

TITLE 18

WATER AND SEWERS¹

CHAPTER

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CHAPTER 1

SEWAGE²

SECTION

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18-101. Premises requiring sanitary sewage disposal facilities.
Every residence, building or place where human beings reside, assemble, or are employed within the City of Ripley shall be required to have a sanitary method for disposal of sewage and human excreta. (1994 Code, § 18-101)

18-102. When a connection to the sanitary sewer is required.
Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to the sewer made in compliance with the requirements of the official responsible for the public

¹Municipal code references

Building, utility and residential codes: title 12.

Refuse disposal: title 17.

²Municipal code reference

Plumbing code: title 12, chapter 2.

sewerage system. On any lot or premises accessible to the sewer no other method of sewage disposal shall be employed. (1994 Code, § 18-102)

18-103. When a septic tank is authorized. Wherever water-carried sewage facilities are installed and their use is permitted by the code enforcement officer and an accessible sewer does not exist, the wastes from such facilities shall be discharged into a septic tank system approved by the code enforcement officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the code enforcement officer and the installation shall be under the general supervision of the department of health. (1994 Code, § 18-103, modified)

18-104. Owner to provide facilities. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required, or the agent of the owner, to provide such facilities. (1994 Code, § 18-104)

18-105. Occupant to maintain facilities; when pit privy is authorized. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times. Wherever a sanitary method of human excreta disposal is required and water-carried sewage facilities are not used and cannot be physically installed, upon written permission of the code enforcement officer, a sanitary pit privy or other approved method of disposal shall be provided. (1994 Code, § 18-105, modified)

18-106. Disposal by unsanitary methods prohibited. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1994 Code, § 18-106)

18-107. Building permit required. No property owner shall build or allow any building upon his property, nor shall any builder, contractor, erector, carpenter, engineer, architect or materialman build on any lot in the City of Ripley unless sanitary sewage disposal facilities are provided as required by this chapter. A building permit shall be obtained from the Recorder-Treasurer of the City of Ripley prior to the erection of any building on any lot. This chapter also applies to pre-built homes, pre-fab houses, and pre-constructed houses. (1994 Code, § 18-107)

18-108. Code enforcement officer to enforce chapter. It shall be the duty of the code enforcement officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any

violation of this chapter shall be given by the code enforcement officer to the person or persons responsible under this chapter for the correction of the condition. Correction shall be made within thirty (30) days after notification, except in case of new construction which shall be stopped immediately upon discovery of any violation of this chapter. (1994 Code, § 18-108, modified)

CHAPTER 2

SEWER USE REGULATIONS

SECTION

- 18-201. General provisions.
- 18-202. Use of public sewers.
- 18-203. Private wastewater disposal.
- 18-204. Wastewater discharge permits.
- 18-205. Excluded wastes.
- 18-206. Pretreatment and accidental discharge.
- 18-207. Flow and concentration control.
- 18-208. Measurement of flow.
- 18-209. Monitoring facilities.
- 18-210. Inspections, monitoring and reporting.
- 18-211. Authority for inspection.
- 18-212. Confidential information.
- 18-213. Protection of equipment.
- 18-214. Reviewing authority.
- 18-215. Enforcement, penalties and costs.
- 18-216. Fees.
- 18-217. Special agreements.
- 18-218. Amendments.

18-201. General provisions. (1) Purpose and policy. In accordance with provisions of a private act of the 1959 Tennessee General Assembly, chapter 354, amended by chapter 212 of the 1967 General Assembly as incorporated into the revised Charter of the City of Ripley, Tennessee, enacted as chapter 167 of the Private Acts of the Tennessee General Assembly of 1967, approved by the Ripley City Council of the City of Ripley, Tennessee, and the Quarterly County Court of Lauderdale County on April 25, 1967 and included in said charter as sections 71-83 inclusive and in accordance with the Official Code of the City of Ripley, ordinance number 1984-6 adopted February 10, 1984, Revision Number 1989-35, adopted December 2, 1989, these wastewater department use regulations are adopted for the purposes of regulating and controlling the discharge of wastewater into the Wastewater Department of the Ripley Gas, Water and Wastewater Department of the City of Ripley, Tennessee (Ripley Gas, Water and Wastewater Department), to set forth uniform requirements for users of the Wastewater Department of the Ripley Gas, Water and Wastewater Department of the City of Ripley, Tennessee, and to enable the Ripley Gas, Water and Wastewater Department of the City of Ripley, Tennessee, to comply with all applicable state and federal laws required by the Federal Water Pollution Control Act Amendments of 1972, (P.L. 92-500) as amended by The Clean Water Act of 1977 (P.L. 95-217) and as further amended (33 U.S.C.

§ 1251 *et seq.*); the General Pretreatment Regulations (40 CFR part 403); the Resource Conservation and Recovery Act of 1983 (P.L. 94-580) as amended; the Clean Air Act (42 U.S.C. § 7401 *et seq.*) as amended; the Toxic Substances Control Act (P.L. 94-469) as amended; all applicable laws of the State of Tennessee; and rules and regulations of the United States Environmental Protection Agency as amended. These wastewater department use regulations provide for the regulation of users of the wastewater department through the issuance of permits to certain non-domestic users and through enforcement of general requirements for all users, authorize monitoring and enforcement activities, require user reporting and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein. These regulations shall apply to all persons within the City of Ripley and to persons outside the city who by contract or agreement with Ripley Gas, Water and Wastewater Department, are users of the Ripley Gas, Water and Wastewater Department. Except as otherwise provided herein, the superintendent of the Ripley Gas, Water and Wastewater Department shall administer, implement, and enforce the provisions of these regulations. The objectives of these regulations are:

- (a) To prevent the introduction of pollutants into the wastewater department which will interfere with the operation of the wastewater department or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the wastewater department that will pass inadequately treated through the wastewater department into receiving waters or the atmosphere or otherwise be incompatible with the operation of the wastewater department;
- (c) To improve the opportunity to recycle and reclaim wastewater and sludge from the wastewater department;
- (d) To provide for equitable distribution of the costs attributable to the construction, operation and maintenance of the wastewater department as required by the Charter of the City of Ripley, Tennessee;
- (e) To assure that existing users' capacities will not be preempted;
- (f) To authorize monitoring and enforcement activities; and
- (g) To require user reporting.

(2) Abbreviations. The following abbreviations shall have the designated meanings:

- ASTM - American Society for Testing and Materials.
- BMP - Best Management Practices.
- BOD - Biochemical Oxygen Demand.
- CBOD - Carbonaceous Biochemical Oxygen Demand.
- CFR - Code of Federal Regulations.
- COD - Chemical Oxygen Demand.
- °C - Degrees Celsius.

°F - Degrees Fahrenheit.
 EPA - (The) United States Environmental Protection Agency.
 L - Liter.
 mg - Milligram(s).
 mg/l - Milligram(s) per Liter.
 NH₃-N - Ammonia reported as nitrogen.
 NPDES - National Pollutant Discharge Elimination System.
 O&M - Operation and Maintenance.
 OSHA - Occupational Safety and Health Administration.
 P.L. - Public Law.
 POTW - Publicly Owned Treatment Works (wastewater collection and treatment system).
 RCRA - (The) Resource Conservation and Recovery Act of 1983 as amended.
 SIU - Significant Industrial User.
 TDEC - (The) Tennessee Department of Environment and Conservation, Division of Water Resources.
 TRC - Technical Review Criteria.
 TSS - Total Suspended Solids.
 U.S.C. - United States Code.
 WEF - Water Environment Federation.

(3) Definitions. The following words, terms and phrases, wherever used in these regulations, shall have the meanings respectively ascribed to them in this section unless the context plainly indicates otherwise or that a more restricted or extended meaning is intended.

Inclusions and Definitions:

Definitions include both the singular and the plural and all pronouns include both the singular and the plural and cover all genders.

(a) "Accidental discharge." Any release of wastewater, which, for any reason foreseen or unforeseen, fails to comply with any prohibition or limitation in these regulations.

(b) "Act or the Act." The Federal Water Pollution Control Act (P.L. 92-500) as amended by the Clean Water Act of 1977 (P.L. 95-217) and as further amended (33 U.S.C. paragraph 1251 *et seq.*).

(c) "Approval authority." The Director, Tennessee Department of Environment and Conservation, Division of Water Resources (TDEC) or his authorized representative.

(d) "Authorized representative of a user." An authorized representative of a user shall be:

(i) If the user is a corporation:

(A) 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

(B) 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 wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

(iii) 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.

(iv) The individuals described in subsections 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 Ripley Gas, Water and Wastewater Department.

(e) "Best Management Practices" or "BMPs." Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-205. 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.

(f) "Biochemical Oxygen Demand" or "BOD." The quantity of oxygen utilized in the biochemical oxidation of organic matter under the standard laboratory procedure defined at 40 CFR part 136 in five (5) days at twenty degrees (20°) C (sixty-eight degrees (68°) F) expressed in terms of weight and volume (mg/l).

(g) "Black water." Wastewater from sanitary fixtures such as toilets and urinals.

(h) "Board." The Board of Directors of the Ripley Gas, Water and Wastewater Department of the City of Ripley, Tennessee.

(i) "Building sewer or house connection." The connecting pipe from a building, beginning five feet (5') outside the inner face of the building wall, to a sanitary sewer.

(j) "Carbonaceous Biochemical Oxygen Demand" or "CBOD." The quantity of oxygen utilized in the biochemical oxidation of carbonaceous organic matter under the standard laboratory procedure defined at 40 CFR part 136 in five (5) days at twenty degrees (20°) C (sixty-eight degrees (68°) F) expressed in terms of weight and volume (mg/l).

(k) "Categorical standard." Categorical pretreatment standard or category. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of users and that appear in 40 CFR chapter I, subchapter N, parts 405 through 471.

(l) "City." The City of Ripley, Tennessee, a municipal corporation, or the Ripley City Council of the City of Ripley, Tennessee.

(m) "Color." Considered to be the true color of the light transmitted by a wastewater solution after removing suspended material including pseudo colloidal particles.

(n) "Combined sewer." A sewer receiving both surface runoff and wastewater.

(o) "Common grease interceptor." Interceptor to which grease wastes are directed from more than one (1) facility having different operators or type of operations, such as in a food court.

(p) "Composite sample." A sample made by combining a number of grab samples collected over a defined period of time. A composite sample may be either a:

(i) Flow proportional composite sample. A sample composed of sample aliquots combined in proportion to the amount of flow occurring at the time of their collection. Such samples may be composed of equal aliquots being collected after equal predetermined volumes of flow pass the sample point or of flow proportional grab sample aliquots being collected at predetermined time intervals so that at least twelve (12) aliquots are collected per twenty-four (24) hours; or

(ii) Time proportional composite sample. A sample composed of equal sample aliquots taken at equal time intervals of not more than two (2) hours over a defined period of time.

