainwater into the sanitary sewers.

(D) Laundries. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the sewer system of solids one-half inch (1/2") or larger in size such as strings, rags, buttons, or other solids detrimental to the system.

(E) Control equipment. The equipment of facilities installed to control FOG, food waste, sand and soil must be designed in accordance with the *Standard Plumbing Code* and Tennessee Department of Environment and Conservation engineering standards. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance. Control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer, and the accumulation of FOG in the lines, pump stations and treatment plant. If the city is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, the property owner shall be required to refund the labor, equipment, materials and overhead costs to the city. Nothing in this subsection shall be construed to prohibit or restrict any other remedy the city has under this chapter, or state or federal law. The city retains the right to inspect and approve installation of control equipment.

(F) The superintendent may use industrial wastewater discharge permits under § 18-206 to regulate the discharge of fat, oil and grease.

(4) Protection of treatment plant influent. The pretreatment coordinator shall monitor the treatment works influent for each parameter in Appendix A - Plant Protection Criteria. Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth



in this chapter. In the event that the influent at the POTW reaches or exceeds the levels established by Appendix A or subsequent criteria calculated as a result of changes in pass through limits issued by the Tennessee Department of Environment and Conservation, the pretreatment coordinator shall initiate technical studies to determine the cause of the influent violation and shall recommend to the city the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The pretreatment coordinator shall also recommend changes to any of these criteria in the event that the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW.

**Table C - Surcharge and Maximum Limits**

<u>Parameter</u>	<u>Surcharge Limit</u>	<u>Maximum Concentration</u>
Ammonia-N	15	40
Oil and grease	50	100
BOD	300	1500
COD	400	2500
Suspended solids	300	600

(5) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The pretreatment coordinator shall notify all affected users of the applicable reporting requirements under 40 CFR § 403.12.

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

(7) Accidental discharges. (a) Protection from accidental discharge. All industrial users shall provide such facilities and institute

such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas; and from diked areas or holding ponds of any waste regulated by this chapter. Detailed plans showing the facilities and operating procedures shall be submitted to the pretreatment coordinator before the facility is constructed. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

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

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

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

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

Each user shall annually certify to the pretreatment coordinator compliance with this subsection. (Ord. #80, April 2011, modified)

**18-208. Application for domestic wastewater connection and industrial wastewater discharge permits.** (1) Application for discharge of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the superintendent for connection to the municipal wastewater treatment system. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the city sewer shall not be made until the application is received and approved by the superintendent, the building sewer is installed in

accordance with § 18-201 of this chapter and an inspection has been performed by the superintendent or his representative.

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

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW.

All existing industrial users connected to or contributing to the POTW shall acquire a permit within one hundred eighty (180) days after the effective date of this chapter.

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

(i) Users required to obtain a wastewater discharge permit shall complete and file with the pretreatment coordinator an application on a prescribed form accompanied by the appropriate fee. Existing users shall apply for a wastewater contribution permit within sixty (60) days after the effective date of this chapter, and proposed new users shall apply at least sixty (60) days prior to connecting to or contributing to the POTW.

(ii) The application shall be in the prescribed form of the city and shall include, but not be limited to, the following information: name, address, and SIC number of applicant; wastewater volume; wastewater constituents and characteristics, including, but not limited to, those mentioned in § 18-207(1) and (2); discharge variations - daily, monthly, seasonal and thirty (30) minute peaks; a description of all chemicals handled on the premises, each product produced by type, amount, process or processes and rate of production, type and amount of raw materials; number and type of employees, hours of operation, site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities; and any other information deemed necessary by the pretreatment coordinator.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall, as part of the application for a wastewater discharge permit, submit plans, specifications and other pertinent information relative to the proposed construction to the pretreatment coordinator for

approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter.

(iv) If additional pretreatment and/or operations and maintenance will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this subsection (2)(b)(iv), "pretreatment standard," shall include either a national pretreatment standard or a pretreatment standard imposed by § 18-207 of this chapter.

