

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. SEWER USE.
2. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
3. STORMWATER ORDINANCE.

CHAPTER 1

SEWER USE

SECTION

- 18-101. Purpose and policy.
- 18-102. Definitions.
- 18-103. Abbreviations.
- 18-104. Discharge regulations.
- 18-105. Fees.
- 18-106. Administration.
- 18-107. Building sewers and connections.
- 18-108. Enforcement.
- 18-109. Waste subject to surcharge.
- 18-110. Penalty; costs.
- 18-111. Water and wastewater (sewer) rates.
- 18-112. Miscellaneous.

18-101. Purpose and policy. This chapter sets forth uniform requirement for direct and indirect contributors into the wastewater collection and treatment system for the City of Lewisburg, Tennessee, hereafter known as the "city" and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977, as amended, hereafter known as "the Act," and the State of Tennessee's General Pretreatment Regulations (40 CFR, part 403), and (Tennessee Code Annotated, §§ 69-3-103 and 69-3-123, et seq.)

The general purpose of this chapter is to provide for efficient, economic, environmentally safe, and legal operation of the city POTW.

The specific purposes of this chapter are the following:

¹Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

- (1) To prevent the introduction of substances into the POTW that will:
 - (a) Interfere with the POTW in any way;
 - (b) Pass through the POTW to the state's waters and cause contravention of standards for those waters or cause violation of the POTW's NPDES permit;
 - (c) Increase the cost or otherwise hamper the disposal of POTW sludge and/or residuals;
 - (d) Endanger municipal employees;
 - (e) Cause air pollution, or groundwater pollution, directly or indirectly;
 - (f) Cause, directly or indirectly, any public nuisance condition.
- (2) To prevent new sources of infiltration and inflow and, as much as possible, eliminate existing sources of infiltration and inflow.
- (3) To assure that new sewers and connections are properly constructed.
- (4) To provide for equitable distribution to all users of the POTW of all costs, associated with sewage transmission, treatment, and residuals disposal, and to provide for the collection of such costs.

This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This chapter shall apply to the City of Lewisburg and to persons outside the city who are, by contract or agreement with the city, users of the City of Lewisburg's Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the superintendent shall administer, implement and enforce the provisions of this chapter. (1985 Code, § 8-201, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

18-102. Definitions. Unless otherwise stated in the section where the term is used in this chapter, the meaning of terms used in this chapter shall be as stated below. When not inconsistent with the context, the present tense shall include the future, and words used in the plural shall include the singular and vice versa. Furthermore, a masculine pronoun shall include the feminine.

(1) "Abnormal sewage." Sewage whose concentration of one (1) or more characteristics of normal sewage exceeds the maximum concentrations of the characteristics of normal sewage. (See "normal sewage.")

(2) "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.*, as may be amended.

(3) "Ammonia." The result obtained, using an approved laboratory procedure, to determine the quantity of ammonia in a sample, expressed as milligrams of nitrogen per liter.

(4) "Applicant." That person who makes application for any permit. The applicant may be an owner, new or old, or his agent.

(5) "Approval authority." The Division of Water Resources Director or his/her representative(s).

(6) "Approved laboratory procedure." The procedures defined in 40 CFR part 136.

(7) "ASTM," denoting American Society for Testing and Materials. The latest edition of any ASTM specification, when stipulated in this chapter.

(8) "Authorized representative of the industrial user." An authorized representative of the industrial user may be:

(a) If the user is a corporation:

(i) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(ii) The manager of one (1) or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the user is a partnership or sole proprietorship: a general partner or proprietor respectively.

(c) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

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

(9) "Best Management Practices (BMPS)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-104(1) and 40 CFR 403.5(a)(1) and (b). BMPS include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(10) "Biochemical Oxygen Demand (BOD)." The result obtained when using an approved laboratory procedure to determine the quantity of oxygen utilized in the aerobic biochemical oxidation of organic matter or in a sample, expressed in milligrams per liter.

(11) "Building drain." That part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the building walls, and conveys it to the building lateral, which begins five feet (5') outside the inner face of the building wall.

(12) "Building sewer." The extension from the building drain to the public sewer.

(13) "City." The City of Lewisburg, Tennessee and/or the Lewisburg Water and Wastewater Department.

(14) "Combined sewer." A sewer receiving both sewage and surface runoff from down spouts, storm sewers and surface or groundwater.

(15) "Chemical Oxygen Demand (COD)." The result obtained when using an approved laboratory procedure to measure the oxygen requirement of that portion of matter, in a sample, that is susceptible to oxidation, by a specific chemical oxidant, expressed in milligrams per liter.

(16) "Color." The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

(17) "Composite sample." The sample resulting from the combination of individual samples of wastewater taken at selected intervals, for a specified time period. The individual samples may have equal volumes or the individual volumes may be proportioned to the flow at the time of sampling.

(18) "Connection charge (tap fee)." The one (1) time application fee to offset the city's expenses to process an application for a connection of a building/street lateral to the public sewer. The fee also covers plan review, permit issuance, street repair cost, and inspection costs. The fee may be scaled to the amount of work involved, or to the size of the public sewer involved.

(19) "Control authority." The Superintendent of the Water and Wastewater Department, City of Lewisburg, or his designated agent.

(20) "Control manhole." A manhole accessible to the control authority in or upstream of the street lateral, such that samples collected from the manhole represent the discharge to the POTW.

(21) "Conventional pollutant." A pollutant that the POTW treatment plant was designed to treat, defined in accordance with the Act.

(22) "Cooling water." The water discharged from any system of condensation, air conditioning, refrigeration, or other sources. It shall contain no polluting substances which would produce COD or suspended solids in excess of five milligrams per liter (5 mg/l), or toxic substances, as limited elsewhere in this chapter.

(23) "County." Marshall County.

(24) "Daily maximum." The arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day.

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

(26) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee. (For reference, see "indirect discharge.")

(27) "Domestic wastes." See "sewage, domestic."

(28) "Dry sewers." The sanitary sewer installed in anticipation of future connection to a POTW but which is not used, in the meantime, for transport of storm or sanitary sewage.

(29) "End of pipe." End of pipe shall mean the control manhole, provided the samples collected from the control manhole are representative of the discharge to the POTW.

(30) "End of pipe concentration." The concentration of a substance in a sample of wastewater at end of pipe.

(31) "End of process concentration." See "National Categorical Pretreatment Standard."

(32) "Easement." An acquired legal right for the specific use of land owned by others.

(33) "U.S. Environmental Protection Agency," "EPA" or "USEPA." The agency of the federal government charged with the administration and enforcement of federal environmental laws, rules, and regulations. Also may be used as a designation for the administrator or other duly authorized official of this agency.

(34) "Floatable oil." Oil, grease, or fat in a physical state such that it will separate by gravity from wastewater by treatment in a wastewater treatment facility.

(35) "Flow rate." The quantity of liquid or waste that flows in a certain period of time.

(36) "Garbage." The solid wastes from the preparation, cooking, and dispensing of food, from the handling, storage, and sale of produce, and from the packaging and canning of food.

(37) "Grab sample." A single sample of wastewater representing the physical, chemical, and biological characteristics of the wastewater at one point and time.

(38) "Indirect discharge." The discharge or the introduction of nondomestic 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 discharge into the system.

(39) "Industrial." Meaning or pertaining to industry, manufacturing, commerce, trade, business, or institution, and is distinguished from domestic or residential.

(40) "Industrial Chemical Survey (ICS)." The survey of industries in the city to determine chemical usage and storage by those industries. (IWS)

(41) "Industrial user." See "user, industrial."

(42) "Industrial wastes." The liquid or liquid-carried solid, liquid and/or gaseous wastes from industrial manufacturing processes, trade, service, utility, or business, as distinct from sanitary sewage.

(43) "Infiltration." Water, other than wastewater, that enters a sewer system (excluding building drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow. Infiltration is inadvertent, that is, not purposely designed or built into the sewer or drain.

(44) "Inflow." Water, other than wastewater, that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, stormwaters, foundation drains, swimming pools, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

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

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

(47) "IWS form." The form used by the city to survey industries to perform and update the industrial waste survey.

(48) "Lateral, building." The sewer extension from the building drain to the street lateral or other place of wastewater disposal.

(49) "Lateral, street." The sewer extension from the public sewer to the property line.

(50) "Local hearing authority." The administrative board which is responsible for the administration and enforcement of that program and the provisions of the Act. Also known as the water and sewer board.

(51) "National categorical pretreatment standard" or "categorical standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (B) and (C) of the Act (22 U.S.C. 1347), which applies to a specific category of industrial users. These standards apply at the end of the categorical process ("end of process").

(52) "National Pollutant Discharge Elimination System (NPDES) permit." A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).

(53) "National prohibitive discharge standard," or "prohibitive discharge standard." Any regulation developed under the authority of section 307 (B) of the Act, and 40 CFR, section 403.5.

(54) "Natural outlet." Any outlet, including storm sewers and combined sewer overflows, to state's waters.

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

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

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

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

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

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

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

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

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

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

(56) "Normal sewage." See "sewage, normal."

(57) "North American Industry Classification System (NAICS)." A classification pursuant to the North American Industry Classification System manual issued by the Executive Office of the President, Office of Management and Budget, 1997, and subsequent revisions. The NAICS codes replace the SIC codes.

(58) "Nuisance." The use or lack of use of the POTW in such a manner so as to endanger life or health, or give offense to the senses, obstruct, or otherwise interfere with the reasonable use or maintenance of the POTW.

(59) "Oil and grease." The result obtained when using an approved laboratory procedure to determine the quantity of fats, wax, grease, and oil, in a sample, expressed in milligrams per liter.

(60) "Other wastes." Garbage (shredded or unshredded), refuse, wood, egg shells, coffee grounds, sawdust, shavings, bark, sand, lime, ashes, and all other discarded matter not normally present in sewage or industrial wastes.

(61) "Pass through." The discharge which exits the POTW into waters of the state in quantities or concentrations, which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

(62) "Permit." A temporary revocable written document allowing use of the POTW for specified wastes over a limited period of time, containing sampling locations and reporting frequencies, and requiring other actions as authorized by this chapter.

(63) "Person." Any individual, public or private corporation, political subdivision, federal, state, or local agency or entity, association, trust, estate or any other legal entity whatsoever.

(64) "pH." The logarithm (base 10) of the reciprocal of the weight of hydrogen ions, in gram moles per liter. A pH value of 7.0, the pH scale midpoint, represents neutrality. Values above 7.0 represent alkaline conditions. Values below 7.0 represent acid conditions.

(65) "Pollutant." Any material placed into or onto the state's waters, lands and/or airs, which interferes with the beneficial use of that water, land and/or air by any living thing at any time.

(66) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and/or radiological integrity of the state's waters, lands and/or airs resulting from the introduction of a pollutant into these media.

(67) "Pretreatment (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 achieved by physical, chemical, or biological process, process changes, or by other means, except as prohibited by 40 CFR, section 403.6(D).

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

(69) "Pretreatment standard" or "national pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Federal Clean Water Act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 400-40-14-.05.

(70) "Prohibitive discharge standard." See "national prohibitive discharge standard."

(71) "Properly shredded garbage." The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, and with no particle having a dimension greater than one-half inch (1/2") in any dimension.

(72) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater, and to treat sludge and residuals derived from such treatment.

(73) "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 of Lewisburg. This definition includes any sewers and appurtenances that transport wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected directly or indirectly to a facility providing treatment.

(74) "Priority pollutants." The most recently revised or updated list, developed by the EPA, in accordance with the Act.

(75) "Public sewer." A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

(76) "Receiving waters." A natural water course or body of water (usually waters of the state) into which treated or untreated sewage is discharged.

(77) "Roof drain." A drain installed to receive water collecting on the surface of a roof for disposal.

(78) "Scavenger wastes." See "septage."

(79) "Septage." All liquids and solids in and removed from septic tanks, holding tanks, or cesspools.

(80) "Septic tank." A private domestic sewage treatment system consisting of an underground tank (with suitable baffling), constructed in accordance with any and/or all local and state requirements.

(81) "Sewage." A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, and such ground, surface, and stormwater as may be inadvertently present. The admixture of sewage, as defined above, with industrial wastes and other wastes shall also be considered "sewage," within the meaning of this definition.