(q) "Connection." Any physical tie or hookup made to a public sewer.

(r) "Constituents." The specific compounds and components which comprise a wastewater.

(s) "Control authority." The Ripley Gas, Water and Wastewater Department of the City of Ripley, Tennessee.

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

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

(v) "Domestic wastewater." All liquid and waterborne pollutants, exclusive of unpolluted wastewater as defined in § 18-201(3)(nnnn) or wastewater or process wastewater from operations of industrial users as defined in § 18-201(3)(mm); or (sanitary sewage).

(w) "Environmental coordinator." An individual employed by Ripley Gas, Water and Wastewater Department who is charged with the responsibility of administering the provisions of the pretreatment program to ensure compliance by users with applicable laws, rules, regulations, resolutions and ordinances relative to the concentration(s) of substances found in the waste stream of facilities connected to the POTW.

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

(y) "Flammable." Shall be as defined in § 18-205.

(z) "Food courts." Areas predominantly found in shopping centers or amusement parks and festivals where several food preparation establishments having different owners may be sharing seating space and/or plumbing facilities.

(aa) "Food service facility." Any facility which cuts, cooks, bakes, prepares or serves food, or which disposes of food related wastes.

(bb) "Garbage." Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

(cc) "Garbage grinder." A device which shreds or grinds up solid or semisolid waste materials into smaller portions for discharge into the sanitary sewer collection system.

(dd) "Grab sample." A sample which is taken from a wastewater stream on a one (1) time basis and collected over a period of time not to exceed fifteen (15) minutes with no regard to the flow in the wastewater stream and without consideration of time.

(ee) "Gray water." Refers to all wastewater other than black water as defined in this section.

(ff) "Grease." A material composed primarily of fats, oil, and grease from animal or vegetable sources. The terms fats, oil, and grease or fats, oil, and grease substances will be deemed as grease by definition.

(gg) "Grease interceptor." A device so constructed as to separate and trap or hold fats, oil, and grease substances from the sewage discharged from a facility in order to keep fats, oil, and grease substances from entering the sanitary sewer collection system. Under the sink grease interceptors or traps will not be construed as meeting the grease interceptor definition in this chapter.

(hh) "Hauler." One who transfers waste from the site of a user to an approved site for disposal or treatment. The hauler is responsible for assuring that all federal, state and local regulations are followed regarding waste transport.

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

(jj) "Indirect discharge." The discharge or the introduction of non-domestic pollutants, as the term pollutants is defined in § 18-201(3) (eee), into the wastewater department (including holding tank waste discharge into the wastewater department).

(kk) "Industrial user." Any user of the wastewater department who discharges industrial wastewater, as that term is defined in § 18-201(3)(nn), into the wastewater department.

(ll) "Industrial wastewater." The liquid and waterborne pollutants resulting from any processes or operations employed in industrial establishments.

(mm) "Infiltration." The water entering sanitary sewers and building sewers from the soil through defective joints, broken or cracked pipe, improper connections, manhole walls or other defects in sanitary sewers as defined in § 18-201(3)(rrr) or building sewers as defined in § 18-201(3)(i). "Infiltration" does not include and is distinguished from inflow.

(nn) "Inflow." The water discharged into sanitary sewers and building sewers from such sources as down spouts, roof leaders, cellar and yard area drains, foundation drains, commercial and industrial discharges of unpolluted wastewater as defined in § 18-201(3)(nnnn), drains from springs and swampy areas, etc. It does not include and is distinguished from infiltration.

(oo) "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.

(pp) "Interference." A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the

wastewater department, 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.

(qq) "Local limit." A pretreatment requirement as defined in § 18-201(3)(ggg).

(rr) "Medical waste." Isolation wastes, infectious agents, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, and potentially contaminated laboratory wastes.

(ss) "Monthly average limit." The maximum allowable discharge of a pollutant during a calendar month. Where the monthly average limitations are expressed in terms of mass, the monthly average discharge is the summation of all the measured daily discharges by mass divided by the number of days during the calendar month when the measurements were made. Where the monthly average limitations are expressed in terms of concentration, the monthly average discharge is the arithmetic mean of all the composite or grab samples collected in one (1) calendar month.

(tt) "National Pollutant Discharge Elimination System Permit or NPDES permit." A permit issued to Ripley Gas, Water and Wastewater Department by IDEC pursuant to sections 402 of the Act (33 U.S.C. § 1342) regulating the discharge of wastewater.

(uu) "National pretreatment standard, pretreatment standard or standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307 (b) and (c) of the Act (33 U.S.C. § 1317) which applies to industrial users. This also includes prohibited discharges listed in § 18-205, and local limits.

(vv) "New source." Any source of discharge or proposed discharge of any industrial wastewater into the wastewater department as defined in § 18-204(2)(e) or a proposed significant change as defined in § 18-204(3) in the character and/or volume of any industrial wastewater which is currently being discharged into the wastewater department.

(ww) "Non-contact cooling water." Water used for cooling which does not come into direct contact with any raw material, intermediate product, water product or finished product.

(xx) "Pass through." A discharge from the POTW into a receiving stream in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of a Ripley Gas, Water and Wastewater Department NPDES Permit or an increase in the magnitude or duration of a violation.

(yy) "Permit synopsis." A rationale sheet as defined in § 18-201(3)(mmm).

(zz) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal

representatives, agents or assigns other than the City of Ripley or the Ripley Gas, Water and Wastewater Department.

(aaa) "pH." The logarithm to the base 10 of the reciprocal of the concentrations of hydrogen ions in a solution measured using the standard procedure defined at 40 CFR part 136.

(bbb) "Pollutant." Any solid waste, chemical waste, biological material, radioactive material, thermal waste or industrial, municipal or agricultural waste discharged into water, land or air.

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

(ddd) "Pretreatment." The lawful reduction in the amounts of pollutants, the elimination of pollutants, the alteration of the nature of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to discharging or otherwise introducing such pollutants into the wastewater department.

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

(fff) "Private wastewater disposal system." Any facilities for wastewater treatment and disposal not maintained and operated by Ripley Gas, Water and Wastewater Department.

(ggg) "Process wastewater." Wastewater resulting from or as a result of any industrial process or operation.

(hhh) "Properly shredded garbage." The organic waste resulting from the preparation, cooking and dispensing of foods that have been shredded to such degree that all particles will be carried freely under flow conditions normally prevailing in sanitary sewers with no particle being greater than one-half inch (1/2") in any dimension.

(iii) "Public sewer." Sanitary sewer.

(jjj) "Publicly Owned Treatment Works" or "POTW." All facilities owned by Ripley Gas, Water and Wastewater Department for collecting, pumping, treating and/or disposing of wastewater (sewerage system or wastewater department).

(kkk) "Rationale sheet." A brief summary of an application and permit (permit synopsis) containing the following:

- (i) Qualitative description of discharge; and
- (ii) Basis of pretreatment limitations.

(lll) "Receiving stream." That body of water, stream or watercourse receiving the discharge from a wastewater treatment plant or that body of water, stream or watercourse formed by the effluent from a wastewater treatment plant.

(mmm) "Reportable violation." Any significant violation of these regulations as defined in § 18-201(3)(zzz).

(nnn) "Ripley Gas, Water and Wastewater Department of the City of Ripley, Tennessee." The Ripley Gas, Water and Wastewater Department of the City of Ripley, Tennessee, as governed by the Board of Directors of the Ripley Gas, Water and Wastewater Department of the City of Ripley, Tennessee, or where appropriate, the term may also be used as a designation for the Superintendent of Ripley Gas, Water and Wastewater Department or other duly authorized official of Ripley Gas, Water and Wastewater Department.

(ooo) "Sanitary sewage." (Domestic wastewater).

(ppp) "Sanitary sewer." A sewer controlled by a governmental agency or public utility that carries liquid and water borne wastewater from residences, commercial buildings, industrial facilities and institutions with minor quantities of ground and surface waters that are not intentionally admitted (public sewer).

(qqq) "Septage." Liquid or solid waste pumped from a domestic wastewater septic tank or cesspool.

(rrr) "Sewage." The liquid and water carried domestic or industrial wastes from residential, commercial, industrial facilities whether treated or untreated. The terms waste and wastewater will be deemed as sewage by definition.

(sss) "Sewer." A pipe for carrying wastewater.

(ttt) "Sewer lateral." A sewer line or lines maintained and controlled by private persons for the purpose of conveying sewage from the waste producing location to the sanitary sewer collection system.

(uuu) "Sewerage system." Publicly Owned Treatment Works (POTW) as defined in § 18-201(3)(III). (Wastewater department).

(vvv) "Significant Industrial User" or "SIU." Any industrial user of the Ripley Gas, Water and Wastewater Department Wastewater Department who:

(i) Is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N and/or;

(ii) Discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to a sanitary sewer (excluding sanitary sewage and/or unpolluted wastewater) and/or;

(iii) Contributes a process wastewater stream which makes up five percent (5%) or more of the average day weather hydraulic or organic capacity of a wastewater treatment plant or;

(iv) Is designated as such by the approval authority, control authority, or the EPA on the basis that the industrial user, either singly or in combination with other contributing industries, has a reasonable potential for adversely affecting the POTW's operation, quality of sewage sludge, effluent quality or air emissions.

(www) "Significant Non Compliance" or "SNC." Any violation(s) of these regulations as defined in § 18-215(2) that result(s) in:

(i) Chronic violation of wastewater discharge limits. Defined here as any violation in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month reporting period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in § 18-201(3)(qq); or

(ii) "Technical Review Criteria (TRC) violation." Defined here as any violation in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month reporting period equal or exceed the product of the daily maximum limit or the monthly average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH); or

(iii) Any other violation of a pretreatment standard or requirement as defined by § 18-205, (daily maximum, long term average, instantaneous limit, or narrative standard) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of wastewater department personnel or the general public; or

(iv) pH excursions. Defined here, as:

(A) Any pH value at a pH below 5.0 pH units, or above 9.5 pH units;

(v) Prohibited pH excursions. Defined here, as:

(A) Any wastewater discharge at a pH below 5.0 pH units;

(B) Any wastewater discharge at a pH above 9.5 pH units;

(C) Any pH excursion that causes damage to the Ripley Gas, Water and Wastewater Department Wastewater Department;

(D) Any pH excursion that interferes with the operation of a Ripley Gas, Water and Wastewater Department Wastewater Treatment Plant; or

(E) Any pH excursion that causes a violation of a Ripley Gas, Water and Wastewater Department NPDES Permit.