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

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

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

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

- (i) Permits shall contain the following:
  - (A) Statement of duration;

- (B) Provisions of transfer;
  - (C) Effluent limitations on volume, concentration, and time of discharge, based on 40 CFR part 403, categorical standards, local limits, and state and local law;
  - (D) Self-monitoring, sampling, reporting, notification, record keeping, identification of pollutants to be monitored, sampling location, sampling frequency, and sample type;
  - (E) Statement of applicable civil and criminal penalties for violations of pretreatment standards and the requirements of any applicable compliance schedule. Such schedules shall not extend the compliance date beyond the applicable federal deadlines; and
  - (F) Prohibition of bypassing pretreatment or pretreatment equipment.
- (ii) Additionally, permits may contain the following:
- (A) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
  - (B) Requirements for installation and maintenance of inspections and sampling facilities;
  - (C) Compliance schedules;
  - (D) Requirements for submission of technical reports or discharge reports;
  - (E) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;
  - (F) Requirements for notification of the city sixty (60) days prior to implementing any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system, and of any changes in industrial processes that would affect wastewater quality or quantity;
  - (G) Requirements for notification of slug discharged and spill control plan;
  - (H) Effluent mass loading restrictions; and
  - (I) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.
- (d) Permit revision. Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing wastewater discharge permit shall submit to the pretreatment coordinator within one hundred eighty

(180) days after the promulgation of an applicable federal categorical pretreatment standard the information required by § 18-208(2)(b)(ii) and (iii).

(e) Permit modification. The terms and conditions of the permit may be subject to modification by the pretreatment coordinator during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least thirty (30) days prior to the effective date of change. Except in the case where federal deadlines are shorter, in which case the federal rule must be followed. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(f) Permits duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit.

(g) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the written approval of the city and CUD. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. The permit holder must provide the new owner with a copy of the current permit.

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

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

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

(iii) A change in:

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

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

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

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

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

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

Information accepted by the pretreatment coordinator as confidential shall not be transmitted to any governmental agency or to the general public by the pretreatment coordinator until and unless prior and adequate notification is given to the user. (Ord. #80, April 2011)

**18-209. Industrial user monitoring, inspection reports, records access and safety.** (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users. A monitoring facility shall be a manhole or other suitable facility approved by the pretreatment coordinator.

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

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

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

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility,

sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expenses of the user.

(2) Inspection and sampling. The city and/or CUD may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or CUD, or their representative, ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The city or CUD, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the HUB, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility.

(3) Compliance date report. Within one hundred eighty (180) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the pretreatment coordinator a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operations and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a professional engineer registered to practice engineering in Tennessee.

(4) Periodic compliance reports. (a) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the pretreatment coordinator by the end of the months of March and September, or according to permit requirements, unless required more frequently in the pretreatment standard or by the pretreatment coordinator, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards and requirements. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the



pretreatment coordinator and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the pretreatment coordinator may agree to alter the months during which the above reports are to be submitted.

(b) The pretreatment coordinator may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (4)(a) shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(c) The reports required by this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass where requested by the pretreatment coordinator of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the Act and contained in 40 CFR part 136, and amendments thereto. Sampling shall be performed in accordance with techniques approved by the administrator.

(5) Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

- (a) The date, exact place, method, and time of sampling and the names of the persons taking the samples;
- (b) The dates analyses were performed;
- (c) Who performed the analyses;
- (d) The analytical techniques/methods used; and
- (e) The results of such analyses.

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of three (3) years all records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the pretreatment coordinator, Director of the Division of Water Pollution Control, Tennessee Department of Environment and Conservation or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the pretreatment coordinator, the approval authority, or the Environmental Protection Agency.

(6) Safety. While performing the necessary work on private properties, the pretreatment coordinator or duly authorized employees of the city or CUD shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city

or CUD employees, and the city or CUD shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

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

(8) Reporting violations. If sampling performed by the industrial user indicates effluent violations, the user must notify the pretreatment coordinator within hours of becoming aware of the violation and repeat the analysis within thirty (30) days of becoming aware of the violation, unless the POTW has monitored between the sample date and the day when the results of the violation were received, or if the POTW monitors at least once per month, or if the user is on a monthly sample schedule. (Ord. #80, April 2011)

**18-210. Enforcement and abatement.** (1) Complaints; notification of violation; orders.

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

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

(iii) Any such order shall become final and not subject to review unless the alleged violators request by written petition a hearing before the local hearing authority as provided in § 18-210(2), no later than thirty (30) days after the date the order is served; provided, that the local hearing authority may review the final order as provided in *Tennessee Code Annotated*, § 69-3-123(a)(3).