(82) "Sewage, domestic (domestic wastes)." Liquid wastes from the non-commercial preparation, cooking, and handling of food, liquid wastes containing human excrement and similar matter from the sanitary conveniences in dwellings, commercial buildings, industrial buildings, and institutions, or liquid wastes from clothes washing and/or floor/wall washing. (See sewage, sanitary.)

(83) "Sewage, normal." Sewage, industrial wastes, or other wastes, which show, by analysis, the following characteristics:

(a) BOD (Five (5) day). Twenty-five hundred pounds (2500 lbs.) per million gallons (300 milligrams per liter), or less;

(b) Suspended solids. Twenty-five hundred pounds (2500 lbs.) per million gallons (300 milligrams per liter), or less;

(c) COD. Six thousand six hundred seventy two pounds (6672 lbs.) Per million gallons (800 milligrams per liter), or less;

(d) Total Kjeldahl nitrogen. Three hundred seventy-five pounds (375 lbs.) per million gallons (45 milligrams per liter), or less;

(e) Oil and grease. Eight hundred thirty pounds (830 lbs.) per million gallons (100 milligrams per liter), or less;

(f) Ammonia nitrogen. Twenty-five pounds (25 lbs.) per million gallons (30 milligrams per liter), or less.

In spite of satisfying one (1) or more of these characteristics, if the sewage also contains substances of concern, it may not be considered normal sewage.

(84) "Sewage, sanitary." Liquid wastes from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from stormwater, surface water, industrial, and other wastes. (See "domestic wastes.")

(85) "Sewage treatment plant (water pollution control plant)." See "POTW treatment plant."

(86) "Sewer." A pipe or conduit for carrying or transporting sewage.

(87) "Sewer, combined." A sewer designed to receive and transport both surface runoff and sewage.

(88) "Sewer, sanitary." A sewer which carries sewage, and to which storm, surface, and groundwater are not intentionally admitted.

(89) "Sewer, storm (storm drain)." A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastewater.

(90) "Sewerage system (also POTW)." All facilities for collecting, regulating, pumping, and transporting wastewater to and away from the POTW treatment plant.

(91) "Sewerage surcharge." The demand payment for the use of a public sewer and/or sewage treatment plant for the handling of any sewage, industrial wastes, or other wastes accepted for admission thereto in which the characteristics thereof exceed the maximum values of such characteristics in normal sewage.

(92) "Shall" is mandatory; "may" is permissive.

(93) "Significant industrial user." See "user, significant industrial."

(94) "Significant noncompliance." The following criteria will be used for defining Significant Noncompliance (SNC) for purposes of enforcement (40 CFR 403.8(f)(2)(viii):

(a) Wastewater violations. (i) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in § 18-102.

(ii) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by § 18-102 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).

(iii) Any other violation of a pretreatment standard or requirement as defined by § 18-102 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the superintendent determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public.

(iv) Any discharge causing imminent endangerment to human health/welfare or to the environment or resulting in the POTWs use of its emergency authority to halt or prevent such a discharge.

(b) Violations of compliance schedule milestones, failure to start or complete construction, or attain final compliance by ninety (90) days or more after the schedule date.

(c) Failure to accurately report noncompliance.

(d) Failure to provide required reports within thirty (30) days of the due date.

(e) Any other violation or group of violations which the POTW authority considers to be significant.

(f) Any other violation or group of violations, which may include a violation of best management practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

(95) "Slug." Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions. In any event, a discharge which, in concentration of any constituent or in quantity of flow, that exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal use operations shall constitute a slug.

(96) "Standard Industrial Classification (SIC)." A classification pursuant to the Standard Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, and subsequent revisions. These codes were replaced by NAICS codes in 1997, and are no longer used.

(97) "Stormwater." Any flow occurring during or following any form of natural precipitation; also the flow resulting therefrom.

(98) "Substances of concern." Those compounds which the city has determined may be harmful to man or the environment.

(99) "Superintendent." The superintendent of the water and wastewater department of the City of Lewisburg. This definition shall also include his authorized deputy, agent, or representative.

(100) "Suspended Solids (TSS)." The result obtained, using an approved laboratory procedure, to determine the dry weight of solids, in a sample, that either float on the surface of, or are in suspension, or are settleable, and can be removed from the sample by filtration, expressed in milligrams per liter.

(101) "Total Kjeldahl Nitrogen (TKN)." The result obtained, using an approved laboratory procedure, to determine the quantity of ammonia in a sample and released during the acid digestion of organic nitrogen compounds, expressed as milligrams of nitrogen per liter.

(102) "Toxic substances." Any substance, whether gaseous, liquid, or solid, that when discharged to a public sewer in sufficient quantities may be hazardous to POTW operation and maintenance personnel, tend to interfere with any biological sewage treatment process, or to constitute a hazard to recreation in the receiving waters, due to the effluent from a sewage treatment plant or overflow point. Any pollutant or combination of pollutants listed as

toxic in regulations promulgated by the EPA under provisions of CWA 307(A), or other Acts.

(103) "User." Any person who contributes, causes, or permits the contribution of wastewater into the POTW.

(104) "User, industrial." A discharger to the POTW who discharges non-domestic wastewater.

(105) "User, Significant Industrial (SIU)." An industrial user of the city POTW who is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter 1, subchapter N; and 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, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream 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(a) 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)).

(106) "Wastewater." The liquid and water-carried industrial or domestic wastewater from dwellings, commercial establishments, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(107) "Wastewater discharge permit." A permit set forth in § 18-106(2) of this chapter.

(108) "Wastewater, unusual strength or character." See "sewage of unusual strength or character."

(109) "Waters of the state (state's waters)." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. (1985 Code, § 8-202, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

18-103. Abbreviations. The following abbreviations shall have the designed meanings:

- | | | |
|-----|---------------------------|--------------------------------------|
| (1) | BMP - | Best Management Practice |
| (2) | BOD or BOD ⁵ - | Five Day Biochemical Oxygen Demand |
| (3) | CFR - | Code of Federal Regulations |
| (4) | COD - | Chemical Oxygen Demand |
| (5) | CWA - | Clean Water Act |
| (6) | EPA - | U.S. Environmental Protection Agency |
| (7) | gpd - | gallons per day |

- (8) IU - Industrial User
- (9) l - liter
- (10) mg - milligrams
- (11) mg/l - milligrams per liter
- (12) NAICS - North American Industry Classification System
- (13) NPDES - National Pollutant Discharge Elimination System
- (14) POTW - Publicly Owned Treatment Works
- (15) RCRA - Resource Conservation and Recovery Act
- (16) SIC - Standard Industrial Classification
- (17) SIU - Significant Industrial User
- (18) SNC - Significant Noncompliance
- (19) SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, *et seq.*
- (20) TSS - Total Suspended Solids
- (21) U.S.C. - United States Code

(1985 Code, § 8-203, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

18-104. Discharge regulations. All users of the city POTW will comply with all standards and requirements of the Act and standards and requirements promulgated pursuant to the Act. No user shall contribute or cause to be contributed, in any manner or fashion, directly or indirectly, any pollutant or wastewater which will interfere with the operation or 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 standards, or any other national, state, or local pretreatment standards or requirements. (See 40 CFR part 403.5.)

A user may not introduce into a POTW any pollutant(s) which cause pass through or interference. These general prohibitions and the specific prohibitions in subsection (2) of this rule apply to each user introducing pollutants into a POTW whether or not the user is subject to other national pretreatment standards or any national, state, or local pretreatment requirements.

(1) General discharge prohibitions. Without limiting the generality of the foregoing, a user may not contribute the following substances to the POTW:

- (a) Any solids, liquids, 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 a fire or an explosion or be injurious, in any way, to the POTW, or to the operation of the POTW. At no time shall two (2) successive readings on a flame type explosion hazard meter, at the point of discharge into the system (or at any other point in the system) be more than five percent nor any single reading be more than ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. If a Tagliabue (Tag) closed cup flashpoint tester is used, the flash point, at point of discharge, shall not be less than one hundred forty degrees Fahrenheit (40° F). 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, carbides, hydrides, and sulfides, and any other substance which the city, the state or the EPA has determined to be a fire hazard, or hazard to the POTW (40 CFR 403.5(b)(1)).

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or otherwise interfere with the operation of the wastewater treatment facilities. Unless explicitly allowable by a written permit, such substances include, but are not limited to, grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair and whole blood from slaughterhouses, hides or fleshing, entrails, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, grass clippings, rags, spent grains, waste paper, wood, plastics, tar asphalt residues, residues from refining or processing fuel or lubricating oil, mud, or glass grinding or polishing wastes (40 CFR 403.5(b)(3)).

(c) Any wastewater having a pH less than 5.0 or greater than 10.0 or that will cause corrosive structural damage to the POTW (40 CFR 403.5(b)(2)).

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants (including heat), to injure or interfere with any wastewater treatment process, constitute a hazard to humans 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.

(e) Any noxious or malodorous solids, liquids, or gases which either singly or by interaction with other wastes are sufficient to create a public nuisance or a hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repair and any 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) Oils and grease. (i) Any commercial, institutional, or industrial wastes containing floatable fats, waxes, grease, or oils, or which become floatable when the wastes cool to the temperature prevailing in the wastewater at the POTW treatment plant, during the winter season; also any commercial, institutional, or industrial wastes containing more than one hundred milligrams per liter (100 mg/l) of emulsified oil or grease; also any substances which will cause the sewage to become substantially more viscous, at any seasonal sewage temperature in the POTW.

(ii) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(g) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW; or pass through.

(h) Any wastewater with objectionable color which is not removed in the treatment process, such as, but not limited to, dye wastes, and vegetable tanning solutions.

(i) Any solid, liquid, vapor, or gas having a temperature higher than sixty-five degrees Celsius (65°C) (150° F); however, such materials shall not cause the POTW treatment plant influent temperature to be greater than forty degrees Celsius (40°C) (104°F). The superintendent reserves the right, in certain instances, to prohibit wastes which have temperatures lower than sixty-five degrees Celsius (65°C) (40 CFR 403.5(b)(5)).

(j) Unusual flow rate or concentration of wastes, constituting slugs, except by industrial wastewater permit.

(k) Any wastewater containing any radioactive wastes except as approved by the general manager, and in compliance with applicable state and federal regulations.

(l) Any wastewater which causes a hazard to human life, or which creates a public nuisance, either by itself or in combination, in any way, with other wastes.

(m) Trucked or hauled pollutants, except at discharge points designated by the general manager in accordance with § 18-104(3).

(2) Limitations on wastewater strength. (a) No person shall discharge, directly or indirectly, into the POTW, wastewater containing any of the following parameters in concentrations exceeding those specified below on either a daily or an instantaneous basis, except by permit. Concentration limits are applicable to wastewater effluent at a point just prior to discharge into the POTW ("end of pipe" concentrations).

| TABLE A USER DISCHARGE RESTRICTIONS | | |
|--|----------------------------|-------------------|
| EFFLUENT CONCENTRATION LIMIT - mg/l | | |
| Parameter | Allowable Daily Average | Allowable Maximum |
| Arsenic | 1.00 | 2.00 |
| Benzene | 0.6094 | 1.2188 |
| Cadmium | 0.3487 | 0.6974 |

| TABLE A USER DISCHARGE RESTRICTIONS | | |
|--|----------------------------|-------------------|
| EFFLUENT CONCENTRATION LIMIT - mg/l | | |
| Parameter | Allowable Daily Average | Allowable Maximum |
| Carbon Tetrachloride | 0.4062 | 0.8124 |
| Chloroform | 6.2167 | 12.4334 |
| Chromium, Trivalent | 3.00 | 6.00 |
| Chromium, Hexavalent | 1.3379 | 2.6758 |
| Copper | 3.00 | 6.00 |
| Cyanide | 0.1221 | 0.2442 |
| Ethylbenzene | 1.0157 | 2.0314 |
| Lead | 2.1592 | 4.3184 |
| Mercury | 0.0676 | 0.1352 |
| Methylene Chloride | 2.8493 | 5.6986 |
| Oil and Grease | 100.0 | 150.0 |
| Naphthalene | 0.069 | 0.138 |
| Nickel | 3.00 | 6.00 |
| Phenols, Total | 1.00 | 2.00 |
| Phthalates, Total | 2.9993 | 5.9986 |
| Selenium | 1.00 | 2.00 |
| Silver | 0.4486 | 0.8972 |
| Tetrachloroethylene | 2.2619 | 4.5238 |
| Toluene | 4.3513 | 8.7026 |
| Trichloroethylene | 3.3843 | 6.7686 |
| Zinc | 3.00 | 6.00 |
| 1,1,1-Trichloroethane | 9.1415 | 18.283 |
| 1,2 Transdichloroethylene | 0.0589 | 0.1178 |

(i) Except for chromium (hex), all concentrations listed for metallic parameters shall be as "total metal," which shall be defined as the value measured in a sample acidified to a pH value of two (2) or less, without prior filtration.