(vi) Any other violation of a pretreatment effluent limit that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public); or

(vii) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in emergency enforcement actions being initiated in accordance with provisions of § 18-215(6) to halt or prevent such a discharge; or

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

(ix) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules; or

(x) Failure to accurately report non compliance; or

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

(xxx) "Significant violation." A violation of these regulations:

(i) Which remains uncorrected forty-five (45) days after notification of non compliance;

(ii) Which is part of a pattern of non compliance over a twelve (12) month period;

(iii) Which involves a failure to accurately report non compliance; or

(iv) Which results in the POTW exercising its emergency authority under 40 CFR part 403, section 403.8(f)(1)(vi)(B); or

(v) Which results in an industrial user being in significant non compliance as defined in § 18-201(3)(yyy).

(yyy) "Single service restaurant." Any restaurant where the meals are served on throw away plates and utensils.

(zzz) "Slug." Any discharge of wastewater for any duration during which the rate of flow or concentration of any constituent increases to such magnitude so as to adversely affect the operation of the wastewater department or the ability of the wastewater treatment plant to meet applicable water quality objectives.

(aaaa) "Standard Industrial Classification" or "SIC." A classification of an industry based on its product or service as defined in the *Standard Industrial Classification Manual*.

(bbbb) "Standard methods." The analytical procedures set forth in the current edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association or "EPA Methods for Chemical Analysis of Water and Wastes." All procedures must conform to requirements of 40 CFR part 136.

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

(dddd) "Storm sewer or storm drain." A sewer which carries storm and surface waters and drainage but which excludes sanitary sewage and polluted industrial wastewater.

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

(ffff) "Strength of wastewater." The concentration of pollutants or substances contained in a wastewater.

(gggg) "Superintendent of Ripley Gas, Water and Wastewater Department." The chief administrative officer of Ripley Gas, Water and Wastewater Department who is charged with administrative control of all operations of Ripley Gas, Water and Wastewater Department and is responsible directly to the board as used herein, it may also include any other Ripley Gas, Water and Wastewater Department employee delegated to act for Ripley Gas, Water and Wastewater Department by the Superintendent of Ripley Gas, Water and Wastewater Department or by the board.

(hhhh) "Total suspended solids." The total solid matter that either floats on the surface of or is suspended in water, wastewater or other liquids and measured using the standard procedure defined at 40 CFR part 136.

(iiii) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in federal or state law or regulations promulgated by EPA or the State of Tennessee.

(jjjj) "Twenty-four (24) hour composite sample." A composite sample as defined in § 18-201(3)(p). Alternate sampling requirements may be established in a user's industrial wastewater discharge permit and/or by the control authority.

(kkkk) "Under the sink grease trap." A device placed under or in close proximity to sinks or other facilities likely to discharge grease in an attempt to separate, trap or hold, oil and grease substances to prevent their entry into the sanitary sewer collection system. Such under the sink grease traps are not grease interceptors for purposes of this chapter because they are generally undersized and located too close to the grease discharging source to effectively prevent substantial amounts of grease from entering the sanitary sewer collection system.

(llll) "Unpolluted wastewater." Any wastewater which is substantially free of pollutants and which is discharged from the following:

- (i) Rain down spouts and drains;
- (ii) Footing drains;
- (iii) Storm drains;
- (iv) Non-contact cooling water systems; or
- (v) Aquifer restoration or well development activities.

(vi) Unpolluted wastewater shall contain, by definition, none of the following:

- (A) CBOD in excess of ten (10) mg/l;
- (B) TSS in excess of ten (10) mg/l;
- (C) Free or emulsified greases or oils;
- (D) Acids or alkalies;
- (E) Phenols or other substances imparting taste or odor to a receiving stream;
- (F) Toxic or poisonous substances;
- (G) Noxious or odorous gases; or
- (H) Temperature which exceeds sixty degrees (60°) C (on hundred forty degrees (140°) F) at its introduction into a storm sewer or which exceeds forty degrees (40°) C (one hundred four degrees (104°) F) at its introduction into a receiving stream.

(vii) Unpolluted wastewater shall also mean any wastewaters judged by TDEC to be admissible to watercourses under the jurisdiction of TDEC and in accordance with the standards of water quality established by TDEC for the particular watercourse into which such unpolluted wastewater is to be discharged.

(mmmm) "Upset of pretreatment facilities." An exceptional incident in which there is an unintentional and temporary non compliance with the effluent limitations of the user's permit because of factors beyond the reasonable control of the user. An upset does not include non compliance caused by operational error, improperly designed or inadequate treatment facilities, lack of preventive maintenance, or careless or improper operations.

(nnnn) "User." Any person who discharges, causes or permits the discharge of wastewater into the wastewater department.

(oooo) "Waste." Any physical, chemical, biological, radioactive or thermal material which may be a solid, liquid or gas and which may be discarded from any industrial, municipal, agricultural, commercial or domestic activity.

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

(qqqq) "Wastewater department." All facilities for collecting, pumping, treating and disposing of wastewater (sewerage system or Publicly Owned Treatment Works or POTW).

(rrrr) "Wastewater treatment plant." The facilities of Ripley Gas, Water and Wastewater Department for treating and disposing of wastewater.

(ssss) "Watercourse." A channel in which a flow of water occurs either continuously or intermittently.

(tttt) "Waters of the state." All bodies or accumulations of water, on the surface or underground, within the boundaries of the State of Tennessee. (1994 Code, § 18-201)

18-202. Use of public sewers. (1) Discharge of untreated wastewater prohibited. It shall be unlawful for any person to discharge to any outlet other than a sanitary sewer, within the boundaries of the city, any domestic or industrial wastewater except where suitable treatment has been provided in accordance with subsequent provisions of these regulations and where an appropriate NPDES permit has been obtained.

(2) Connection to public sewers. The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a sanitary sewer of Ripley Gas, Water and Wastewater Department that discharges to a Ripley Gas, Water and Wastewater Department Wastewater Treatment Plant, is hereby required at the owner(s) expense to install suitable toilet and other facilities therein necessary for the discharge of domestic and/or industrial wastewater and owner(s)' expense to connect such facilities directly with the appropriate sanitary sewer in accordance with these regulations within thirty (30) days after the date of official notice to do so, provided that such sanitary sewer abuts the property or access easement thereto and maintain the connection of such facilities in accordance with the provisions of these regulations. The owner is not required to connect such facilities directly to a sanitary sewer connection if it is not technically feasible as determined by Ripley Gas, Water and Wastewater Department. All costs and expenses incident to the installation, connection and inspection of building sewers as defined shall be borne by the user. The user shall indemnify the Ripley Gas, Water and Wastewater Department 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 one (1) building stands at the rear of another on an interior lot and no building sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer. Old building sewer may be used in connection with a new building only when they meet all requirements of this regulation. All others must be replaced in accordance with the requirements of this regulation. Building sewers shall conform to the following requirements.

(a) The minimum size of a building sewer for connection of residential users to the wastewater department shall be four inches (4").

(b) The minimum size of a building sewer for connection of commercial, institutional and industrial users to the wastewater department shall be six inches (6").

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

(d) Four inch (4") building sewers shall be laid on a grade greater than one-fourth inch (1/4") per foot. Six inch (6") building sewers shall be laid on a grade greater than one-eighth inch (1/8") per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least three feet (3') per second.

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

(f) Building sewers shall be constructed only of ductile iron pipe with rubber compression joints or polyvinyl chloride pipe with rubber compression joints. Under no circumstances will cement mortar joints or glued joints be acceptable.

(g) Cleanouts shall be located on building sewers as follows:

(A) One (1) cleanout located five feet (5') outside of the building.

(B) One (1) cleanout at the connection onto the wastewater department collector sewer line.

(C) One (1) cleanout at each change of direction of the building sewer which is greater than forty-five (45) degrees.

(D) Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of four inch (4") nominal diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A branch "Y" (wye) and forty-five degree (45°) bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4").

(h) Connections of building sewers to the wastewater department shall be made at the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with stainless steel bands. Where existing wye or tee branches are not available, connections of building sewers shall be made by either removing a length of existing wastewater department sewer pipe and replacing it with a wye or tee fitting or by cutting a clean opening in the existing wastewater department sewer line and installing a tee-saddle or tee-insert of a type approved by the control authority. All such connections shall be made gastight and watertight.

(i) The building sewer may be brought into the building below the basement floor when the building sewer can be constructed at the grade required in this section of this regulation from the building to the public sewer. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the public sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the user. In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by a residential grinder pump furnished and installed by the Ripley Gas, Water and Wastewater Department and discharged to the building sewer. Power to operate the residential grinder pump shall be provided by and at the expense of the user.

(j) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in *ASTM Standard D 2321* and *Water Environment Federation Manual of Practice No. 9*. Any deviation from the prescribed procedures and materials must be approved by Ripley Gas, Water and Wastewater Department before installation.

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

(l) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to Ripley Gas, Water and Wastewater Department.

(m) No person shall make connection of roof downspouts, exterior foundation drains, area drains, basement drains or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.

(3) Inspection of connections. The connection of the building sewer to the public sewer and all building sewers from the building to the public sewer main line shall be inspected by Ripley Gas, Water and Wastewater Department or his authorized representative before the underground portion is covered. The applicant for discharge shall notify Ripley Gas, Water and Wastewater Department when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the control authority.

(4) Maintenance of building sewers. Each user shall be entirely responsible for the maintenance of the building sewer located on the user's property to insure that the building sewer remains watertight. This maintenance will include repair or replacement of the building sewer as deemed necessary by Ripley Gas, Water and Wastewater Department to meet the requirements of this regulation. If, upon smoke testing or visual inspection by the control authority, roof downspout connections, exterior foundation drains, area drains, basement drains, building sewer leaks or other sources of rainwater, surface runoff or groundwater entry into the wastewater department are identified on building sewers on the user's property, the control authority may notify the user in writing of the nature of the problem(s) identified on the user's building sewer and the specific steps required to bring the building sewer within the requirements of this regulation. All steps necessary to comply with this regulation must be complete within sixty (60) days from the date of the written notice and entirely at the expense of the user. (1994 Code, § 18-202)

18-203. Private wastewater disposal. (1) Necessity for private wastewater disposal system. Where a sanitary sewer is not available under the provisions of § 18-202, such toilet and other facilities necessary for the discharge of domestic and/or industrial wastewater shall be connected to a private wastewater disposal system complying with these regulations and the requirements of the appropriate federal, state and/or local regulatory agencies.

(2) Permit required for private system. Before commencement of construction of a private wastewater disposal system within the city, the owner(s) shall first obtain a written permit from the appropriate regulatory authority and furnish a copy thereof to the Ripley Gas, Water and Wastewater Department. The copy of the permit shall be accompanied by such supplemental data as deemed necessary by the control authority to maintain an accurate file of such private wastewater disposal systems to facilitate the planning of future public sewer service.