(iv) Notification of violation. Notwithstanding the provisions of subsections (1)(a)(i) through (1)(a)(iii), whenever the pretreatment coordinator finds that any user has violated or is violating this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirements, the

HUB or its agent may serve upon the user a written notice of violation. Within fifteen (15) days of the receipt of this notice, the user shall submit to the pretreatment coordinator an explanation of the violation and a plan for its satisfactory correction and prevention, including specifications. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section limits the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(b) (i) When the local administrative officer finds that a user has violated or continues to violate this chapter, wastewater discharge permits, any order issued hereunder, or any other pretreatment standard or requirement, he may issue one (1) of the following orders. These orders are not prerequisite to taking any other action against the user.

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

(B) Cease and desist order. An order to the user directing it to cease all such violations and directing it to immediately comply with all requirements and take needed remedial or preventive action to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(C) Consent order. Assurances of voluntary compliances or other documents establishing an agreement with the user responsible for non-compliance, including specific action to be taken by the user to correct the non-compliance within a time period specified in the order.

(D) Emergency order. (1) Whenever the local administrative officer finds that an emergency

exists imperatively requiring immediate action to protect the public health, safety, or welfare, the health of animals, fish or aquatic life, a public water supply, or the facilities of the POTW, the local administrative officer may, without prior notice, issue an order reciting the existence of such an emergency and requiring that any action be taken as the local administrative officer deems necessary to meet the emergency.

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

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

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

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

(C) Except as otherwise expressly provided, any notice, complaint, order, or other instrument issued by or under authority of this section may be served on any named person personally, by the local administrative officer or any person designated by the local administrative officer, or service may be made in accordance with Tennessee statutes authorizing service of process in civil action. Proof of service shall be filed in the office of the local administrative officer.

(2) Hearings. (a) Any hearing or rehearing brought before the local hearing authority shall be conducted in accordance with the following:

(i) Upon receipt of a written petition from the alleged violator pursuant to this subsection (2), the local administrative officer shall give the petitioner thirty (30) days' written notice of the time and place of the hearing, but in no case shall the hearing be held more than sixty (60) days from the receipt of the written petition, unless the local administrative officer and the petitioner agree to a postponement;

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

(iii) A verbatim record of the proceedings of the hearings shall be taken and filed with the local hearing authority, together with the findings of fact and conclusions of law made under subsection (2)(a)(vi). The recorded transcript shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the local administrative officer to cover the costs of preparation;

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

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

(vi) On the basis of the evidence produced at the hearing, the local hearing authority shall make findings of fact and conclusions of law and enter decisions and orders that, in its opinion, will best further the purposes of the pretreatment program. It shall provide written notice of its decisions and orders to the alleged violator. The order issued under this subsection (2)(a)(vi) shall be issued by the person or persons designated by the chair no later than thirty (30) days following the close of the hearing;

(vii) The decision of the local hearing authority becomes final and binding on all parties unless appealed to the courts as provided in subsection (2)(b); and

(viii) Any person to whom an emergency order is directed under § 18-210(1) shall comply immediately, but on petition to the local hearing authority will be afforded a hearing as soon as possible. In no case will the hearing be held later than three (3) days from the receipt of the petition by the local hearing authority.

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

(c) Show cause hearing. Notwithstanding the provisions of subsections (2)(a) or (2)(b), the pretreatment coordinator may order any user that causes or contributes to violation(s) of this chapter, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirements, to appear before the local administrative officer and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for the action, and a request that the user show cause why the proposed enforcement action should be taken. The notice of the meeting shall be served personally, or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. The notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be prerequisite for taking any other action against the user. A show cause hearing may be requested by the discharger prior to revocation of a discharge permit or termination of service.

(3) Violations and administrative civil penalty.

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

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

(G) Violates a final determination or order of the local hearing authority or the local administrative officer.

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

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

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

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

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

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

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

(3) Cause of the discharge or violation;

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

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

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

(7) The economic benefit gained by the violator.

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

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

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

(b) Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the commissioner for violations of *Tennessee Code Annotated*, § 69-3-115(a)(1)(F). However, the sum of penalties imposed by this section and by *Tennessee Code Annotated*, § 69-3-115(a), shall not exceed ten thousand dollars (\$10,000.00) per day for each day during which the act or omission continues or occurs.