(ii) As determined on a composite sample taken from the user's daily discharge over a typical operational and/or production day.

(iii) As determined on a grab sample taken from the user's discharge at any time during the daily operational and/or production period.

(iv) Other parameters which may be limited are: antibiotics, chemical compounds which, upon acidification, alkalization, oxidation or reduction, in the discharge or after admixture with wastewater and its components in the POTW produce toxic, flammable, or explosive compounds; pesticide, including algaecide, fungicide, herbicides, insecticide, rodenticide polyaromatic hydrocarbons; viable pathogenic organisms from industrial processes or hospital procedures.

(b) At no time shall the influent to the POTW contain quantities in excess (mg/l) of those specified below:

| TABLE B PLANT PROTECTION CRITERIA | | |
|--------------------------------------|-----------------------------|-------------------------------------|
| INFLUENT CONCENTRATION LIMIT - mg/l | | |
| Substance (1) | Allowable Daily Average (2) | Allowable Maximum Instantaneous (3) |
| Arsenic | 0.0669 | 0.1340 |
| Cadmium | 0.010 | 0.020 |
| Chromium, Hex | 0.060 | 0.120 |
| Chromium, Tri | 0.060 | 0.020 |
| Copper | 0.117 | 0.234 |
| Cyanide | 0.0127 | 0.02 |
| Lead | 0.0628 | 0.126 |
| Mercury | 0.0020 | 0.0040 |
| Nickel | 0.254 | 0.501 |

| Substance (1) | Allowable Daily Average (2) | Allowable Maximum Instantaneous (3) |
|---------------------------|-----------------------------|-------------------------------------|
| Selenium | 0.163 | 0.326 |
| Silver | 0.0147 | 0.030 |
| Zinc | 0.606 | 1.212 |
| Benzene | 0.030 | 0.060 |
| Combined Phthalate Esters | 0.015 | 0.030 |
| Ethylbenzene | 0.050 | 0.100 |
| Naphthalene | 0.0034 | 0.0068 |
| Phenol, Total | 0.3125 | 0.6250 |
| Toluene | 0.2143 | 0.25 |
| 1,1,1-Trichloroethane | 0.45 | 0.90 |
| Oil and Grease | 25.00 | 50.00 |
| Carbon Tetrachloride | .0200 | .0400 |
| Chloroform | 0.3148 | 0.6296 |
| Tetrachloroethylene | 0.1250 | 0.2500 |
| Trichloroethylene | 0.1667 | 0.322 |
| 1,2 Transdichloroethylene | 0.0030 | 0.0060 |
| Methylene Chloride | 0.1667 | 0.322 |
| Total Phthalates | 0.1537 | 0.307 |

(c) To assure that none of the above noted limitations are violated, the general manager shall issue permits to significant industrial users limiting the discharge of the parameters noted above. Each permit shall restrict the discharge from each significant industrial user to a portion of the total allowable influent loading. In determining what portion of the total of each parameter that each significant industrial user shall be allowed to discharge the general manager may consider:

- (i) The quantities of each parameter that are uncontrollable because they occur naturally in wastewater;
- (ii) The quantities of each parameter that are anthropogenic but are nonetheless uncontrollable;
- (iii) Historical discharge trends;
- (iv) Past pollution control efforts of each significant industrial user as compared to other significant industrial dischargers of the same substance;

- (v) Potential for growth in the POTW service area;
- (vi) Potential for more restrictive regulatory requirements to be placed on the POTW discharge or sludge disposal or sludge reuse method; and
- (vii) Treatability of the substance. The general manager shall apply a fifteen percent (15%) safety factor protective of the POTW.

(d) Limitations on wastewater strength or mass discharge contained in this chapter may be supplemented with more stringent limitations when, in the opinion of the general manager:

(i) The limitations in this chapter are not sufficient to protect the POTW;

(ii) The limitations in this chapter are not sufficient to enable the POTW treatment plant to comply with applicable water quality standards or the effluent limitations specified in the POTW's NPDES permit;

(iii) The POTW sludge will be rendered unacceptable for disposal or reuse as the city desires, as a result of discharge of wastewater at the above prescribed concentration limitations;

(iv) Municipal employees or the public will be endangered;
or

(v) Air pollution and/or groundwater pollution will be caused.

(e) The limitations on wastewater strength or mass discharge shall be evaluated as required by the TDEC. The results of this evaluation shall be reported to the water and wastewater board. This chapter shall then be amended appropriately. Any issued industrial wastewater discharge permits, which have limitations, based directly on any limitations, which were changed, shall be revised and amended, as appropriate.

(f) Except where expressly authorized to do so by an applicable pretreatment standard, no user shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard (40 CFR 403.6(d)).

(g) 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.

(h) Dilution flow shall be considered to be inflow.

(i) The pretreatment supervisor shall monitor the treatment works influent for each parameter in Table B (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 this table, the pretreatment supervisor shall initiate technical studies to determine the cause of the influent violation and shall recommend to the superintendent the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The pretreatment supervisor 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.

(j) The superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement local limits and the requirements of § 18-104(1).

(3) Septic tanker discharge. (a) All septic tanker discharge must be from domestic sources only. Waste from industry will not be accepted.

(b) All septic tankers must discharge only at the POTW, at locations designated by the superintendent, Monday through Friday from 7:00 A.M. to 3:30 P.M. excluding holidays. A septic tanker discharge permit will be completed prior to any discharge.

(c) The superintendent may cause the septage to be tested without notice or stop the discharge of wastes at any time.

(d) A septic tanker discharge form must be completed before each discharge. (1985 Code, § 8-204, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015, and amended by Ord. #21-16, Dec. 2021 *Ch14_03-08-22*, and Ord. #22-04, March 2022 *Ch14_03-08-22*)

18-105. Fees. It is the purpose of this section to provide for the recovery of costs from users of the city's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the city's schedule of charges and fees to be set by the board.

(1) Charges and fees. The city may adopt charges and fees which may include:

(a) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;

- (b) Fees for monitoring, inspections and surveillance procedures;
- (c) Fees for reviewing accidental discharge procedures and construction;
- (d) Fees for permit applications;
- (e) Fees for filing appeals;
- (f) Fees for consistent removal by the city of pollutants otherwise subject to federal pretreatment standards;
- (g) Fees for allowing connection of building sewers to the POTW;
- (h) All persons discharging or depositing wastes into the public sewers shall pay a sewer service charge proportional to the liquid volume of waste so deposited, which charge shall be collected as a sewer rent;
- (i) Other fees as the city may deem necessary to carry out the requirements contained herein.

These fees related solely to the matters covered by this chapter and are separate from all other fees chargeable to the city.

(2) Flow calculation. The volume of flow to be used in computing sewer service charges and abnormal sewage surcharges shall be based upon metered water consumption as shown on the records of meter readings maintained by the city water department. In the event that a person discharging wastes into the POTW produces evidence, to the superintendent, demonstrating that a substantial portion of the total amount of metered water does not reach the POTW, then the superintendent shall either establish a percentage of the total metered water to be used as a basis for such computations, or direct the installation of appropriate flow measuring (and totalizing) devices to measure and record the actual amount of flow into the POTW. In the event that a person discharging wastes into the POTW procures all or part of his water supply from unmetered sources, the superintendent shall either direct the installation of water meters on the other sources of water supply, or direct the installation of appropriate flow measuring devices to measure and record the actual amount of flow into the POTW. Any water meters and/or flow measuring devices installed pursuant to this section shall be of a type and design acceptable to the superintendent and shall be installed, maintained, and periodically tested as required by the owner, at his expense. All such meters and/or flow measuring devices shall be subject to periodic inspection, testing, and reading by the superintendent. Any person discharging wastes into the POTW may install a flow measuring device at his option, of the type, design, installation, and maintenance standards of the superintendent, at the owner's expense.

Any person wishing to use water that will not be discharged into the POTW, such as water used for irrigation, may have separate water meter installed by the department. This water meter will be installed upon request, at the service charge currently in effect. Sewer service charges will not be calculated on this water meter.

(3) Additional charges and fees. The additional charges and fees associated with the operation of the pretreatment program may be assessed by the user, and include:

- (a) Reimbursement of costs of setting up and operating the pretreatment program;
- (b) Issuing permits;
- (c) Monitoring, inspections, and surveillance procedures;
- (d) Costs of equipment and supplies;
- (e) Reviewing accidental discharge procedures;
- (f) Construction inspections;
- (g) Filing appeals;
- (h) Application for consistent removal status as outlined in 40 CFR 403;
- (i) Other reasonable expenses to carry out the program to satisfy the requirements of this chapter, the state, and the federal government.

(4) Septic charge. The charge for dumping septage into the POTW shall be thirty dollars (\$30.00) per one thousand (1,000) gallons with a minimum charge of thirty dollars (\$30.00) for each load dumped. The septic charge is to be paid in advance at the wastewater plant, unless prior charge account arrangements are made. The thirty dollar (\$30.00) charge may be increased by the superintendent as required in order to cover the costs of receiving and treating the septic waste. The manner of determining the volume dumped shall be at the discretion of the superintendent. The person hauling the waste must fill out a septic tanker discharge permit prior to discharge.

(5) Recovery of capital costs. The city may institute an equitable procedure for recovering the costs of any capital improvements of those parts of the POTW which collect, pump, treat, and dispose of wastewater from those discharging wastewater into the POTW.

(6) Fair user charge system. User fees for discharge of wastewater to the POTW shall be based on the fair user charge system approved by the State of Tennessee for use by the city. The fair user charge fee schedule shall be updated annually to reflect changes in the actual cost of maintaining and operating of the POTW, and the depreciation of facilities and debt amortization. The fair user charge fee schedule shall be based on an equitable distribution of

the costs of "Accounting and Collecting" and "Administration and General" to all customers connected to the POTW and to each lot, parcel of land or premises which may now or hereinafter be located within one hundred feet (100') of a sanitary sewer owned by the city; and an equitable distribution of the costs of operating expenses, debt amortization and depreciation to all customers connected to the POTW or occupant or property obtaining water from a source or sources other than through a meter of the city, which water is discharged into the POTW shall install, without cost to the city, a meter or meters to measure the quantity of water received from any such source or sources and shall pay the same rates or rates as provided in this chapter. No meter shall be installed or used for such purpose without the approval of the superintendent.

Whenever a property upon which a fair user charge is hereby imposed uses water for industrial, commercial, or air conditioning purposes, and does not discharge it into the POTW but, through agreement with the POTW, discharges it in some other manner, including discharging it into the city's storm sewer system, quantity of water used and not discharged into the POTW, shall be excluded in determining the sewer service charge of said owner or occupant. However, the quantity of water so used and not discharged into the POTW must be measured by a device or meter approved by the superintendent and installed by the owner or occupant without cost to the POTW. The schedule shall at all times be maintained on file by the superintendent for inspection by the public. (1985 Code, § 8-205, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

18-106. Administration. (1) Wastewater discharges--on-site private wastewater disposal facilities. No person shall discharge untreated wastewater from on-site private sewage disposal facilities including, but not limited to, sanitary pit privies, septic tanks, and cess pools to drainage ditches or the surface of the ground. All on-site private wastewater disposal facilities shall be properly operated and maintained by the owner. Any new construction of on-site private wastewater disposal facilities shall be in accordance with state and Marshall County Public Health Department requirements.

(2) Property next to sewer lines. Where a property exists within the city limits which is not within one hundred feet (100') of an existing sewer main, the board may require the property owner to install and/or continue to operate a private sewer system within the rules and regulations of the Marshall County and state health agencies. Said operations of a private system shall be at the expense of the owner.

(3) Force main access, or a gravity sewer access. In the event the Marshall County and/or state health agencies cannot approve a private system,

either proposed or in existence, the board may, upon payment by the owner of all costs, install sanitary sewer to the property line. Where gravity sewer cannot at reasonable costs be made available to a building, the city may provide either a force main access, or a gravity sewer access at the property line for the appropriate fee, and it shall be the owner's responsibility to install equipment to lift building sewage by approved means to such connection provided. It shall be unlawful to discharge, without a state permit, to any natural outlet within the City of Lewisburg, or in any area under the jurisdiction of said city, and/or the POTW any wastewater except as authorized by the superintendent in accordance with the provisions of this chapter.