(3) Requirements for private system. The type, capacity, location and layout of a private wastewater disposal system, including methods of sludge disposal, shall comply with all requirements of the federal, state and/or local agencies having jurisdiction governing such facilities.

(4) Future connection to public sewer. At such time as a sanitary sewer becomes available to a property within the city served by a private wastewater disposal system, a direct connection shall be made to the wastewater department within thirty (30) days.

(5) Maintenance of private system. The owner(s) shall operate and maintain any private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City or Ripley Gas, Water and Wastewater Department.

(6) Holding tank waste. Holding tank waste, septage and any other wastes from private wastewater disposal systems within the city shall be discharged into the wastewater department only under the following conditions:

(a) Persons owning vacuum-pump trucks or trucks hauling septage or other liquid waste transport trucks shall not discharge wastewater directly or indirectly from such trucks into the wastewater department unless such persons shall first have been licensed by the county or state and have applied for and received wastewater haulers discharge permits from Ripley Gas, Water and Wastewater Department. All applicants for wastewater haulers discharge permits shall complete such forms as required by Ripley Gas, Water and Wastewater Department, pay appropriate fees and agree in writing to abide by the provisions of this section and any special conditions or regulations established by Ripley Gas, Water and Wastewater Department. Such permits shall be valid for a period of one (1) year from date of issuance, provided that such permits shall be subject to revocation by Ripley Gas, Water and Wastewater Department for violation of any provision of this section or reasonable regulation established by Ripley Gas, Water and Wastewater Department. Such permits shall be limited to the discharge of sanitary sewage containing no industrial wastewater. Pumpage from commercial grease traps is specifically prohibited from discharge into the wastewater department. The superintendent or an employee designated by the superintendent of Ripley Gas, Water and Wastewater Department shall designate the locations and times where such trucks may be discharged, and may refuse to accept any truckload of waste at his absolute discretion where it appears that the waste could interfere with the effective operation of the wastewater department.

(b) No person shall discharge any other holding tank waste or any other waste including industrial wastewater into the wastewater department unless he shall have applied for and have been issued a permit by Ripley Gas, Water and Wastewater Department. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable charges or fees therefor and shall comply with all conditions of the permit issued by Ripley Gas, Water and Wastewater Department. The discharge of hazardous waste, as defined by RCRA into a sanitary sewer or to the headworks of a Ripley Gas, Water and Wastewater Department Wastewater Treatment Plant by truck, rail or vessel is prohibited.

(c) Notwithstanding any of the foregoing, no holding tank waste, septage or any other waste from outside Lauderdale County,

Tennessee, shall be discharged directly or indirectly into the wastewater department from vacuum-pump, septage hauling trucks or other liquid waste transport trucks, provided, however, that the control authority may permit the discharge of such waste by agreement and in accordance with §§ 18-203(1) and (2).

(d) No person shall operate a dumping station for the discharge of sanitary sewage from recreation vehicles into the wastewater department unless the user of the dumping station shall have first applied for and received a recreational vehicle dumping station permit from Ripley Gas, Water and Wastewater Department. All applicants for recreational vehicle dumping station permits shall complete such forms as required by Ripley Gas, Water and Wastewater Department, pay appropriate fees and agree in writing to abide by the provisions of this section and any special conditions or regulations established by Ripley Gas, Water and Wastewater Department. These permits shall be issued only for approved facilities designed for and to receive sanitary sewage only.

(7) Additional requirements. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by other municipal or state agencies. (1994 Code, § 18-203)

18-204. Wastewater discharge permits. (1) Permits required for use of wastewater department. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter or disturb any sanitary sewer or appurtenance thereof without first obtaining a written permit or permission from Ripley Gas, Water and Wastewater Department.

(2) Classes of wastewater discharge permit. There shall be two (2) classes of wastewater discharge permits:

(a) Permits for building sewer connections for residential, commercial, industrial or public facilities to be issued in response to wastewater service applications.

(b) Permits for food service facilities or any other entity likely to discharge grease to the Ripley Gas, Water and Wastewater Department Wastewater Department.

(i) It will be unlawful for any facility producing grease to discharge waste into the sanitary sewer collection system without authorization from the control authority. Application for approval of grease traps will be made to the control authority. If, after examining the information contained in the grease interceptor permit application, it is determined by the control authority that the proposed discharge does not conflict with the provisions of this chapter and the permit fee is paid, a permit will be issued allowing the discharge of such wastes into the sanitary sewer collection system. Each grease interceptor permit will be

issued for a time not longer than five (5) years from the date of the permit. The user will 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 Ripley Gas, Water and Wastewater Department during the term of the permit as limitations or requirements as identified in this chapter are modified or other just cause exists. The user will be informed of any proposed changes in the issued permit at least thirty (30) days prior to the effective date of the change(s). Any changes or new conditions in the permit will include a reasonable time schedule for compliance.

(ii) Permit fees. Fees for grease discharge permits shall be set by the control authority. The fees will be established to insure full cost recovery and will include but not be limited to the cost of field, administrative, engineering, and clerical expenses involved. The fees will be not less than seventy-five dollars (\$75.00) per year for each permit. The annual permit fee will be applied to the permittees' January utility bill and be paid in accordance with Ripley Gas, Water and Wastewater Departments current rate schedule.

(c) Industrial wastewater discharge permits for industrial users as defined in § 18-201(3)(mm). Industrial wastewater discharge permits and conditions and provisions of industrial wastewater discharge permits shall be based on whether or not the industrial user is a significant industrial user as defined in § 18-201(3)(xxx) and in response to an industrial wastewater discharge permit application. The control authority may deny or require conditioning of new or increased contributions of pollutants, or changes in the nature of pollutants, to the wastewater department by industrial users where such contributions do not meet applicable pretreatment standards and requirements of where such contributions would cause the wastewater department to violate its NPDES permit.

(d) Industrial wastewater discharge permits for new sources. In addition to the requirements of § 18-204(2), any person who proposes to originate the discharge of any industrial wastewater for the first time into the wastewater department or who proposes to make a significant change in the character or volume of any industrial wastewater theretofore discharged into the wastewater department:

(i) Shall apply to Ripley Gas, Water and Wastewater Department for an industrial wastewater discharge permit on the special form furnished by Ripley Gas, Water and Wastewater Department a minimum of ninety (90) days prior to the proposed date to originate this discharge into the Ripley Gas, Water and Wastewater Department Wastewater Department; and

(ii) Industrial wastewater discharge permit application contents. All users required to obtain an industrial wastewater discharge permit must submit a permit application. The control authority may require users to submit all or some of the following information as part of a permit application:

(A) The name and address of the facility, including the name of the operator and owner. Contact information, description of activities, facilities, and plant production processes on the premises;

(B) A list of any environmental control permits held by or for the facility;

(C) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the wastewater department from the regulated processes;

(D) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the wastewater department;

(E) Number and type of employees, hours of operation, and proposed or actual hours of operation;

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

(G) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(H) Time and duration of discharges;

(I) The location for monitoring all wastes covered by the permit;

(J) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the wastewater department as specified in § 18-208;

(K) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the control authority of regulated pollutants in the discharge from each regulated process. Instantaneous, daily

maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 18-210(11). Where the standard requires compliance with a BMP 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;

(L) Any other information as may be deemed necessary by the control authority to evaluate the permit application. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision;

(M) Shall supplement the application with any information which may have been furnished by the applicant to any other governmental agency and by such other plans or other data as the control authority may reasonably require for purposes of determining whether conditions are met as specified in § 18-204(5); and

(N) Shall not discharge into the wastewater department until an industrial wastewater discharge permit has been issued by Ripley Gas, Water and Wastewater Department for the proposed new source.

(e) New source of industrial wastewater discharge. A new source of industrial wastewater shall mean 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 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 facilities engaged in the same general type of activity as the existing source shall be considered;

(iv) Construction on a site at which an existing source is located results in a modification rather than a new source if the

construction does not create a new building, structure, facility or installation meeting the criteria of (i), (ii) or (iii) of this section but otherwise alters, replaces, or adds to existing process or production equipment;

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

(A) Begun, or caused to begin as part of a continuous on site construction program:

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

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

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

(3) Significant change in industrial wastewater discharge. A significant change in the character or volume of an industrial wastewater, for purposes of § 18-204(2)(d), shall be deemed to be proposed if:

(a) Substances, compounds and/or elements not previously constituting any part of a significant industrial user's industrial wastewater are to be introduced into such wastewater; or

(b) If the average concentration of any substance, compound or element in the wastewater or average volume proposed to be discharged will exceed the maximum values listed for approved discharge in a currently active permit for the SIU; or

(c) If the change in character or volume of the industrial wastewater will change the user's classification from user to significant industrial user as defined in § 18-201(3)(xxx).

(d) In case of doubt as to whether an intended change constitutes a significant change, it shall be the responsibility of the user intending to make such a change to make the necessary application or obtain a written ruling from the control authority that an application for a new permit is not required.

(4) Industrial wastewater discharge permits for existing industrial users. Any user, who on the effective date of these regulations is discharging industrial wastewater into the wastewater department within the meaning of § 18-201(3)(nn), may continue such discharge until notified by the control

authority writing that an industrial wastewater discharge permit will be required and until an application has been submitted to and denied by the control authority in accordance with the following provisions:

(a) The control authority shall issue written notices to existing industrial users (in such time sequence as he may determine in the light of the staff resources available to him for the processing of permit applications) specifying in each such notice the time within which an existing industrial user shall file an application for an industrial wastewater discharge permit.

(b) Within the specified time limit, the existing industrial user shall file the required application together with any other information as described in § 18-204(2)(d). Failure to file within the specified time shall constitute an unauthorized use of the wastewater department.

(c) An existing industrial user may continue to discharge, after complying with the requirement to file an application for an industrial wastewater discharge permit, unless and until receipt by the applicant of a written notice specifying the reasons for denial of a permit and specifying what remedial action, if any, must be taken to qualify the applicant for a permit.

(5) Conditions for issuing or renewing permits. An industrial wastewater discharge permit will be issued or renewed by Ripley Gas, Water and Wastewater Department only when it has been determined that:

(a) Sewer capacity is available at the proposed point of discharge for receiving the discharge of industrial wastewater; and

(b) The wastewater being discharged or proposed to be discharged is amenable to treatment by the processes employed in the Ripley Gas, Water and Wastewater Department Wastewater Treatment Plant receiving said wastewater and will not impair the ability of Ripley Gas, Water and Wastewater Department to comply with the water quality standards or effluent standards established by state or federal regulatory agencies for the various watercourses in the areas served by Ripley Gas, Water and Wastewater Department; and

(c) The wastewater being discharged or proposed to be discharged will not cause damage to the wastewater department including a wastewater treatment plant, will not constitute a hazard to humans or animals nor be capable of creating a public nuisance; and

(d) The concentrations of substances, compounds and elements in the wastewater being discharged or proposed to be discharged do not exceed the limits established by Ripley Gas, Water and Wastewater Department or state or federal authorities; and

(e) Where the wastewater contains or may contain any substances, compounds or elements controlled or limited by these regulations, an adequate program of self-monitoring of flow and wastewater characteristics will be established and maintained by the

user affected by these regulations to assure that the discharge meets the requirements of these regulations and any permit conditions. The frequency and nature of the analyses shall be commensurate with the nature and volume of the wastewater discharged and shall be as specified in the user's industrial wastewater discharge permit.