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

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

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

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



treat the failure to appeal the assessment as a confession of judgment in the amount of the assessment.

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

(6) Termination of discharge. In addition to the revocation of permit provisions in § 18-208(2)(h) of this chapter, any user that violates the following conditions, wastewater discharge permits, or orders issued hereunder, is subject to termination of their wastewater discharge:

- (a) Violation of wastewater discharge permit conditions.
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge.
- (c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.
- (e) Violation of the pretreatment standards in the general discharge prohibitions in § 18-207 of this chapter.
- (f) Failure to properly submit an industrial waste survey when requested by the pretreatment coordination superintendent.

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

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

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

(b) Significant non-compliance. (i) Chronic violations. Sixty-six percent (66%) or more of the measurements exceed the daily maximum limit or monthly average limit in a six (6) month period (any magnitude of exceedance).

(ii) Technical Review Criteria (TRC) violations. Thirty-three percent (33%) or more of the measurements are equal to or exceed the daily maximum limit or monthly average limit by

more than the applicable TRC in a six (6) month period. TRC = 1.4 for BOD, TSS, and oil and grease = 1.2 for all other pollutants except pH.

(iii) Any discharge of a pollutant that has caused imminent endangerment to human health or welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(iv) Violations of compliance schedule milestones contained in an administrative order by ninety (90) days or more after the scheduled date.

(v) Failure to provide reports for compliance schedules, self monitoring data, or categorical standards (baseline monitoring reports, ninety (90) day compliance reports, and periodic reports) within thirty (30) days from the due date.

(vi) Failure to accurately report non-compliance.

(vii) Any other violation or group of violations considered to be significant. Any significant non-compliance violations will be responded to according to the Enforcement Response Plan Guide Table (appendix D) and public notice of the significant violations. (Ord. #80, April 2011, modified)

**18-211. Enforcement response guide table.** (1) Purpose. The purpose of this chapter is to provide for the consistent and equitable enforcement of the provisions of this chapter.

(2) Enforcement response guide table. The applicable officer shall use the schedule found in appendix D to impose sanctions or penalties for the violation of this chapter. (Ord. #80, April 2011)

**18-212. Application for sewer service.** Any person desiring sewer service or who may be required to have sewer service shall complete an application to obtain sewer service on such form or forms as the city may from time to time require. (Ord. #80, April 2011)

**18-213. Service contracts or contracts for service.** The city shall enter into contracts for service with each customer containing provisions setting forth the terms and conditions of sewer service including, but not limited to, the payment of such fees, rates and charges as may be from time to time established by the city as well as procedures for enforcement of the provisions of the this chapter and the collection of the fees, rates and charges established by the city. (Ord. #80, April 2011)

**18-214. Fees and billing.** (1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from users of the city's wastewater collection system and CUD's wastewater treatment system including costs of

operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

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

- (a) Inspection fee and tapping fee;
- (b) Fees for applications for discharge;
- (c) Sewer use charges;
- (d) Surcharge fees (see Table C in § 18-207);
- (e) Industrial wastewater discharge permit fees;
- (f) Fees for industrial discharge monitoring; and
- (g) Other fees as the HUB may deem necessary.

(3) Fees for application for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by § 18-208 of this chapter.

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

(5) Sewer user charges<sup>1</sup>. The board of commissioners shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system.

(6) Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge fee in accordance with § 18-208 of this chapter.

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

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

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

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<sup>1</sup>Such rates are reflected in administrative ordinances or resolutions, which are on record in the offices of the Harrogate Utility Department.

- (9) Enforcement of the collection of charges and fees. To secure the payment of sewer service charges, the city may take the following action(s):
- (a) Discontinue water service by means of a secondary meter.
  - (b) Charge interest on any delinquent charges at the maximum legal rate.
  - (c) Require of any customer a reasonable deposit in advance to ensure the payment of such sewer charges.
  - (d) Impose a lien on the property of the customer to secure payment of the sewer service charges.
  - (e) Bring an action ex contractu to collect all amounts due, including reasonable attorney's fees and costs. (Ord. #80, April 2011)

**18-215. Validity.** This chapter and its provisions shall be applicable for all service areas, regions, and sewage works under the jurisdiction of the city. (Ord. #80, April 2011)