(4) Wastewater contribution permits and pretreatment requirements.

(a) As a means of determining compliance with this chapter, with applicable NPDES permit conditions, and with applicable state and federal law, each industrial user shall be required to notify the superintendent of any new or existing discharges to the POTW by submitting a completed Industrial Wastewater Survey (IWS) form to the superintendent. The IWS form must be filed every five (5) years or when different chemical processes are put into use. The superintendent may require any user discharging wastewater into the POTW to file wastewater discharge reports and to supplement such reports as the superintendent deems necessary. All information shall be furnished by the user in complete cooperation with the superintendent.

(b) The superintendent shall, from time to time, notify each industrial user of applicable pretreatment standards, and of other applicable requirements under section 204(B) and section 405 of the Clean Water Act, and subtitles C and D of RCRA.

(c) No significant industrial user shall discharge wastewater to the POTW without having a valid wastewater discharge permit, issued by the superintendent. Significant industrial users shall comply fully with the terms and conditions of their permits in addition to the provisions of this chapter. Violation of a permit term or condition is deemed a violation of this chapter. All significant industrial users proposing to connect to or to discharge to the POTW shall obtain a wastewater discharge permit before connecting to or discharging to the POTW. Existing significant industrial users shall make application for a wastewater discharge permit within thirty (30) days after the effective date of the ordinance comprising this chapter, and shall obtain such a permit within ninety (90) days after making application. The superintendent may issue wastewater discharge permits to other industrial users of the POTW.

(d) The city does not have the authority to issue permits for the discharge of any wastewater to a storm sewer.

(e) Industrial users required to obtain a wastewater discharge permit shall complete the application shall be accompanied by a fee, as set forth in § 18-105(1). In support of any application, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:

(i) Name, address, and location (if different from the address);

(ii) NAICS code of both the industry and any categorical processes;

(iii) Wastewater constituents and characteristics including but not limited to those mentioned in § 18-104 of this chapter and which are limited in the appropriate categorical standard, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with 40 CFR part 136;

(iv) Time and duration of the discharge;

(v) Average daily peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;

(vi) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances;

(vii) Description of activities, facilities, and plan processes on the premises, including all materials which are or could be discharged to the POTW;

(viii) Each product produced by type, amount, process or processes, and rate of production;

(ix) Type and amount of raw materials processed (average and maximum per day);

(x) Number and type of employees, and hours of operation, and proposed or actual hours of operation of the pretreatment system;

(xi) The nature and concentration of any pollutants in the discharge which are limited by any county, state, or federal standards, and a statement whether or not the standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the user to meet all applicable standards;

(xii) Any other information as may be deemed by the superintendent to be necessary to evaluate the permit application.

(f) If additional pretreatment, BMPs, and/or O&M will be required to meet the standards, then the industrial user shall provide the shortest schedule to accomplish such additional treatment, BMPs, and/or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

(i) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation, and beginning routine operation).

(ii) No increment referred to in (i) above shall exceed nine (9) months, nor shall the total compliance period exceed eighteen (18) months.

(iii) No later than fourteen (14) calendar days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the superintendent.

(g) The superintendent will evaluate the data furnished by the industrial user and may require additional information. Within sixty (60) days of receipt of a complete permit application, the superintendent will determine whether to issue an individual wastewater discharge permit. After evaluation and acceptance of the data furnished, the superintendent may issue a wastewater discharge permit subject to terms and conditions provided herein. The superintendent may deny any application for an individual wastewater discharge permit.

(h) Wastewater discharge permits may be modified by the superintendent, upon thirty (30) days' notice to the permittee, for just cause. Just cause shall include, but not be limited to:

(i) Promulgation of an applicable national categorical pretreatment standard;

(ii) Revision of or a grant of a variance from such categorical standards pursuant to 40 CFR 403.13;

(iii) Changes in general discharge prohibitions and local limits;

(iv) Changes in processes used by the permittee, or changes in discharge volume or character;

(v) Changes in design or capability of any part of the POTW;

(vi) Discovery that the permitted discharge causes or contributes to pass through or interference; and

(vii) The need to add to or revise BMP requirements.

(i) Wastewater discharge permits shall be expressly subject to all the provisions of this chapter, and all other applicable regulations, user charges and fees established by the water and wastewater board. Permits may contain the following:

(i) Limits on the average and maximum rate and time of discharge, or requirements or flow regulation and equalization, or BMPs required to meet permit requirements.

(ii) Limits on the average and maximum wastewater constituents and characteristics, including concentration or mass discharge limits.

(iii) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.

(iv) Requirements for installation and maintenance (in safe condition) of inspection and sampling facilities.

(v) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.

(vi) Compliance schedules.

(vii) Requirements for submission of technical reports or discharge reports.

(viii) Requirements for maintaining and retaining plant records relating to wastewater discharge, as specified by the city, and affording the superintendent access thereto.

(ix) Requirements for notification of the city of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.

(x) Requirements for the notification of the city of any change in the manufacturing and/or pretreatment process used by the permittee.

(xi) Requirements for notification of excessive, accidental, or slug discharges. Significant industrial users are required to notify the superintendent immediately of any changes at its facility affecting the potential for a slug discharge. Requirements to control slug discharge, if determined by the superintendent to be necessary.

(xii) Other conditions as deemed appropriate by the city to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

(j) Permits shall be issued for a specified time period of from one (1) to five (5) years.

(k) The user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification, by the superintendent, during the term of the permit, as limitations or requirements, as identified in § 18-104, or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of the change. Any changes or new conditions in the reissued permit shall include a reasonable time schedule for compliance.

(l) Wastewater discharge permits are issued to a specific user for a specific operation, or discharge at a specific location. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation.

(m) Wastewater discharge permits may be revoked for the following reasons: falsifying records and/or self-monitoring reports, tampering with monitoring equipment, refusing to allow the superintendent timely access to the industrial premises, failure to meet effluent limitations, failure to pay penalties, failure to pay user charges, and failure to meet compliance schedules.

(5) Reporting requirements for permittee. (a) Baseline monitoring report. Reporting requirements for industrial users upon effective date of categorical pretreatment standard baseline report. Within one hundred

eighty (180) days after the effective date of a categorical pretreatment standard, or one hundred eighty (180) days after the final administrative decision made upon a category determination submission under 400-40-14-06(1)(d), whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the control authority a report which contains the information listed in subsections (4)(a)(i) and (vii) of this section. At least ninety (90) days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the control authority a report which contains the information listed in subsections (4)(a)(i) and (v) of this section. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in subsections (iv) and (v) of this section:

(i) Identifying information. The user shall submit the name and address of the facility including the name of the operator and owners;

(ii) Permits. The user shall submit a list of any environmental control permits held by or for the facility;

(iii) Description of operations. The user shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes;

(iv) Flow measurement. The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

(A) Regulated process streams; and

(B) Other streams as necessary to allow use of the combined wastestream formula of 400-40-14-.06(5). (See part (v)(D) of this subsection.) The control authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(v) Measurement of pollutants. (A) The user shall identify the pretreatment standards applicable to each regulated process;

(B) In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or control authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the standard requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the control authority or the applicable standards to determine compliance with the standard;

(C) The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this subsection.

(D) Samples should be taken immediately downstream from pretreatment facilities if such exists or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula of 400-40-14-.06(5) in order to evaluate compliance with the pretreatment standards. Where an alternative concentration or mass limit has been calculated in accordance with 400-40-14-.06(5) this adjusted limit along with supporting data shall be submitted to the control authority;

(E) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable

sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the administrator;

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

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

(vi) Certification. (A) A statement, reviewed by an authorized representative of the industrial user (as defined in § 18-102(8)) and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements; and

Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

(B) Where the industrial user's categorical pretreatment standard has been modified by a removal allowance (400-40-14-.07), the combined wastestream formula (400-40-14-.06(5)), and/or a fundamentally different factors variance (400-40-14-.13) at the time the user submits the report required by subsection (4) of this rule, the information required by subsections (5)(a)(vi) and (vii) of this section shall pertain to the modified limits.

(C) If the categorical pretreatment standard is modified by a removal allowance (400-40-14-.07), the combined wastestream formula (400-40-14-.06(5)), and/or a fundamentally different factors variance (400-40-14-.13) after the user submits the report required by subsection (2)

of this rule, any necessary amendments to the information requested by subsections (5)(a)(vi) and (vii) of this section shall be submitted by the user to the control authority within sixty (60) days after the modified limit is approved.

(6) Ninety (90) day compliance report. Report on compliance with categorical pretreatment standard deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the control authority a report containing the information described in subsections (2)(d) and (f) of this rule. For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in 400-40-14-.06(3), this report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

(7) 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 superintendent, before the fifteenth (15th) of the month in March and September, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the superintendent or the pretreatment standard necessary to determine the compliance status of the user. The superintendent may agree to alter the months during which the above reports are to be submitted, however, no fewer than two (2) reports shall be submitted per year.

(b) The superintendent may impose mass limitations on users, which are using dilution to meet applicable pretreatment standards or requirements, or, in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by § 18-106 shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of

discharge sampling and analysis, including the flow, and the nature and concentration, or production and mass, where requested by the superintendent, of pollutants contained therein, which are limited by the applicable pretreatment standard. All analyses shall be performed in accordance with 40 CFR part 136.

(c) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

(i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).

(A) No increment referred to in subsection (i) of this section shall exceed nine (9) months.

(B) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the control authority.

(ii) The industrial user shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user

discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user.

(A) An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.

(B) All notifications must take place within one hundred eighty (180) days of the effective date of the ordinance comprising this chapter. Industrial users who commence discharging after the effective date of the ordinance comprising this chapter shall provide the notification no later than one hundred eighty (180) days after the discharge of the listed or characteristic hazardous waste. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d), and (e).

(iii) Dischargers are exempt from the requirements of paragraph one of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one (1) time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations. In the case of any notification made under this section, the industrial user shall certify that it has a program in

place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(iv) Notice of potential problems, including slug loading. All categorical and non-categorical industrial users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined by 400-40-14-.05(2), by the industrial user.

(v) Notification of changed discharge. All industrial users shall promptly notify the control authority (and the POTW if the POTW is not the control authority) in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification.

(vi) Other reports. The superintendent may impose reporting requirements equivalent to the requirements imposed by § 18-106 for users not subject to pretreatment standards.

(8) Slug loads and monitoring stations. (a) No person shall cause the discharge of slugs to the POTW. Each person discharging, into the POTW, greater than one hundred thousand (100,000) gallons per day or greater than five percent (5%) of the average daily flow in the POTW, whichever is the lesser, may be required to install and maintain, on his property and at his expense, a suitable storage and flow control facility to insure equalization of flow over a twenty-four (24) hour period. The facility shall have a capacity for at least fifty percent (50%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which would be directed by the superintendent. A wastewater discharge permit may be issued solely for flow equalization.

(i) All significant industrial users, and other industrial users whose industrial waste discharge has caused or may cause interference or pass-through may be required to install and maintain a suitable monitoring station, on their premises at their expense, to facilitate the observation, sampling, and measurement of their industrial wastewater discharge.

(ii) If there is more than one (1) street lateral serving an industrial user, the superintendent may require the installation of a control manhole on each lateral.

(iii) The superintendent may require that such monitoring station(s) include equipment for the continuous measurement and

recording of wastewater flow rate and for the sampling of the wastewater. Such station(s) shall be accessible and safely located, and the industrial user shall allow immediate access, without prior notice, to the station by the superintendent, or his designated representative.

(iv) Preliminary treatment, and flow equalization facilities, or monitoring stations, if provided for any wastewater, shall be constructed and maintained continuously clean, safe, and operational by the owner at his expense. Construction of new or upgraded facilities shall not commence until written approval of the superintendent has been obtained.

(b) The superintendent shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The superintendent may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the superintendent may develop such a plan for any user. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

(i) Description of discharge practices, including nonroutine batch discharges;

(ii) Description of stored chemicals;

(iii) Procedures for immediately notifying the superintendent of any accidental or slug discharge, as required by § 18-106(8)(a) of this chapter; and

(iv) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(9) Vandalism, tampering with measuring devices. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with, prevent access, or render inaccurate, or cause or permit the malicious willful, or negligent breaking, damaging, destroying, uncovering, defacing, tampering with, preventing access, or rendering inaccurate to:

(a) Any structure, appurtenance, or equipment which is a part of the city POTW; or

(b) Any measuring, sampling, and/or testing device or mechanism installed.