(f) The control authority will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the control authority that the applications are deficient and the nature of such deficiencies;

(g) In the event that an applicant is denied an industrial wastewater discharge permit, or if the Ripley Gas, Water and Wastewater Department fails to issue to the applicant a written grant or denial of a permit within sixty (60) days from the submission of any additional information requested from the applicant by the Ripley Gas, Water and Wastewater Department (which shall be requested within thirty (30) days after submission of the original application), the applicant may appeal directly to the board of directors in accordance with provisions specified in § 18-214(2).

(6) Permits for industries subject to national categorical pretreatment standards. Industrial wastewater discharge permits for users subject to national categorical pretreatment standards shall be issued or reissued in compliance with such standards within the time frames prescribed by such standards. Any user subject to a newly promulgated national categorical pretreatment standard shall reapply for an industrial wastewater discharge permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard at which time any such existing permits will expire.

(7) Permit provisions. Industrial wastewater discharge permits shall be expressly subject to all provisions of 40 CFR part 403, section 403.8(f)(1)(iii), all provisions of these regulations and all other applicable regulations established by the control authority. Permits may contain the following, at a minimum:

(a) A statement of the duration of the permit, which shall not exceed five (5) years;

(b) A statement that the permit may not be transferred without, at a minimum, prior approval of the control authority and providing a copy of the existing industrial wastewater discharge permit to the succeeding owner;

(c) Limits on average and maximum wastewater constituents and characteristics, including best management practices, based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law. The control authority may impose mass limits on users who are using unauthorized dilution to meet applicable pretreatment standards or requirements or in other cases

where the imposition of mass limits are required by the applicable national categorical pretreatment standards or are otherwise appropriate;

(d) Limits on average and maximum rates and times of discharge or requirements for flow regulation and equalization;

(e) Requirement to immediately report any noncompliance to the Ripley Gas, Water and Wastewater Department, and to immediately resample for parameters out of compliance in accordance with procedures described at 40 CFR part 403, section 403.12(g);

(f) Requirements for installation and maintenance of inspection and/or sampling facilities;

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

(h) Compliance schedules;

(i) Requirements for submission of technical reports or discharge reports as per § 18-210;

(j) Requirements for maintaining and retaining plant records relating to wastewater discharges as specified by control authority and affording the control authority access thereto;

(k) Requirements for notification of Ripley Gas, Water and Wastewater Department of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater department;

(l) Requirements for notification of slug discharges as per §§ 18-206 and 18-207, and requirements to control slug discharge, if determined by the Ripley Gas, Water and Wastewater Department to be necessary;

(m) An application for an industrial wastewater discharge permit and all reports or information submitted pursuant to the requirements of such permit must be signed and certified by an authorized representative of such user as defined in § 18-201(3)(d);

(n) The applicable civil and criminal penalties for violation of provisions of the industrial wastewater discharge permit or this regulation; and

(o) Other conditions as deemed appropriate by the control authority to ensure compliance with these regulations.

(8) Issuing of permits. Industrial wastewater discharge permits shall be issued as follows:

(a) Industrial wastewater discharge permits for industrial users not classified as SIUs in accordance with § 18-201(3)(xxx) shall remain in effect until the users are required to reapply for permits in accordance with these regulations;

(b) Industrial wastewater discharge permits for SIUs shall be issued for specified time periods, not to exceed five (5) years. Each user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of his existing permit;

(c) The terms and conditions of a permit may be subject to modification by the control authority during the term of the permit. A user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(d) An industrial wastewater discharge permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

(e) The provisions of an industrial wastewater discharge permit are severable and, if any provision of such permit or the application of any provision of such permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of such permit shall not be affected thereby.

(9) Discharge prohibited where permit denied. In any case where a final determination has been made denying an industrial wastewater discharge permit, either after an appeal or because a timely appeal has not been taken, it shall be unlawful for any person so denied an industrial wastewater discharge permit to discharge industrial wastewater into the Ripley Gas, Water and Wastewater Department.

(10) Permit transfer. An industrial wastewater discharge permit is issued to a specified user for a specific operation. A permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the control authority. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. Any permit transfer request must be signed and certified by an authorized representative of the succeeding user as defined in § 18-201(3)(d).

(11) Certification. All applications, reports, etc., submitted by an industrial user must include the certification that is found at 40 CFR part 403, section 403.6(a)(2)(ii) and must be signed by an authorized representative of the industrial user pursuant to requirements found at 40 CFR part 403, section 403.12(1). (1994 Code, § 18-204)

18-205. Excluded wastes. (1) General prohibitions. General prohibitions which apply to all users of the wastewater department are that:

(a) All users shall take all reasonable steps to prevent any discharges in violation of the users' permits which have reasonable likelihood of adversely affecting human health, the wastewater

department including a wastewater treatment plant, the receiving stream, or the environment.

(b) No user shall increase the use of potable or process water or in any other way attempt to dilute the discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the user's permit.

(c) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the wastewater department. This prohibition applies to all users of the wastewater department.

(d) The discharge of hazardous waste, as defined in RCRA, into a pipeline connected to a sanitary sewer is prohibited where the sanitary sewer is dedicated exclusively to the discharge of hazardous waste.

(e) All users shall comply with the prohibitive discharge standards in the federal pretreatment regulations.

(f) No user may introduce into any POTW any pollutant(s) which may cause pass through or interference. These general prohibitions and the specific prohibitions in this section apply to each user introducing pollutants into the POTW whether or not the user is subject to other national pretreatment standards or any national, state, or local pretreatment requirements.

(g) The following pollutants are specifically prohibited from introduction into the wastewater department:

(i) Pollutants which create a fire or explosion hazard in the POTW including, but not limited to, waste streams with a closed cup flashpoint of less than sixty degrees (60°) C (one hundred forty degrees (140°) F) using the test methods specified in 40 CFR part 261, section 261.21.

(ii) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0 unless the POTW is specifically designed to accommodate such discharges.

(iii) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference.

(iv) Any pollutant, including oxygen demanding pollutants (CBOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

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

(vi) 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.

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

(2) Prohibited wastes. No user shall discharge or deposit any of the following materials, waste materials, wastes, gases or liquids into any sanitary sewer forming a part of the wastewater department except where these may constitute occasional, intermittent inclusions in the wastewater discharged from residential premises:

(a) Any wastewater having a temperature which will inhibit biological activity in a wastewater treatment plant or result in other interference with the treatment processes but in no case wastewater with a temperature which exceeds sixty degrees (60°) C (one hundred forty degrees (140°) F) at its introduction into a sanitary sewer or which exceeds forty degrees (40°) C (one hundred four degrees (104°) F) at its introduction into a wastewater treatment plant.

(b) Any wastewater containing more than 100 mg/l of fat, oil or grease including any substances that will solidify or become viscous at temperatures between zero degrees (0°) C (thirty-two degrees (32°) F) and sixty degrees (60°) C (one hundred forty degrees (140°) F).

(c) Wastewater containing floatable oils, fat or greases from industrial users.

(d) Any garbage that has not been properly shredded so that no particles are greater than one-half inch (1/2") in any dimension.

(e) Any wastewater capable of causing abnormal corrosion, abnormal deterioration, damage or a hazard to structures or equipment of the wastewater department or to humans or animals or interference with proper operation of a Ripley Gas, Water and Wastewater Department Wastewater Treatment Plant. All wastewater discharged to the wastewater department must have a pH value in the range of 5.0 to 9.5 standard pH units. Prohibited materials include but are not limited to concentrated acids and bases and high concentrations of compounds of sulfur, chlorine and fluorine and substances which may react with water to form strongly acidic or basic products.

(f) Any medical waste as defined in § 18-201(3)(tt).

(g) Any wastewater with color which is not removable by an existing wastewater treatment plant and/or which causes the plant effluent to exceed color requirements of the State of Tennessee for discharge to a receiving stream.

(3) Specific prohibited wastes. No user shall discharge or deposit any of the following materials, waste materials, waste gases or liquids into any sanitary sewer forming a part of the Ripley Gas, Water and Wastewater Department Wastewater Department:

(a) Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater department or to the operation of the wastewater department. At no time shall two (2) successive readings (fifteen (15) to thirty (30) minutes between readings) on an explosion hazard meter at the point of discharge into the wastewater department be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials covered by this subsection include, but are not limited to, gasoline, kerosene, naphtha, benzene, fuel oil, motor oil, mineral spirits, commercial solvents, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides and hydrides.

(b) Any other solid or viscous substances in quantity or character capable of causing obstruction to flow in a sanitary sewer or interference with proper operation of a wastewater treatment plant. Prohibited materials covered by this section include but are not limited to eggshells from egg processors, ashes, cinders, ceramic wastes, sand, mud, straw, shavings, thread, glass, rags, metal, feathers, bones, tar, plastics, wood, paunch manure, insulation materials, fibers of any kind, stock or poultry feeds, processed grains, viscera or other fleshy particles from processing or packing plants, lime or similar sludges.

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

(d) Waste from commercial or industrial grease, oil or sand traps or holding tanks.

(e) Any substances, which may cause wastewater treatment plant effluent or any other products of the wastewater department such as residues, sludges or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the wastewater department cause the system to be in noncompliance with sludge use or disposal criteria, guidelines, ordinances or regulations developed by local, state or federal authorities.

(f) Any substance which will cause the wastewater department to violate its NPDES permit and/or water quality standards of the receiving stream.

(g) Any wastewater which, by interaction with other wastewater in the wastewater department, may release obnoxious gases, form total suspended solids which interfere with operation of the sanitary sewers or create conditions deleterious to structures and wastewater treatment processes.