(c) Violators will be subject to a civil penalty of at least one thousand dollars (\$1,000.00) and up to twenty-five thousand dollars (\$25,000.00) per violation.

(10) Sampling and analysis. All measurements tests, and analyses of the characteristics of waters and wastes required in any section of this chapter shall be carried out in accordance with 40 CFR 403.12(b), (d), (g)(3), and (h). Such samples shall be taken at the approved monitoring station described in § 18-106(8), if such a station exists. If an approved monitoring station is not available, then samples shall be taken from another location on the industrial sewer lateral before discharge to the public sewer. Unless specifically requested otherwise, or unless specifically not allowed in federal regulation, samples shall be gathered as composite samples made up of individual samples taken not less than once per hour for the period of time equal to the duration of industrial wastewater discharge during daily operations (including any cleanup shift).

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

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

(ii) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in § 18-106(5)(a) (40 CFR 403.12(b) and (d)), a minimum of four (4)

grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the superintendent may authorize a lower minimum. For the reports required by § 18-106(5) (40 CFR 403.12(e) and 403.12(h)), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements.

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

(c) All categorical industries will be monitored at the end of each process where applicable (40 CFR 403.6). The use of the combined waste steam formula (40 CFR 403.6.e) is discouraged whenever it is possible to collect samples at the end of process. All industries, including categorical industries, are subject to the pretreatment limits of this chapter at the point their effluent enters the collection system (end of pipe).

(d) If any permitted industry monitors any pollutants more frequently than required by this permit, using test procedures prescribed in 40 CFR part 136 or amendments thereto, or otherwise approved by EPA or as specified by the permit issued to the industry, the results of such monitoring shall be included in any calculation of actual daily maximum or monthly average pollutant discharge and results shall be reported in the report submitted to the city.

(e) If the results of the permitted industry wastewater analysis indicates that a violation of this permit has occurred, the permittee must inform the city of the violation within twenty-four (24) hours, and repeat the sampling and pollutant analysis within thirty (30) days of the first violation.

(f) If the city performed the sampling and analysis in lieu of the industrial user, the city will perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis. (See 40 CFR 403.12(g)(2).)

(11) Accidental discharges. Each user shall provide for protection from accidental discharges of prohibited materials or of materials in volume or

concentration exceeding limitations of this chapter or of an industrial wastewater discharge permit when required by the superintendent, detailed plans and procedures to provide for this protection shall be submitted to the superintendent, for approval. This plan shall be called a Spill Prevention plan. Users shall immediately (within eight (8) hours) notify the superintendent of the discharge of wastes in violation of this chapter or any permit. Such discharges may result from:

- (a) Breakdown of pretreatment equipment;
- (b) Accidents caused by mechanical failure, or negligence;
- (c) Other causes.

Where possible, such immediate notification shall allow the superintendent to initiate appropriate countermeasure action at the POTW. The user shall prepare a detailed written statement, which describes the causes of the discharge and the measures being taken to prevent future occurrences, within five (5) days of the occurrence, and the superintendent shall receive a copy of such report no later than the seventh calendar day following the occurrence. Analytical results and their interpretation may be appended to the report at a date not exceeding forty-five (45) calendar days after the occurrence.

(12) Posting notices. In order that the industrial user's employees be informed of the city requirements, a notice shall be permanently posted on appropriate bulletin boards within the user's facility advising employees of the city requirements and whom to call in case of an accidental discharge in violation of this chapter.

(13) Sample splitting. When so requested in advance by an industrial user, and when taking a sample of industrial wastewater, the city representative(s) shall gather sufficient volume of sample so that the sample can be split into two (2) nearly equal volumes, each of size adequate for the anticipated analytical protocols. One (1) of the volumes shall be given to the industry whose wastewater was sampled, and the other shall be retained by the city for its own analysis.

(14) Access to information. (a) When requested, the superintendent shall make available, to the public, for inspection and/or copying, information and data on industrial users obtained from reports, questionnaires, permit applications, permit and monitoring programs, and inspections, unless the industrial user specifically requests, and is able to demonstrate to the satisfaction of the superintendent, that such information, if made public, would divulge processes or methods of production entitled to protection as trade secrets of the user. Wastewater constituents and characteristics, and reports of accidental discharges shall not be recognized as confidential.

(b) Confidential information shall not be made available for inspection and/or copying by the public but shall be disclosed, upon written request, to governmental agencies, for uses related to this chapter, or the NPDES permit. The superintendent shall provide written notice to the industrial user of any disclosure of confidential information to another governmental agency.

(15) Access to property. The superintendent and other authorized representatives of the city, EPA, state, and/or county health department, bearing proper credentials and identification, shall be permitted to enter upon all non-residential properties at all reasonable times for the purpose of inspection, observation, sampling, flow measurement, and testing to ascertain a user's compliance with applicable provisions of federal and state law governing use of the Lewisburg POTW, and with the provisions of this chapter. Inspections of residential properties shall be performed in proper observance of the resident's civil rights. Such representative(s) shall have the right to set up, on the user's property or property rented/leased by the user, such devices as are necessary to conduct sampling or flow measurement. Guard dogs shall be under proper control of the user while the representatives are on the user's property or property rented/leased by the user. Such representative(s) shall, additionally, have access to and may copy any records the user is required to maintain under this chapter. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements so that upon presentation of suitable identification, inspecting personnel will be permitted to enter, without delay, for the purpose of performing the specific responsibilities.

(16) Access to easements. The superintendent, and other authorized representatives of the city, EPA, state, and/or county health department bearing proper credentials and identification, shall be permitted to enter all private premises through which the city holds an easement for the purpose of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the city public sewer system lying within the easement. All entry and subsequent work on the easement shall be done in accordance with the terms of the easement pertaining to the private premises involved.

(17) Liability of property owner. During the performance, on private premises, of inspections, sampling, or other similar operations referred to in this chapter, the inspectors shall observe all applicable safety rules established by the owner or occupant of the premises. The owner and/or occupant shall be held harmless for personal injury or death of the inspector and the loss of or damage to the inspector's supplies and/or equipment; and the inspector shall indemnify the owner and/or occupant against loss or damage to property of the owner or

occupant by the inspector and against liability claims asserted against the owner or occupant for personal injury or death of the inspector or for loss of or damage to the inspector's supplies or equipment arising from inspection and sampling operations, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.

(18) 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.

Any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under § 18-104(2)(j).

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 all records relative to any BMP requirements, and shall make such records available for inspection and copying by the pretreatment supervisor, Director of the Division of Water Resources, 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 the POTW or when requested by the pretreatment coordinator, the approval authority, or the Environmental Protection Agency. (1985 Code, § 8-206, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

18-107. Building sewers and connections. (1) Building sewer permit. There shall be two (2) classes of building sewer permits:

- (a) For residential and commercial service; and
- (b) For service to establishments producing industrial wastes.

In either case, the customer or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information such as grease traps needed by

restaurants dining halls or any other type of eating establishments, considered pertinent in the judgment of the superintendent.

A permit and inspection fee as currently in effect for a residential or commercial building sewer permit and for an industrial building sewer permit shall be paid to the city at the time the application is filed. Applicants for industrial building sewer permits shall provide a description of the constituents of the waste and shall provide a laboratory analysis of the actual waste if the facility is operated, or of a similar waste if the applicant's facility is not operated and has another facility in operation with a similar waste.

(2) Connections. All costs and expense incident to the installation and connection of the building sewer shall be borne by the customer. The customer shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

A separate and independent building sewer shall be provided for every building; except where a building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(3) Installation. Old building sewers may be used in connection with new buildings only when they are found, on examination and tests by the superintendent, to meet all requirements of this chapter.

(a) New building sewers shall be at least four inches (4") in diameter. Larger building sewers may be used as necessary in order to carry the flow anticipated. New four-inch (4") building sewers shall be laid on a grade of at least one percent (1.0%). Larger new building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') per second. Slope and alignment of all new building sewers shall be neat and regular. Pipe materials as specified below shall be used. Pipe shall conform to the appropriate ASTM specification and shall be laid in conformation with the appropriate ASTM specification of the W.P.C.F. Manual of Practice, No. 9.

(b) New building sewers shall be constructed only of (1) poly-vinyl-chloride pipe (SDR21) with rubber compression or solvent weld joints; (2) ductile iron pipes with push-on joints; or (3) cast-iron soil pipe with single gasket sealed joints. Under no circumstances will cement mortar joints be acceptable. Each new connection to the public sewer must be made at a wye, or service line stubbed out, or in the absence of any other provision, by means of inserting a tee cut into the existing sewer approved by the city. No connection may be made by breaking into

an existing sewer and inserting the service line. In addition, the inserting of a service line into an existing or new building sewer is strictly prohibited.

(c) The new building sewer may be brought into the building below the basement floor when gravity flow from the building to the public sewer at a grade of one percent (1%) or more is possible. Where basement or floor levels are lower than the adjacent manholes at the point of connection to the public sewer customers shall not be connected by gravity flow. Pumps for basement service or floor levels lower than the adjacent manholes shall be used in order to avoid possible flooding of basements in case of sewer line surcharge. The cost of the pump shall be borne by the customer. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastes carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the customer.

Clean outs shall be installed on building sewers within five feet (5') of the outside wall of the structure and in one hundred foot (100') intervals thereafter.

(d) No person shall make connection of roof down spouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the public sewer.

If during periodic system inspections the city locates a point of entry of inflow in an owner's building sewer, the owner shall repair the defect(s) at his own expenses and furthermore notify the city upon completion so that an inspection can be made to determine the water tightness of the repair.

The connection of the new building sewer into the public sewer shall conform to the rules and regulations the city may establish and the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice, No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(e) The applicant for the new building sewer permit shall notify the superintendent when building sewer is ready for inspection and connection to the public sewer. All connections shall be made under the supervision of the superintendent or his representative before acceptance. An inspection shall be conducted while the line is uncovered.

(f) All excavations for new building sewer installations 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.

This subsection of the chapter shall also include the replacement of an existing building sewer.

(4) Grease traps. Grease, oil, and sand interceptors shall be provided, when, in the opinion of the superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease, flammable substances, sand, or other harmful substances; except that such interceptors shall not be required for private living quarters or living units. All interceptors shall be of type and capacity approved by the superintendent and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner, at his expense.

If, in the opinion of the superintendent, the grease trap is found to be deficient, or no grease trap exists, a new grease trap shall be installed at the owner's expense. Plans, specifications and any other pertinent information shall be submitted for approval prior to replacing the existing grease trap. The operator of a food sector establishment must keep and maintain at the food sector establishment a record of all grease interceptor inspections and maintenance carried out, recording the date of inspection, the date of cleaning or maintenance, the type and quantity of material removed from the grease interceptor and the disposal location. The inspection and maintenance record must be retained for a period of two (2) years and must be available for inspection by the superintendent.

(a) Exemptions. Food service operations that do not generate grease or solids may not require a grease trap or interceptor. These operations include, but are not limited to, the following:

- Bakeries (no deep frying);
- Coffee shops;
- Juice bars;
- Delicatessens;
- Fish shops;
- Meat sales;
- Fruit and vegetable markets;
- Sandwich bars.

Any other operations not listed that believe they do not generate wastewater containing grease or solids, may request an exemption by contacting the superintendent.

(b) All grease traps and interceptors must be designed using standard engineering principles for sedimentation and floatation in gravity separators. Baffles and good inlet design are required to deflect the flow across the surface areas of the units and sufficient grease and solids storage capacity is required. Grease traps and interceptors shall be rated for the designed flow-through rate of the unit in gallons/minute.

Grease traps and interceptors shall be sized according to the sum of the surge flow rates from all the plumbing fixtures connected to the grease trap or interceptor.

The following fixtures in the kitchens, food preparation areas or clean-up areas must be connected to the grease trap(s) or interceptor:

All sinks (hand basins optional);

Wash down hoods;

Floor drains;

Chinese cookers;

Floor drains under garbage compactors (food waste only);

Any other fixture that accepts wastewater that contains grease or solids;

Dishwashers and garbage grinders shall not be connected to the interceptor;

The size of the interceptor or trap shall be determined from the sum of the surge flow rates from the fixtures units connected to the grease trap or interceptor but no smaller than fifty (50) gpm.

Use the following tables for surge flow rates:

| FIXTURE UNIT SURGE FLOW RATE | |
|----------------------------------|-----|
| Hand Sink | 7.5 |
| Restaurant Kitchen Sink | 15 |
| Single Compartment Scullery Sink | 20 |
| Double Compartment Scullery Sink | 25 |
| Triple Compartment Sink | 30 |
| Two Single Compartment Sinks | 25 |
| Two Double Compartment Sinks | 30 |
| Floor Drain | 5 |

Calculate the sum of the surge flow rates from all fixtures connected to a grease trap or interceptor using the tables above. Design or select a pre-manufactured trap or interceptor rated to handle the total surge flow. The sum of the surge flow rates of fixtures discharging to a grease trap or interceptor shall not exceed the designed flow rate of the unit. More than one (1) grease trap or interceptor may be used in any operation to accommodate the flows. Grease traps and interceptors should be located outside whenever possible. If there is not space available outside, then the units should be located as close to the service door as possible. Outside units shall be situated so that storm water run-off cannot enter the grease interceptor.

(c) Servicing and maintenance is essential for the efficient operation of grease traps and interceptors. Servicing frequency is site-specific and is dependent on the amount of oil and grease and suspended solids generated at each operation and the size of the grease trap or interceptor. The volumes of greases and solids in grease traps and interceptors must not exceed the designed grease and solids storage capacity of the unit. A minimum of twelve (12) minutes of detention time is required for a properly operating grease trap. (1985 Code, § 8-207, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

18-108. Enforcement. Whenever the superintendent has reason to believe that a violation of any provision of the pretreatment program of the pretreatment agency or orders of the local hearing authority issued pursuant thereto has occurred, is occurring, or is about to occur, the superintendent will cause one (1) or more of the following enforcement responses to be served:

(1) Administrative remedies. (a) Notice of violation. Whenever the superintendent finds that any user has violated or is violating this chapter, or Lewisburg Wastewater Discharge Permit, order, prohibition, limitation, or requirement permitted by this chapter, the superintendent may serve upon such person a written notice stating the nature of the violation. Within thirty (30) calendar days of the date of the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof shall be submitted to the superintendent, by the user. The correction and prevention plan shall include specific actions. Submission of this plan in no way relieves the user of liability for any violations caused by the user before or after receipt of the notice of violation.

(b) Administrative or compliance order. When the superintendent finds that a user has violated or continues to violate this

chapter or a permit or order issued thereunder, he may issue an order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless the violation is corrected and that there is no reoccurrence of the violation. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

The user may, within thirty (30) days of receipt of such order, petition the superintendent to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the superintendent by registered mail. The superintendent may:

- (i) Reject any frivolous petitions;
- (ii) Modify or suspend the order;
- (iii) Request additional information from the user; or
- (iv) Order the petitioner to show cause in accordance with

this section.

(c) Administrative penalties. Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter, or permits and orders issued hereunder, shall be penalized in an amount of at least one thousand dollars (\$1,000.00) and not to exceed ten thousand dollars (\$10,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.

The user may, within thirty (30) calendar days of notification of such penalty, petition the superintendent to modify or suspend the penalty. Such petition shall be in written form and shall be transmitted to the superintendent by registered mail. The superintendent may:

- (i) Reject any frivolous petitions;
- (ii) Modify or suspend the fine;
- (iii) Request additional information from the user; or
- (iv) Order the petitioner to show cause in accordance with

this section.

(d) Cease and desist orders. When the superintendent finds that a user has violated or continues to violate this chapter or any permit or order issued hereunder, the superintendent may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

- (i) Comply forthwith;

- (ii) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge.

The user may, within thirty (30) days of receipt of such order, petition the superintendent to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the superintendent by registered mail. The superintendent may:

- (i) Reject any frivolous petitions;
- (ii) Modify or suspend the order;
- (iii) Request additional information from the user; or
- (iv) Order the petitioner to show cause in accordance with this section.

(e) Termination of permit. Any user who violates the following conditions of this chapter or a wastewater discharge permit or order, or any applicable or state and federal law, is subject to permit termination:

- (i) Violation of permit conditions;
- (ii) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (iii) Failure to report significant changes in operations or wastewater constituents and characteristics;
- (iv) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.
- (v) Non-compliance industrial users will be notified, by registered mail, of the proposed termination of their wastewater permit.

(vi) The user may, within thirty (30) calendar days of receipt of such notification, petition the superintendent to permit continued use of the POTW by the user. Such petition shall be in written form and shall be transmitted to the superintendent by registered mail. The superintendent may:

- (A) Reject any frivolous petitions;
- (B) Request additional information from the user;

or

- (C) Order the petitioner to show cause in accordance with this section;
- (D) Reinstate permit;

(2) Water supply severance. Whenever a user has violated or continues to violate the provisions of this chapter or an order or permit issued hereunder,

water service to the user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

(a) The user may, within thirty (30) days of severance, petition the superintendent to reconnect water supply service. Such petition shall be in written form and shall be transmitted to the superintendent by registered mail. The superintendent may:

- (i) Reject any frivolous petitions;
- (ii) Reconnect the water supply;
- (iii) Request additional information from the user; or
- (iv) Order the petitioner to show cause in accordance with this section.

(3) Show cause hearing. The superintendent may order any user appealing administrative remedies for violations of this chapter to show cause, before the water and wastewater board why an enforcement action, initiated by the superintendent, should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) calendar days before the hearing. Service may be made on any principal or executive officer of a user's establishment or to any partner in a user's establishment.

The water and wastewater board may itself conduct the hearing and take evidence, or may designate any of its members or any officer or employee of the water and wastewater department to:

- (a) Issue, in the name of the water and wastewater board notices of hearings requesting the attendance and testimony of witnesses, and the production of evidence relevant to any matter involved in such hearings;
- (b) Take the evidence;
- (c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the board for action thereon.

After the board has reviewed the evidence, it may order the user to comply with the superintendent's order or penalty, modify the superintendent's order or penalty or vacate the superintendent's order or penalty.

(4) Judicial remedies. (a) Civil penalties. Any person who violates any of the provisions of or who fails to perform any duty imposed by this chapter, or any order or determination of the superintendent

promulgated under this chapter, or the terms of any permit issued hereunder, shall be liable to the city for a civil penalty of at least one thousand dollars (\$1,000.00) and not to exceed ten thousand dollars (\$10,000.00) for each such violation, to be assessed after a hearing held in conformance with the procedures set forth in this section. Each violation shall be separate and distinct violation, and in the case of continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the city attorney at the request of the superintendent in the name of the city in any court of competent jurisdiction. In addition to the above described penalty and damages, the superintendent may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses. Such civil penalty may be released or compromised by the superintendent before the matter has been referred to the city attorney, and where such matter has been referred to the city attorney, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the city attorney, with the consent of the superintendent.

(b) Court orders. In addition to the power to assess penalties as set forth in this section, the superintendent shall have the power, following the hearing held in conformance with the procedures set forth in this section, to seek an order:

(i) Suspending, revoking, or modifying the violator's wastewater discharge permit;

(ii) Enjoining the violator from continuing the violation.

Any such order shall be sought in an action brought by the city attorney at the request of the superintendent in the name of the city, in any court of competent jurisdiction. The superintendent shall petition the court to impose, assess, and recover such sums imposed according to this section. In determining amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(c) Criminal penalties. Any person who willfully violates any provision of this chapter or any final determination or order of the superintendent made in accordance with this section shall, in addition, be guilty of a misdemeanor, and upon conviction thereof, shall be

punished by a fine of at least one thousand dollars (\$1,000.00) and not more than twenty-five thousand dollars (\$25,000.00) in accordance with the procedures set in Tennessee Code Annotated, § 69-3-15(c)(b)(c). Each offense shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

Any user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of at least one thousand dollars (\$1,000.00) and not more than twenty-five thousand dollars (\$25,000.00) in accordance with the procedures set in Tennessee Code Annotated, § 69-3-15(c)(b)(c). No prosecution, under this section, shall be instituted until after final disposition of a show cause hearing, if any, was instituted.

(d) Injunctive relief. Whenever a user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the superintendent, through counsel may petition the court, in the name of the city, for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains the violation of, or compels the compliance with any order or determination thereunder by the superintendent.

(e) Damages. Any person violating any of the provisions of this chapter shall, in addition, be civilly liable to the city for any expense, loss, or damage occasioned to the city by reason of such violation.

(f) Summary abatement. Notwithstanding any inconsistent provisions of this chapter, whenever the superintendent finds, after investigation, that any user is causing, engaging in, or maintaining a condition or activity which, in his judgment, presents an imminent danger to the public health, safety, or welfare, or to the environment, or is likely to result in irreparable damage to the POTW or the environment, and it therefore appears to be prejudicial to the public interest to delay action until notice and an opportunity for a hearing can be provided, the superintendent may, without prior hearing, order such user by notice, in writing wherever practicable or in such other form as practices are intended to be proscribed, to discontinue, abate, or alleviate such condition or activity; or where the giving of notice is impracticable, or in the event of a user's failure to comply voluntarily with an emergency

order, the superintendent may take all appropriate action to abate the violating condition, including but not limited to, judicial relief as provided in Tennessee Code Annotated, § 69-3-127, or contract with a qualified person or persons to carry out the emergency measures. As promptly as possible thereafter, not to exceed thirty (30) calendar days, the superintendent shall provide the user an opportunity to be heard, in accordance with the provisions of this chapter. Any hearing or rehearing brought before the local hearing authority shall be conducted in accordance with Tennessee Code Annotated, § 69-3-124.

Any such order shall become final and not subject to review unless the person or persons named therein request by written petition a hearing before the local hearing authority as provided in this section, no later than thirty (30) days after the date such order is served in accordance with Tennessee Code Annotated, § 69-3-123.

The superintendent, acting upon the belief that an emergency exists, shall be indemnified against any personal liability that may arise in the performance of his duties to protect the public health, safety, or welfare, or to preserve the POTW.

(5) Enforcement response plan. The enforcement response plan describes how the POTW will investigate instances of noncompliance. It describes the types of escalated enforcement actions that the POTW will take in response to all anticipated types of industrial user violations and the time periods within which to initiate and follow up these actions.

| Terms and abbreviations used in the Enforcement Response Plan | |
|---|---|
| AO | Administrative Order |
| Civil | Civil litigation against the industrial user seeking litigation equitable relief, monetary penalties and actual damages |
| Criminal | Pursuing punitive measures against an individual prosecution and/or organization through a court of law. |
| Penalty | Monetary penalty assessed by control authority officials. |
| I | Inspector |
| IU | Industrial User |
| Meeting | Informal compliance meeting with the IU to resolve recurring noncompliance. |
| NOV | Notice of Violation |
| PC | Pretreatment Coordinator |
| S | Superintendent |
| SV | Significant Violation |
| Show Cause | Formal meeting requiring the IU to appear and demonstrate why the control authority should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective and compliance schedules. |

| UNAUTHORIZED DISCHARGES (No Permit) | | | | |
|-------------------------------------|---------------------------|---|---|-----------|
| | Noncompliance | Nature of Violation | Enforcement Responses | Personnel |
| 1 | Un-permitted IU Discharge | IU unaware of requirement; no harm to POTW/ environment | -Phone calls; NOV with application form | I, PC |
| | | IU unaware of requirement; harm to POTW | -AO with Penalty -Civil Action | PC S |

| | Noncompliance | Nature of Violation | Enforcement Responses | Personnel |
|---|--|---|-----------------------|-----------|
| | | Failure to apply, continues after notice by the POTW | -Civil action | S |
| 2 | Non-permitted discharge (failure to renew) | IU has not submitted application within 10 days of due date | -Phone call; NOV | PC |

| DISCHARGE LIMIT VIOLATION | | | | |
|---------------------------|--|---------------------------------------|--|-----------------------|
| | Noncompliance | Nature of Violation | Enforcement Responses | Personnel |
| 1 | Exceeding local or federal standard non-conventional pollutant limit | Isolated, not significant | Phone call; NOV | I, PC |
| | | Isolated, significant (no harm) | AO to develop spill prevention plan | PC |
| | | Isolated, harm to POTW or environment | -Show cause order -Civil action | PC, S |
| | | Recurring; significant (harm) | -AO with penalty -Show cause order -Civil action -Terminate service | PC PC, S S S |