- (h) Any form of inflow as defined in § 18-201(3)(pp) including storm water and uncontaminated thermal process wastewater.
- (i) Infiltration as defined by § 18-201(3)(oo) in excess of fifty (50) gallons per inch of pipe diameter per mile of pipe per day.
- (j) Any unpolluted wastewater as defined in § 18-201(3)(nnnn).
- (4) Specific pollutant limitations. No user shall discharge into any sanitary sewer forming a part of the Ripley Gas, Water and Wastewater Department any of the following materials in concentrations exceeding the limits stated below:
 - (a) Any wastewater that contains more than ten (10) mg/l of hydrogen sulphide, sulphur dioxide or nitrous oxide.
 - (b) Any toxic or poisonous substance or any other materials in sufficient quantity to interfere with the operation of a wastewater treatment plant or to constitute a hazard to humans or animals, or to cause a violation of the water quality standards or effluent standards for the watercourse receiving the effluent from a Ripley Gas, Water and Wastewater Department Wastewater Treatment Plant or to exceed limitations set forth in categorical pretreatment standards.
 - (c) Any wastewater containing total suspended solids of such character and quantity that unusual provisions, attention or expense is required to handle such materials at a wastewater treatment plant.
 - (d) Any wastewater containing quantities of radium or naturally occurring or artificially produced radioisotopes in excess or presently existing or subsequently accepted limits for drinking water as established by current drinking water regulations promulgated by EPA.
 - (e) Any wastewater containing in excess of:
 - (i) Fixed upper limits for discharge of the following pollutants into the sanitary sewer discharging into a Ripley Gas, Water and Wastewater Department Wastewater Treatment Plant by any user, in order to protect operation of the wastewater treatment plant, sludge use parameters and the receiving stream, shall be:

<u>Pollutants</u>	<u>Maximum Daily Average Concentration* (mg/l)</u>	<u>Maximum Monthly Average Concentration (mg/l)</u>
Arsenic	0.518	0.259
Copper	3.0468	1.5234
Chromium, III		Report
Chromium, VI	20.0	10.0
Chromium, Total		Report

<u>Pollutants</u>	<u>Maximum Daily Average Concentration* (mg/l)</u>	<u>Maximum Monthly Average Concentration (mg/l)</u>
Nickel	4.46	2.23
Cadmium	0.0318	0.0159
Lead	1.9986	0.9993
Mercury	0.0044	0.0022
Silver	0.069	0.0345
Zinc	5.76	2.88
Cyanide	0.4946	0.2473
Toluene	2.78	1.39
Benzene	0.0632	0.0316
1,1,1 Trichloroethane	6.82	3.41
Ethyl benzene	0.4646	0.2323
Carbon Tetrachloride	0.2892	0.1446
Chloroform	1.8602	0.9301
Tetrachloroethylene	5.44	2.72
Trichloroethylene	6.82	3.41
1,2 trans Dichloroethylene	0.0106	0.0053
Methylene Chloride	25.16	12.58
Phenols, Total	2.054	1.027
Naphthalene	0.0178	0.0089
Phthalates, Total	2.83	1.415

*Based on twenty-four (24) hour flow proportional composite samples. Sampling for all pollutants listed hereinbefore must be conducted in accordance with the requirements found at 40 CFR part 403, section 403.12(b)(5). Analyses for all pollutants listed hereinbefore must be conducted in accordance with the requirements found at 40 CFR part 136.

(5) Criteria to protect wastewater treatment plant influent. The Ripley Gas, Water and Wastewater Department shall monitor the influent to the wastewater treatment plant for each parameter listed hereafter. In the event that the influent to the wastewater treatment plant reaches or exceeds the concentration values for any parameter listed hereinafter, the Ripley Gas, Water and Wastewater Department shall initiate technical studies to determine the cause of the exceedance, and shall implement remedial measures as are necessary, included, but not limited to, the establishment of new or revised discharge limitations for any user. The Ripley Gas, Water and Wastewater Department shall re-evaluate any of these criteria in the event the wastewater treatment plant effluent standards are changed or in the event that there are changes in any applicable law or regulation affecting same or in the event changes are needed for more effective operation of the wastewater treatment plant.

Criteria to Protect Wastewater Treatment Plant Influent (Influent Protection Criteria) <u>Pollutants</u>	Maximum Daily Average <u>Concentration* (mg/l)</u>	Maximum Monthly Average Concentration <u>(mg/l)</u>
Arsenic	0.200	0.100
Copper	0.5546	0.2773
Chromium, III		Report
Chromium, VI		Report
Chromium, Total		Report
Nickel	0.5222	0.2611
Cadmium	0.0178	0.0089
Lead	0.3014	0.1507
Mercury	0.0008	0.00044
Silver	0.0125	0.00625
Zinc	0.988	0.494
Cyanide	0.092	0.046
Toluene	0.272	0.136
Benzene	0.008	0.004

Criteria to Protect Wastewater Treatment Plant Influent (Influent Protection Criteria) <u>Pollutants</u>	Maximum Daily Average <u>Concentration* (mg/l)</u>	Maximum Monthly Average Concentration <u>(mg/l)</u>
1,1,1 Trichloroethane	0.6666	0.3333
Ethylbenzene	0.0470	0.0235
Carbon Tetrachloride	0.030	0.015
Chloroform	0.1976	0.0988
Tetrachloroethylene	0.5556	0.27778
Trichloroethylene	0.6666	0.3333
1,2 trans Dichloroethylene	0.0250	0.0125
Methylene Chloride	2.50	1.25
Phenols, Total	0.20	0.10
Naphthalene	0.00358	0.00179
Phthalates, Total	0.2866	0.1433

*Based on twenty-four (24) hour flow proportional composite samples. Sampling for all pollutants listed hereinbefore must be conducted in accordance with the requirements found at 40 CFR part 403, section 403.12(b)(5). Analyses for all pollutants listed hereinbefore must be conducted in accordance with the requirements found at 40 CFR part 136.

(6) Conventional pollutants. The admission into the wastewater department of any wastewater having an Carbonaceous Biochemical Oxygen Demand (CBOD) or Biochemical Oxygen Demand (BOD) concentration in excess of two hundred (200) mg/l on a twenty-four (24) hour composite sample basis or for any single sample having a CBOD concentration in excess of four hundred (400) mg/l may require the wastewater department wastewater treatment plant to incur added operation and maintenance costs associated with treating these excessive concentrations. Therefore, any user who discharges concentrations of CBOD or BOD in excess of the concentrations listed in this section may be subject to a surcharge. The formula for this surcharge is listed in § 18-216 of this regulation.

(a) The admission into the wastewater department of any wastewater having a Total Suspended Solids (TSS) concentration in

excess of two hundred (200) mg/l on a twenty-four (24) hour composite sample basis or for any single sample having a TSS concentration in excess of four hundred (400) mg/l may require the wastewater department wastewater treatment plant to incur added operation and maintenance costs associated with treating these excessive concentrations. Therefore, any user who discharges concentrations of TSS in excess of the concentrations listed in this section may be subject to a surcharge. The formula for this surcharge is listed in § 18-216 of this regulation.

(b) The admission into the wastewater department of any wastewater having an ammonia reported as nitrogen ($\text{NH}_3\text{-N}$) concentration in excess of twenty (20) mg/l on a twenty-four (24) hour composite sample basis or for any single sample having a $\text{NH}_3\text{-N}$ concentration in excess of forty (40) mg/l may require the wastewater department wastewater treatment plant to incur added operation and maintenance costs associated with treating these excessive concentrations. Therefore, any user who discharges concentrations of $\text{NH}_3\text{-N}$ in excess of the concentrations listed in this section may be subject to a surcharge. The formula for this surcharge is listed in § 18-216 of this regulation.

(c) If a user discharges concentrations of "free" oil and grease in excess of one hundred (100) mg/l on a twenty-four (24) hour composite sample basis or for any single sample having a "free" oil and grease concentration in excess of two hundred (200) mg/l may require the wastewater department wastewater treatment plant to incur added operation and maintenance costs associated with treating these excessive concentrations. Therefore, any user who discharges concentrations of "free" oil and grease in excess of the concentrations listed in this section may be subject to a surcharge. The formula for this surcharge is listed in § 18-216 of this regulation.

(d) Oil and grease loadings were not taken into account in the design of the wastewater treatment plant; however, oil and grease are regulated under this regulation as conventional pollutants. "Free" and "emulsified" oil and grease shall be differentiated based on the following procedure. One (1) aliquot of sample shall be extracted with n-hexane in accordance with the procedures established at 40 CFR part 136, method 1664, with the exception that the sample shall not be acidified prior to the extraction. The result of this analysis will be considered "free" oil and grease. A second aliquot of sample shall be prepared in accordance with the procedures established at 40 CFR part 136, method 1664 including the adding of acid and heating until any emulsion breaks prior to the extraction. The sample shall then be extracted with n-hexane in accordance with the procedures established at 40 CFR part 136, method 1664. The result of this analysis will be considered "total" oil and grease.

"Emulsified" oil and grease will be considered the arithmetic difference between "total" and "free" oil and grease.

(e) Where necessary in the opinion of the control authority, the user shall provide and operate, at his own expense, such pretreatment facilities as may be required to reduce the convention pollutants listed under § 18-205(6) to meet the requirements of § 18-205(6).

(f) The admission into the wastewater department of any wastewater, in volumes, periods of intermittent discharge or with constituents such that existing dilution conditions in a sanitary sewer or at a wastewater treatment plant would be affected to the detriment of the wastewater department, will be subject to review and approval of the control authority. Where necessary in the opinion of the control authority, pretreatment or equalizing units may be required to bring constituents or volumes of flow within the limits previously prescribed or to an otherwise acceptable level and to hold or equalize flows so that no peak flow conditions or periods of reduced indirect discharge may hamper the operation of any unit of the wastewater department. Said equalization or holding unit shall have a capacity suitable to serve its intended purpose and be equipped with acceptable outlet control facilities to provide flexibility in operation and accommodate changing conditions in the wastewater flow.

(7) Federal categorical pretreatment standards. Upon the promulgation of federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed these regulations, shall immediately supersede the limitations imposed under these control authority regulations. All affected users shall notify the control authority of the applicable reporting requirements under 40 CFR, part 403 section 403.12.

(8) State requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those of these regulations.

(9) Right of revision of limitations. The Ripley Gas, Water and Wastewater Department reserves the right to establish or revise more stringent limitations or requirements on discharges to the wastewater department, including local limits and BMPs, if deemed necessary. (1994 Code, § 18-205)

18-206. Pretreatment and accidental discharge. (1) Responsibility for pretreatment. Any person, who is denied an industrial wastewater discharge permit, who is prohibited from discharging any substance as specified in these regulations or who is required to provide pretreatment or flow equalization, shall have the sole responsibility to devise at his own expense the methods for eliminating the problem so as to make any wastewater discharge eligible for a permit or for compliance with these regulations or with federal guidelines. Such sole responsibility shall not be affected nor shall any responsibility be assumed

by the control authority, notwithstanding that the control authority may render any assistance to any person in overcoming such a problem by offering advice or suggestions.

(2) Grease removal and grease interceptor requirements.

(a) Installation requirement. All existing, proposed or newly remodeled food service facilities inside the Ripley Gas, Water and Wastewater Department wastewater service area which are likely to discharge grease to Ripley Gas, Water and Wastewater Department's sanitary sewer system will be required to install an approved, properly operated, and maintained grease interceptor.