| MONITORING AND REPORTING VIOLATIONS | | | | |
|-------------------------------------|---------------------|---|--|------------------|
| | Noncompliance | Nature of Violation | Enforcement Responses | Personnel |
| 1 | Reporting violation | Report is improperly signed or certified | Phone call or NOV | I, PC |
| | | Isolated, not significant (e.g., 5 days late) | Phone call; NOV | I, PC |
| | | Significant (e.g., report 30 days or more late) | -NOV with penalty AO to submit with penalty | PC PC |
| | | Reports are always late or no reports at all | -AO with penalty -Show cause order -Civil action | PC PC, S S |

| | Noncompliance | Nature of Violation | Enforcement Responses | Personnel |
|---|---|--|---|-------------------|
| | | Failure to report spill or changed discharge (no harm) | NOV | I, PC |
| | | Failure to report spill or changed discharge (results in harm) | -AO with penalty -Civil action | PC S |
| | | Failure to report BMPs | -Phone call; NOV | I, PC |
| | | Repeated failure to report spills | -Show cause order -Terminate service | PC, S S |
| | | Falsification | -Criminal investigation -Terminate service | S S |
| 2 | Failure to monitor correctly | Failure to monitor all pollutants as required by permit | -NOV or AO | I, PC |
| | | Recurring failure failure to monitor | -AO with penalty -Civil action | PC S |
| 3 | Improper sampling | Evidence of intent | -Criminal investigation -Terminate service | S S |
| 4 | Failure to install monitoring equipment | Delay of less than 30 days | NOV | I, PC |
| | | Delay of 30 days or more | AO to install; with fine for each additional day | PC |
| | | Recurring violation of AO | -Civil action -Criminal investigation -Terminate service -Show cause order | PC S S S |
| 5 | Compliance schedules (in permit) | Missed milestone by less than 30 days, or will not affect final milestone | NOV | I |
| | | Missed milestone by more than 30 days, or will affect final milestone (good cause for delay) | AO | PC |

| | Noncompliance | Nature of Violation | Enforcement Responses | Personnel |
|--|---------------|--|--|-----------------------|
| | | Missed milestone by more than 30 days, (no good cause for delay) | -AO with penalty -Show cause order -Civil action -Terminate service | PC PC, S S S |
| | | Recurring violation or violation of schedule in AO | -Civil action -Criminal investigation -Terminate service | S S S |

| OTHER PERMIT VIOLATIONS | | | | |
|-------------------------|--|-------------------------|---|------------------|
| | Noncompliance | Nature of Violation | Enforcement Responses | Personnel |
| 1 | Waste streams are diluted in lieu of treatment | Initial violation | NOV | I |
| | | Recurring | -AO with penalty -Show cause order -Terminate service | PC PC, S S |
| 2 | Failure to mitigate non-compliance or halt production | Does not result in harm | NOV | I |
| | | Does result in harm | -AO with penalty -Civil action | PC S |
| 3 | Failure to operate and maintain pre-treatment facility | See No. 2 above | | |

| | Noncompliance | Nature of Violation | Enforcement Responses | Personnel |
|---|-------------------|---|---------------------------------|-----------|
| 1 | Entry denial | Entry denied or consent withdrawn. Copies or records denied | Obtain warrant and return to IU | I, PC |
| 2 | Illegal discharge | No harm to POTW or environment | -AO | PC |

| | Noncompliance | Nature of Violation | Enforcement Responses | Personnel |
|---|---|---|--|--------------|
| | | Discharges causes harm to POTW or environment | -AO with penalty -Civil action -Criminal investigation | PC S S |
| | | Recurring, violation of AO | Terminate service | S |
| 3 | Improper sampling | Unintentional sampling at incorrect location | NOV | I, PC |
| | | Unintentionally using incorrect sample type | NOV | I, PC |
| | | Unintentionally using incorrect collection techniques | NOV | I, PC |
| | | Monitoring facility not properly maintained | NOV | I, PC |
| 4 | Inadequate record keeping | Inspector finds files incomplete to missing (no evidence of intent) | NOV | I, PC |
| | | Recurring | AO with penalty | PC |
| 5 | Failure to report additional monitoring | Inspection finds additional files | NOV | I, PC |
| | | Recurring | AO with penalty | PC |

TIME FRAMES FOR RESPONSES

(a) All violations will be identified and documented within five (5) days of receiving compliance information.

(b) Initial enforcement responses (invoking contact with the industrial user and requesting information on corrective or preventive action(s)) will occur within fifteen (15) days of violation detection.

(c) Follow up actions for continuing or reoccurring violations will be taken within sixty (60) days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.

(d) Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.

(e) All violations meeting the criteria for significant noncompliance will be addressed with an enforceable order within thirty (30) days of the identification of significant compliance.

(6) Significant noncompliance. The following criteria will be used for defining Significant Noncompliance (SNC) for purposes of enforcement (40 CFR 403.8f(2)(vii)):

(a) Wastewater violations. (i) Chronic violations. As defined in § 18-102(94)(a)(i);

(ii) Technical Review Criteria (TRC) violations. As defined in § 18-102(94)(a)(ii).

(iii) Any other violation of a pretreatment standard or requirement as defined by § 18-102 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the superintendent determines has caused alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public.

(iv) Any discharge causing imminent endangerment to human health/welfare or to the environment or resulting in the POTW's use of its emergency authority to halt or prevent such a discharge.

(b) Violations of compliance schedule milestones, failure to start or complete construction or attain final compliance by ninety (90) days or more after the schedule date.

(c) Failure to accurately report noncompliance.

(d) Failure to provide required reports within thirty (30) days of the due date.

(e) Any other violation or group of violations which the POTW authority considers to be significant. (1985 Code, § 8-208, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

18-109. Waste subject to surcharge. (1) Unacceptable wastes. Waters or wastes that are otherwise acceptable for discharge to sanitary sewers, but which have a BOD⁵ in excess of 300 mg/l, a COD in excess of 800 per mg/l, a suspended solids content in excess of 300 mg/l, an oil and grease content, in excess of 100 mg/l, or any other compatible pollutant specified in this chapter shall be subject to a surcharge based on the actual considerations as compared to normal sanitary sewage, such surcharge being necessary to compensate the city for the extra costs of treating such wastes.

(2) Surcharge. All persons discharging or depositing wastes with concentrations in excess of the pollutant concentrations in normal sewage shall

pay a surcharge(s). The surcharge(s) shall be based on total monthly flow and the analytical results on not less than three (3) twenty-four (24) hour composite samples collected at the control manhole at unannounced, but approximately equal intervals during the preceding month. These samples will be collected and analyzed by the city, or a laboratory of the city's choice according to procedures set forth in 40 CFR part 136 for the pollutants found to be above the surcharge limit. Surcharge(s) will remain in effect until said discharger is able to provide data that demonstrates compliance with the permit and/or this chapter for one month. All sampling and analyses fees are to be paid by the discharger. The waste stream and all permitted pollutants will be sampled and analyzed by the city, at intervals no less than two (2) times per year. All samples shall be collected and analyses shall be made by competent operating personnel at the wastewater treatment plant or other persons designated by the city in accordance with 40 CFR part 136. The total sewer service charge, is comprised of two (2) parts, as follows:

$$T_{sc} = N_c + C_s$$

Where; T_{sc} = Total sewer charge
 N_c = Charge for normal wastewater
 C_s = Surcharge for wastewater exceeding the strength of "normal wastewater" expressed in dollars per billing period.

$$C_s = [(B_c \times B) + (S_c \times S) + (P_c \times P)] V_u$$

Effective on the date of the revision of this chapter B_c , S_c , and P_c = \$1.00

Where: C_s = Surcharge for wastewater exceeding the strength of "normal wastewater" expressed in dollars per billing period.

B_c = O&M cost for treatment of a unit of BOD⁵ or COD expressed in dollars

B = Concentration of BOD⁵ or COD (using the one in greatest violation) from a user above the base level of 2.50 for BOD (or 6.67 for COD) lbs/1000 gallons expressed in pounds per 1000 gallons.

$$\text{Formula: } \frac{(\text{Results mg/l} - \text{Limit mg/l})}{\text{Limit mg/l}}$$

Sc = O&M costs for treatment of a unit of suspended solids expressed in dollars per pound.

S = Concentration of suspended solids from a user above the base level of 2.50 lbs/1000 gallons expressed in pounds per 1000 gallons.

PC = O&M cost for treatment of a unit of any conventional pollutant which the publicly owned treatment works is committed to treat by virtue of an NPDES permit or other regulatory requirement expressed in dollars per pound.

P = Concentration of any pollutant from a user above base level. Base levels for pollutants subject to surcharges will be established by the superintendent.

Vu = Volume contribution of a user per billing period. (Expressed in thousands of gallons).

Only conventual pollutants such as BOD⁵, COD, TSS, TKN, and ammonia may be accessed a surcharge. All other pollutants such as metals and organic chemicals may be accessed a penalty. Conventual pollutants that are over ten (10) times greater than permit limits may also be accessed a penalty. Testing of BOD⁵ and COD may be required, but only the test causing the greatest violations of the two (2) test results will be used in the surcharge calculations.

The values of parameters used to determine user charges may vary from time to time. Therefore, the superintendent is authorized to modify any parameter or value as often as necessary. Review of all parameters and values shall be undertaken whenever necessary. Notes: If any difference terms in the equation above is negative, then that portion of the equation shall not be used, that is, the difference shall be set to zero when it is negative. All averages are arithmetic averages determined from available data during the billing period.

(3) Flow calculation. Flow calculation shall be based on procedures set forth in § 18-105(2). (1985 Code, § 8-209, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

18-110. Penalty; costs. (1) Civil penalties. Any user who is found to have violated an order of the board or who willfully or negligently failed to

comply with any provision of this chapter, and orders, rules, regulations and permits issued hereunder, shall be assessed a civil penalty of at least one thousand dollars (\$1,000.00) for each offense in accordance with the procedures set in Tennessee Code Annotated, §§ 69-3-125 and 69-3-126 and CFR 403.8f1.vi. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover damages, reasonable attorneys' fees, court costs, appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations and permits issued hereunder.

Unless otherwise stipulated by the superintendent or the water and wastewater board, civil penalties will start at one thousand dollars (\$1,000.00) per violation for the first month. Industries with violations continuing for over two (2) months must be reviewed by the board for further action.

(2) Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished by penalty of at least one thousand dollars (\$1,000.00) and not more than twenty-five thousand dollars (\$25,000.00), in accordance with the procedures as set out in Tennessee Code Annotated, § 69-3-115(c)(b)(d).

(3) Public nuisance. Any building sewer, tap, line, holding tank, or mechanism through which wastewater is routed into the POTW allowing the discharge of any wastewater into the POTW containing a pollutant, causing interference with the POTW, containing any toxic pollutant, containing any prohibited substance described in § 18-104, or containing any combination of the foregoing, as set forth and defined in this chapter, it is hereby declared a public nuisance. The judicial remedy or remedies for abating public nuisances shall be cumulative to all other administrative and judicial remedies set forth in this chapter. (1985 Code, § 8-210, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

18-111. Water and wastewater (sewer) rates. (1) The water and wastewater (sewer) rates by:

| | Old Rate | New Rate | Amount |
|----------------------------|----------|-------------|-----------|
| Inside City Water | 6% | Inside City | Increased |
| First 2,000 Gals (Minimum) | \$16.59 | \$17.59 | \$1.00 |
| Next 10,000 Gals/1,000 | \$ 3.69 | \$3.91 | \$0.22 |

| | | | |
|-------------------------|---------|---------|--------|
| Next 88,000 Gals/1,000 | \$ 3.64 | \$3.91* | \$0.27 |
| Next 400,000 Gals/1,000 | \$ 3.54 | \$3.91* | \$0.37 |
| Next 500,000 Gals/1,000 | \$3.39 | \$3.91* | \$0.52 |

Inside City Sewer 16%

| | | | |
|----------------------------|---------|---------|--------|
| First 2,000 Gals (Minimum) | \$19.47 | \$22.59 | \$3.12 |
| All over 2,000 Gals/1,000 | \$ 6.49 | \$ 7.53 | \$1.04 |

| | Old Rate | New Rate | Amount |
|------------------------------|---------------------|---------------------|------------------|
| <u>Outside City Water</u> 6% | <u>Outside City</u> | <u>Outside City</u> | <u>Increased</u> |
| First 2,000 Gals (Minimum) | \$20.38 | \$21.60 | \$1.22 |
| Next 10,000 Gals/1,000 | \$ 5.50 | \$ 5.83* | \$0.33 |
| Next 88,000 Gals/1,000 | \$ 5.38 | \$ 5.83* | \$0.45 |
| Next 400,000 Gals/1,000 | \$ 5.20 | \$ 5.83* | \$0.63 |
| Next 500,000 Gals/1,000 | \$ 4.98 | \$ 5.83* | \$0.85 |

Utility District 6%

| | | | |
|------------------------|---------|-----------|----------|
| For Resale to Customer | \$ 2.65 | \$ 2.81** | \$0.16** |
|------------------------|---------|-----------|----------|

Outside City Sewer 16%

| | | | |
|----------------------------|---------|---------|--------|
| First 2,000 Gals (Minimum) | \$23.79 | \$27.60 | \$3.81 |
| All over 2,000 Gals/1,000 | \$ 8.44 | \$ 9.79 | \$1.35 |

*Quantity discounts have been removed by state recommendation.