(b) Prohibited discharge. Janitor sinks or fixtures which have potential to discharge black water to the grease interceptor will not discharge through the grease interceptor unless specifically approved, in writing, by the company.

(c) Floor drains. Only floor drains which discharge or have the potential to discharge grease will be connected to a grease interceptor.

(d) Existing food service facilities may connect any fixture to a grease interceptor, except fixtures which may discharge black water to the grease interceptor. Garbage grinder and dishwasher connections are not recommended. Food particles from garbage grinders take up storage capacity in the grease interceptor and may require that the interceptor be pumped more frequently. Dishwashers discharge hot water and soap into the interceptor which can melt grease stored inside the interceptor into the user's service line and the public sewer system where the grease hardens and causes line clogs. Any grease blockages or overflows will result in enforcement actions by Ripley Gas, Water and Wastewater Department.

(e) Proposed and remodeled food service facilities. Proposed and remodeled food service facilities may not connect janitor sinks, garbage grinders, dishwashers and black water fixtures to a grease interceptor.

(3) General criteria - location. (a) Each grease interceptor will be installed and connected so that it may be easily accessible for inspection, cleaning, and removal of the intercepted grease at any time. A grease interceptor may not be installed in any part of a building unless approved in writing by the control authority.

(b) Location of the grease interceptor will meet the approval of the control authority. The best location is in an area outside of an outside wall, but upstream from the black water drain line(s).

(4) General criteria - design. (a) Grease interceptors will be constructed in accordance with Ripley Gas, Water and Wastewater Departments standards and will have a minimum of two (2) compartments with fittings designed for grease retention. Other grease removal devices or technologies not meeting the grease interceptor

definition will be subject to the written approval of the control authority. Such approval will be based on demonstrated removal efficiencies of the proposed technology. Under the sink grease interceptors or traps will not be approved.

(b) Access to grease interceptors will be provided by two (2) manholes terminating one inch (1") above a finished grade with cast iron frame and cover. Covers will be gas tight in construction.

(c) In areas where additional weight loads may exist, the grease interceptor will be designed to have adequate load bearing capacity (example: vehicular traffic in parking or driving areas).

(d) Wastewater discharging to the grease interceptor will enter only through the inlet pipe of the interceptor. Each grease interceptor will have only one (1) inlet and one (1) outlet pipe.

(e) All grease interceptors will have a capacity of not less than one thousand (1,000) gallons nor exceed a capacity of three thousand (3,000) gallons. If the calculated capacity using the formula in § 18-206(5) exceeds three thousand (3,000) gallons, then multiple units in series will be installed.

(f) Grease interceptor designs represent minimum standards for normal usage. Installations with heavier usage require more stringent measures for which the user is responsible and will pay the costs to provide additional measures if required by Ripley Gas, Water and Wastewater Department.

(5) Grease interceptor sizing. The size of a grease interceptor will be determined by the following formula:

Restaurants:

$(S) \times (GS) \times (HR/12) \times (LF) =$ interceptor capacity (in gallons)

S = Number of seats in dining area

GS = Gallons of wastewater per seat (use 20 gallons for ordinary restaurants, use 10 gallons for single service restaurants)

HR = Number of hours restaurant is open

LF = Loading factor (use 1.25 for interstate highway, 1.00 other 4-lane highway, 1.00 recreational area, 0.80 main highway and 0.50 other highways)

Other establishments with commercial kitchens:

$(M) \times (GM) \times (LF) =$ interceptor capacity (in gallons)

M = Meals prepared per day

GM = Gallons of wastewater per meal (use five gallons)

LF = Loading factor (use 1.00 with dishwashing machine and 0.50 without dishwashing machine)

Examples:

1. A restaurant has seating for 125 patrons. It is located next to a freeway and operates 16 hours per day.

S ' Number of seats in dining area ' 125 seats

GS ' Gallons of wastewater per seat ' 20 gallons per seat (ordinary restaurant)

HR ' Number hours restaurant is open ' 16 hours

LF ' Loading factor ' 1.00 (freeway)

$(S) \times (GS) \times (HR/12) \times (LF)$ ' inter. capacity (gal.)

$125 \times 20 \times (16/12) \times 1.00$ ' 3,333 gallons

2. A single service restaurant has seating for 100 patrons. It is located next to a main highway and operates 16 hours per day.

S ' Number of seats in dining area ' 100 seats

GS ' Gallons of wastewater per seat ' 10 gallons per seat (single service restaurants)

HR ' Number hours restaurant is open ' 16 hours

LF ' Loading factor ' 0.80 (main highway)

$(S) \times (GS) \times (HR/12) \times (LF)$ ' inter. capacity (gal.)

$100 \times 10 \times (16/12) \times 0.80$ ' 1,067 gallons

3. A nursing home prepares 900 meals per day and has a dishwasher connected to the grease interceptor.

M ' Meals prepared per day ' 900 meals

GM ' Gallons of wastewater per meal ' 5 gal. per meal

LF ' Loading factor ' 1.00 (with dishwashing machine)

$(M) \times (GM) \times (LF)$ ' interceptor capacity (in gallons)

$900 \times 5 \times 1.00$ ' 4,500 gallons

4. A nursing home prepares 900 meals per day and has a dishwasher but it is not connected to the grease interceptor.

M ' Meals prepared per day ' 900 meals

GM ' Gallons of wastewater per meal ' 5 gal. per meal

LF ' Loading factor ' 0.50 (without dishwashing machine)

(M) x (GM) x (LF) ' interceptor capacity (in gallons)
900 x 5 x 0.50 ' 2,250 gallons

(6) Grease interceptor maintenance. (a) All grease interceptors will be maintained by the user at the user's expense. Maintenance will include the complete removal of all contents, including floating materials, wastewater, and bottom sludges and solids. Decanting or discharging of removed waste back into the interceptor from which the waste was removed or any other grease interceptor, for the purpose of reducing the volume to be disposed, is prohibited.

(b) Pumping frequency. Grease interceptors must be pumped out completely a minimum of once every three (3) months, or more frequently as needed to prevent carryover of grease into the sanitary sewer collection system, unless it can be demonstrated to the control authority that the pumping frequency can be extended past the three (3) month period.

(c) Disposal of grease interceptor pumpage. All waste removed from each grease interceptor must be disposed of at a facility permitted by Ripley Gas, Water and Wastewater Department to receive such waste in accordance with the provisions of this chapter. In no way will the pumpage be returned to any private or public portion of the sanitary sewer collection system.

(d) Additives. Any additive(s) placed into the grease interceptor or building discharge line system on a constant, regular, or scheduled basis will be reported to the control authority. Such additives will include, but not be limited to, enzymes, commercially available bacteria, or other additives designed to absorb, purge, consume, treat, or otherwise eliminate fats, oils, and grease. The use of additives will in no way be considered as a substitution to the maintenance procedures required herein.

(e) Chemical treatments such as drain cleaners, acid and other chemicals designed to dissolve or remove grease will not be allowed to enter the grease interceptor.

(f) Manifest. All pumpage from grease interceptors must be tracked by a manifest, which confirms pumping, hauling, and disposal of waste. The user must obtain a copy of the original manifest from the hauler. The original manifest with original signatures must be left at the disposal facility. The user is required to utilize only haulers permitted by

Ripley Gas, Water and Wastewater Department and the Ripley Lauderdale County Health Department for the disposal of grease.

(g) Maintenance log. A log indicating each pumping for the previous twenty-four (24) months shall be maintained by each facility required to install a grease interceptor. This log shall include the date, time, amount pumped, hauler, and disposal site and shall be kept in a conspicuous location for inspection. Said log shall be made immediately available to any representative of Ripley Gas, Water and Wastewater Department upon request.

(7) Grease, oil, sand and silt removal. Grease, oil, sand and silt removal facilities shall be provided by a user of the wastewater department when, in the opinion of Ripley Gas, Water and Wastewater Department, such facilities are necessary for the proper handling of liquid wastes containing excessive amounts of grease, oil, sand or silt. All such pretreatment facilities shall be of a type and capacity approved by Ripley Gas, Water and Wastewater Department and shall be located so as to be readily and easily accessible for cleaning and inspection.

(8) Plans and specifications for pretreatment facilities. Where pretreatment or equalization of industrial wastewater flows prior to discharge into any part of the wastewater department is required; plans, specifications, compliance schedules and other pertinent data or information relating to such pretreatment or flow control facilities shall first be submitted to the control authority for review and approval in accordance with § 18-204 of these regulations. Satisfactory evidence that the method of disposal of pretreatment sludge has the approval of the appropriate state and/or local solid waste program agencies shall be included. Such approval shall not exempt the discharge or such facilities from compliance with any applicable code, ordinance, rule, regulation or order of any governmental authority. Where pretreatment or equalization is required, an industrial wastewater discharge permit which includes a requirement for such pretreatment or equalization system shall not become effective until the installation is completed to the satisfaction of the control authority and written approval for operation is issued to the user by the control authority. Where pretreatment or equalization is mandated for an existing user, the user may continue to discharge under an existing industrial wastewater discharge permit while the new pretreatment or equalization facilities are under construction providing that:

(a) The discharge does not violate any permit conditions other than those for which the new facilities are being constructed.

(b) Construction stays within the time frame specified in the approved compliance schedule.

(c) The discharge does not adversely affect human health, the wastewater department including a wastewater treatment plant, the receiving stream or the environment. Any subsequent alteration or

addition to such pretreatment or flow control facilities shall not be made without due notice to and prior approval of the control authority.

(9) Maintenance of pretreatment facilities. If pretreatment or control of wastewater flow is required, such facilities shall be constructed, maintained in good working order and properly operated as efficiently as possible by the user at his own cost and expense, subject to the requirements of these regulations and all other applicable codes, ordinances and laws.

(10) Accidental discharge. Actions to be taken concerning accidental discharges as defined in § 18-201(3)(a) are:

(a) Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by these regulations. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection may be required to be submitted to the control authority upon request for review and approval. Review and approval of such plans and operating procedures shall not relieve the industrial user of the responsibility to modify his facilities as necessary to meet the requirements of these regulations.

(b) If, after taking action as provided in (a) above, an industrial user fails to comply with any prohibition or limitation in these regulations, the user responsible for such accidental discharge shall immediately notify the Ripley Gas, Water and Wastewater Department so that any feasible corrective action may be taken to protect the wastewater department or to minimize adverse effects thereon. In addition, a written report, addressed to the Ripley Gas, Water and Wastewater Department, shall be filed by an authorized representative of the industrial user within five (5) days of the occurrence of the accidental discharge detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future accidental discharges.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Users shall insure that all employees who observe or who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedure. (1994 Code, § 18-206)

18-207. Flow and concentration control. (1) Discharge of slugs prohibited. No user shall discharge any wastewater in a slug as defined in § 18-201(3)(bbbb).