(a) The above rates shall be effective October 1, 2017.

(b) This ordinance amends prior ordinances regarding water and wastewater (sewer) rates.

(c) **Utility district rate subject to be approved by Lewisburg Water Board, Fairview Utility and Marshall Co. Public Utility Board.

(2) The water and wastewater (sewer) rates be: (year two)

| | Old Rate | New Rate | Amount |
|-----------------------------|--------------------|--------------------|------------------|
| <u>Inside City Water</u> 6% | <u>Inside City</u> | <u>Inside City</u> | <u>Increased</u> |
| First 2,000 Gals (Minimum) | \$17.59 | \$18.65 | \$1.06 |
| All additional 1,000 Gals | \$ 3.91 | \$4.14 | \$0.23 |

Inside City Sewer 16%

| | | | |
|----------------------------|---------|---------|--------|
| First 2,000 Gals (Minimum) | \$22.59 | \$26.20 | \$3.61 |
| All over 2,000 Gals/1,000 | \$ 7.53 | \$ 8.73 | \$1.20 |

| | Old Rate | New Rate | Amount |
|------------------------------|---------------------|---------------------|------------------|
| <u>Outside City Water</u> 6% | <u>Outside City</u> | <u>Outside City</u> | <u>Increased</u> |
| First 2,000 Gals (Minimum) | \$21.60 | \$22.90 | \$1.30 |

| | | | |
|----------------------------|---------|-----------|----------|
| Next 10,000 Gals/1,000 | \$ 5.83 | \$ 6.18 | \$0.35 |
| <u>Utility District</u> | 6% | | |
| For Resale to Customer | \$ 2.81 | \$ 2.98** | \$0.17** |
| <u>Outside City Sewer</u> | | | |
| First 2,000 Gals (Minimum) | \$27.60 | \$32.02 | \$4.42 |
| All over 2,000 Gals/1,000 | \$ 9.79 | \$11.36 | \$1.57 |

(a) The above rates shall be effective October 1, 2018.

(b) This ordinance amends prior ordinances regarding water and wastewater (sewer) rates.

(c) ** Utility district rate subject to be approved by Lewisburg Water Board, Fairview Utility and Marshall Co. Public Utility Board. (Ord. #99-06, Sept. 1999, as amended by Ord. #01-06, Sept. 2001, and Ord. #04-03, Sept. 2004, and replaced by Ord. #12-11, Dec. 2012, Ord. #13-07, Nov. 2013, Ord. #15-08, Oct. 2015, and Ord. #17-04, July 2017)

18-112. Miscellaneous. (1) Delinquent payments. If there shall be any payments which are due to the city, or any department thereof, pursuant to any chapter or section of this chapter, which shall remain due and unpaid, in whole or in part, for a period of twenty (20) calendar days from the date of billing by the city, the same shall constitute a default, and there shall be added to the entire amount of the original bill, a penalty equal to twenty percent (20%) of the original bill, and interest shall accrue on the unpaid balance, at the rate of two percent (2%) per month, retroactive to the date of the original billing.

Where charges are delinquent for a period of ninety (90) days, the city attorney is authorized to seek recovery of charges, including punitive damages, in a court of competent jurisdiction.

(2) Performance bonds. The superintendent may decline to reissue a permit to any user which has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder unless such user first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the superintendent to be necessary to achieve consistent compliance.

(3) Liability insurance. The superintendent may decline to reissue a permit to any user which has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

(4) Informant rewards. The superintendent is authorized to pay up to five hundred dollars (\$500.00) for information leading to the discovery of noncompliance by a user. In the event that the information provided results in an administrative fine or civil penalty levied against the user, the superintendent is authorized to disperse up to ten percent (10%) of the collected fine or penalty to the informant. However a single reward payment may not exceed ten thousand dollars (\$10,000.00).

(5) Public notification. The superintendent shall provide public notification, in the daily newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of industrial users which were significantly in violation of local or federal pretreatment standards or requirements since the last such notice. The frequency of such notices shall be at least once per year. For the purposes of this section, a significant violation shall be a violation:

(a) Which remains uncorrected forty-five (45) calendar days after notification of noncompliance.

(b) Which is a part of a pattern of noncompliance over the past twelve (12) month period.

(c) Which involves a failure to accurately report noncompliance.

(d) Which resulted in the superintendent exercising his emergency authority to halt or prevent any discharge which presents an imminent danger to persons or property.

(e) Which is a violation as defined in § 18-108.

(6) Conflicts. The provisions of any local law in conflict with any provision of this chapter are hereby repealed.

(7) Severability. Each provision of this chapter is severable from the others, so that if any provision is held to be illegal or invalid for any reason whatsoever, such illegal or invalid provision shall be severed from this chapter, which shall nonetheless remain in full force and effect.

(8) Signatory requirements for industrial user reports. The reports required by this chapter shall include the certification statement as set forth in subsection (9) below, and shall be signed as follows:

(a) By a responsible corporate officer, if the industrial user submitting the reports required is a corporation. For the purpose of this subsection, a responsible corporate officer means:

(i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or

(ii) The manager of one (1) or more manufacturing, production, or operating facilities, provided, the manager is authorized to make arrangement decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) By a general partner or proprietor if the industrial user submitting the reports required is a partnership or sole proprietorship respectively.

(c) By a duly authorized representative of the individual designated in subsections (a) or (b) of this section if:

(i) The authorization is made in writing by the individual described in subsection (a) or (b) of this section;

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(iii) The written authorization is submitted to the control authority.

(d) If an authorization under subsection (8)(c) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of subsection (8)(c) of this section must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

(9) Certification statement. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly

responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. (1985 Code, § 8-211, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

CHAPTER 2**CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.**¹**SECTION**

- 18-201. Definitions.
- 18-202. Standards.
- 18-203. Construction, operation, and supervision.
- 18-204. Statement required.
- 18-205. Inspections required.
- 18-206. Right of entry for inspections.
- 18-207. Correction of existing violations.
- 18-208. Use of protective devices.
- 18-209. Unpotable water to be labeled.
- 18-210. Mortuaries.
- 18-211. Provision applicable.
- 18-212. Violations.
- 18-213. Severability clause.

18-201. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

1. "Public water supply." The waterworks system which furnishes water to Lewisburg for general use and which is recognized as the public water system by the Tennessee Department of Environment and Conservation.
2. "Cross connection." Any physical arrangement whereby the public water system is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices through which, or because of which, backflow could occur are considered to be cross connections.

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

3. "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.
4. "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.
5. "Interconnection." Any system of piping or other arrangement whereby the public water system is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water system.
6. "Person." Any individual, corporation, company, association, partnership, state, municipality, utility district, water cooperative, or federal agency.
7. "Superintendent." That person in charge of the operation of the Lewisburg Water System or the authorized representative of that person. (1985 Code, § 8-301)

18-202. Standards. The Lewisburg Public Water System is to comply with Tennessee Code Annotated, §§ 618-121-701 through 618-121-720 as well as the Rules and Regulations for Public Water Systems, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. Installation criteria for backflow prevention devices are to be provided by the superintendent. (1985 Code, § 8-302)

18-203. Construction, operation, and supervision. No person shall cause a cross-connection, auxiliary intake, bypass, or interconnection to be made, or allow one to exist for any purpose whatsoever unless the construction and operation of same has been approved by the Tennessee Department of Environment and Conservation, and the operation of such cross-connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the superintendent of the Lewisburg Public Water System. (1985 Code, § 8-303)

18-204. Statement required. Any person whose premises are supplied with water from the public water system and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary

intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (1985 Code, § 8-304)

18-205. Inspections required. It superintendent shall inspect all properties served by the public water system where cross connections with the public water system are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the superintendent in accordance with guidelines acceptable to Tennessee Department of Environment and Conservation. (1985 Code, § 8-305)

18-206. Right of entry for inspections. The superintendent of the waterworks or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the public system or systems therein for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. Guard dogs shall be under proper control of the user while the representatives are on the user's property or property rented/leased by the user. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements so that upon presentation of suitable identification, inspecting personnel will be permitted to enter, without delay, for the purpose of performing their specific responsibilities. (1985 Code, § 8-306)

18-207. Correction of existing violations. Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the superintendent. The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 618-121-711, within a reasonable time and within the time limits set by the Lewisburg Public Water System, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the superintendent shall give the customer legal notification that water service is to be discontinued and shall

physically separate the public water system from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the superintendent of the water system shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water system from the on-site piping system unless the hazard(s) is corrected immediately. (1985 Code, § 8-307)

18-208. Use of protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

1. Impractical to provide an effective air-gap separation.
2. That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the superintendent or his designated representative, that the water use and protective features of the plumbing are such as to pose no threat to the safety or potability of the water.
3. That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.
4. That there is a likelihood that protective measures may be subverted, altered, or disconnected.

Then the superintendent, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein.

The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Environment and Conservation as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent prior to installation and shall comply with the criteria set forth by the Tennessee Department of Environment and Conservation. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the Lewisburg Public Water System shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to

avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the superintendent shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, and to keep any protective device working properly. The expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the superintendent. The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering a protective device or the installation thereof so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the superintendent. (1985 Code, § 8-308)

18-209. Unpotable water to be labeled. The potable water system made available to premises served by the public water system shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE
FOR DRINKING

Minimum acceptable sign shall have black letters at least one-inch high located on a red background. (1985 Code, § 8-309)

18-210. Mortuaries. All mortuaries utilizing the Lewisburg public water supply in the preparation of bodies must have a properly installed reduced pressure backflow preventer for the protection of the public water supply. All water which is used in the preparation room must pass through a reduced pressure backflow preventer. The backflow prevention device used must be of an approved type. (1985 Code, § 8-310)

18-211. Provision applicable. Requirements contained herein shall apply to all premises served by the Lewisburg Public Water System regardless of political subdivision boundaries, and are hereby made a part of the conditions

required to be met for the Lewisburg Public Water System to provide water service to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, relative to boundaries of any political subdivision. (1985 Code, § 8-311)

18-212. Violations. Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefore, shall be fined not less than ten dollars (\$10) nor more than fifty dollars (\$50), and each day of continued violation after conviction shall constitute a separate offense.

The superintendent shall also discontinue the public water system to any premises within which there is found to be a cross-connection, auxiliary intake, bypass or inter-connection. Water service shall not be restored until such cross-connection, auxiliary intake, bypass, or inter-connection has been discontinued. (1985 Code, § 8-312)

18-213. Severability clause. Should any part(s) of this chapter be declared invalid for any reason, no other part(s), of this chapter shall be affected thereby. (1985 Code, § 8-313)

CHAPTER 3**STORMWATER ORDINANCE****SECTION**

18-301. Stormwater ordinance.

18-302.--18-313. Deleted.

18-301. Stormwater ordinance. The Stormwater Ordinance for the City of Lewisburg, and any amendments thereto, may be found in the office of the recorder. (as added by Ord. #03-09, May 2004, and replaced by Ord. #09-10, Nov. 2009, Ord. #11-06, Sept. 2011, Ord. #15-02, Feb. 2015, and Ord. #19-09, Nov. 2019 *Ch13_10-13-20*)

18-302.--18-313. Deleted. (as added by Ord. #11-06, Sept. 2011, replaced by Ord. #15-02, Feb. 2015, and deleted by Ord. #19-09, Nov. 2019 *Ch13_10-13-20*)