(2) Control of discharge rates. Any user now discharging or proposing to discharge wastewater which may include slugs as defined in § 18-201(3)(bbbb) may be required to provide facilities or adopt procedures for regulating,

controlling or equalizing the concentration of any constituent and/or the rate of wastewater discharge.

(3) Accidental discharge/slug discharge control plans. The control authority shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The control authority 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 control authority may develop such a plan for any user. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- (a) Description of discharge practices, including non-routine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the Ripley Gas, Water and Wastewater Department of any accidental or slug discharge, as required by § 18-206 of this chapter; and
- (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response. (1994 Code, § 18-207)

18-208. Measurement of flow. (1) Determination of wastewater volume. The volume or quantity of industrial wastewater discharged by any user into the wastewater department shall be measured by one (1) or more of the following methods:

- (a) If the volume of water used by a user in industrial process operations is substantially the same as the volume of water secured from Ripley Gas, Water and Wastewater Department, then the volume of water purchased shall be considered to be the volume of wastewater discharged.
- (b) If a substantial portion of the water secured from Ripley Gas, Water and Wastewater Department is used for domestic purposes in a user's facility or is not returned to the wastewater department, the quantity of industrial or process wastewater shall be determined by one (1) or more of the following methods:
 - (i) By a flow meter(s) on the water supply line(s) to the industrial process operation(s); or
 - (ii) By a flow meter(s) on the wastewater line(s) from the industrial process operation(s).

(c) If a flow meter(s) required under (b) above shall have not been installed, the volume of water purchased shall be considered to be the volume of wastewater discharged unless Ripley Gas, Water and Wastewater Department approves an alternate method of determining the amount of water not discharged to the wastewater department.

(d) If any user, now discharging or proposing to discharge industrial wastewater into the wastewater department does not secure all of his water supply from Ripley Gas, Water and Wastewater Department, such user shall install and maintain a flow meter(s) on the wastewater line(s) from industrial and process operations or shall install such additional flow meters on the private water supply as required to permit determination of the total quantity discharged to the wastewater department from all sources under procedures comparable to (b) above.

(2) Provision, calibration and certification of flow meters. If a flow meter(s) is required to fulfill requirements of § 18-208(1) above, such meter(s) shall, at user expense, be provided, installed and maintained by Ripley Gas, Water and Wastewater Department.

(3) Identification of all flows required. All sources of water supply and all discharges of wastewater into the wastewater department must be identified in accordance with the provisions of § 18-208(1). Any omissions shall be considered as unauthorized use of the Ripley Gas, Water and Wastewater Department Wastewater Department. (1994 Code, § 18-208)

18-209. Monitoring facilities. (1) General requirements for monitoring facilities. Any user, who is discharging or proposes to discharge industrial wastewater into the wastewater department, shall provide, operate and maintain at the user's own expense monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. These monitoring facilities shall be as specified in the user's industrial wastewater discharge permit. The monitoring facilities should normally be situated on the user's premises but Ripley Gas, Water and Wastewater Department may, when such a location would be impractical or cause undue hardship on the user, allow the facilities to be constructed in a public street or sidewalk area and located so that they will not be obstructed.

(2) Maintenance of monitoring facilities. There shall be ample room in or near such monitoring facilities to allow accurate sampling and preparation of samples for analysis. The facilities shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(3) Continuous recording and/or sampling equipment. When deemed necessary by the control authority, continuous recording and/or sampling equipment shall be installed and maintained at user expense.

(4) Construction period. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided, in accordance with Ripley Gas, Water and Wastewater Department requirements, all

applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by Ripley Gas, Water and Wastewater Department. Additional construction time may be granted where so dictated by equipment availability.

(5) Additional facilities for present users. The control authority shall review monitoring facilities of present users and may require additional monitoring facilities as required for compliance with § 18-209(1), (2) and (3).

(6) Monitoring facilities for new users. New users shall provide monitoring facilities as specified in their industrial wastewater discharge permits prior to plant start up. (1994 Code, § 18-209)

18-210. Inspections, monitoring and reporting. (1) Periodic inspections. The industrial wastewater and/or other pollutants being discharged by any user into the wastewater department shall be subject to periodic inspection. A determination of character and strength of said wastewater may be made twice annually or more often as may be deemed necessary by the control authority and is indicated in an industrial wastewater discharge permit to ascertain whether the purposes of the regulations are being met, all requirements are being complied with and to determine the strength of wastewater for user charge computations.

(2) Reporting requirements. (a) Baseline monitoring reports. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under Tennessee Rule 1200-4-14-.06(1)(d), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the wastewater department shall submit to the control authority a report which contains the information listed in (b) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the control authority a report which contains the information listed in (b) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Users described above shall submit the information set forth below: all information required in § 18-204(2)(d)(ii);

(c) The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this paragraph;

(d) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user

should measure the flows and concentrations necessary to allow use of the combined wastestream formula in Tennessee Rule 1200-4-14-.06(5) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Tennessee Rule 1200-4-14-.06(5) this adjusted limit along with supporting data shall be submitted to the control authority;

(e) Sampling and analysis shall be performed in accordance with § 18-210(11) below;

(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 wastewater department.

(h) Compliance certification. A statement, reviewed by the user's authorized representative as defined in § 18-201(3)(d) and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(i) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 18-210(3) of this chapter.

(j) Signature and report certification. All baseline monitoring reports must be certified in accordance with § 18-210(17) of this chapter and signed by an authorized representative as defined in § 18-201(3)(d).

(3) Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by § 18-210(2)(i) of this chapter:

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

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

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

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

(4) Reports on compliance with categorical pretreatment standard deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the wastewater department, any user subject to such pretreatment standards and requirements shall submit to the control authority a report containing the information described in §§ 18-204(2)(d)(ii)(A), (B), (C), (J), and (K) of this chapter. All compliance reports must be signed and certified in accordance with § 18-210(17) of this chapter. All sampling will be done in conformance with § 18-210(11) and (12).

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

(a) All periodic compliance reports must be signed and certified in accordance with § 18-210(17) of this chapter.

(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) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the control authority, using the procedures prescribed in § 18-210(12) of this chapter, the results of this monitoring shall be included in the report.

(6) Reports of changed conditions. (a) Each user must notify the Ripley Gas, Water and Wastewater Department of any significant changes to the user's operations or system which might alter the nature,

quality, or volume of its wastewater at least fourteen (14) days before the change.

(b) The control authority may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 18-204 of this chapter.

(7) Reports of potential problems. (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a non-customary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the Ripley Gas, Water, and Wastewater Department of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

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

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in § 18-210(7)(a), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

(d) Significant industrial users are required to notify the Ripley Gas, Water and Wastewater Department immediately of any changes at its facility affecting the potential for a slug discharge.

(8) Reports from unpermitted users. All users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the control authority as required.

(9) Notice of violation/repeat sampling and reporting. If sampling performed by a user indicates a violation, the user must notify the control authority within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within thirty (30) days after becoming aware of the violation. Resampling by the industrial user is not required if the wastewater department performs sampling at the user's facility at least once a month, or if the wastewater department performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the wastewater department receives the results of this sampling, or if the

wastewater department has performed the sampling and analysis in lieu of the industrial user.

(10) Notification of the discharge of hazardous waste. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous wastes set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under § 18-210(6) of this chapter. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self monitoring requirements of § 18-204(2)(d)(ii)(K) of this chapter.

(a) Dischargers are exempt from the requirements above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one (1) time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

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

(c) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and

toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

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

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

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

(a) Except as indicated in (b) and (c) 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 control authority. Where time proportional composite sampling or grab sampling is authorized by the control authority, 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 organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the control authority, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

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

(c) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in § 18-210(2)(a) and 18-210(3), 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 control authority may authorize a lower minimum. For the reports required by § 18-210(5) above, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(13) Chain-of-custody logs. Chain-of-custody logs shall be prepared and maintained for all samples. Logs shall be signed and dated by each individual who in turn collects, handles or transports, stores and/or analyzes each sample. The logs shall indicate the function of each such individual.

(14) Splitting of samples. When so requested by the industrial user, samples collected by Ripley Gas, Water and Wastewater Department will be split with the industrial user for verification of analytical results. However, determination of the character, strength or quantity of the wastewater as made by the Ripley Gas, Water and Wastewater Department shall be binding as a basis for computation of charges or for actions by the board.

(15) Date of receipt of reports. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(16) Recordkeeping. Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, 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. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the wastewater department, or where the user has been specifically notified of a longer retention period by the control authority.

(17) Certification statements. Certification of permit applications, user reports and initial monitoring waiver. The following certification statement is required to be signed and submitted by users submitting permit applications; users submitting baseline monitoring reports; users submitting reports on compliance with the categorical pretreatment standard deadlines, and users submitting periodic compliance reports. The following certification statement must be signed by an authorized representative as defined in § 18-201(3)(d):

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. (1994 Code, § 18-210)

18-211. Authority for inspection. (1) Right of entry. Authorized representatives of Ripley Gas, Water and Wastewater Department, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, flow measurement, sampling and testing of industrial wastewater and other pollutants in accordance with these regulations. The control authority shall inspect the facilities of any significant industrial user at least one (1) time each year to ascertain whether the purpose of this regulation is being met and all requirements are being complied with.

(2) Ready access. Users or occupants of premises where wastewater is created or discharged shall allow Ripley Gas, Water and Wastewater Department or their representatives ready access at all reasonable times to all points on their premises where wastewater is generated or discharged into a sanitary sewer for the purposes of inspection, sampling, records examination or in the performance of any of their duties.

(3) Monitoring access. Ripley Gas, Water and Wastewater Department, the approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

(4) Security arrangements. Where a user has security measures in force which would require proper identification and clearance before entry onto the user's premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from Ripley Gas, Water and Wastewater Department, the approval authority and EPA will be permitted to enter without delay for the purposes of performing their specific responsibilities. (1994 Code, § 18-211)

18-212. Confidential information. (1) Disclosure of information. Authorized representatives of Ripley Gas, Water and Wastewater Department are authorized to obtain information concerning industrial processes which have a direct bearing on the kinds and sources of discharges to the Ripley Gas, Water and Wastewater Department. As required by federal regulations, industrial users must disclose information on processes. As specified in 40 CFR part 2, section 2.302, information considered as effluent data or a standard or limitation is not eligible for confidential treatment; therefore, information which identifies the character or volume of the discharge may not be considered as confidential.

All other information which is submitted to the Ripley Gas, Water and Wastewater Department shall be available to the public at least to the extent provided by *Tennessee Code Annotated*, §§ 10-7-501, *et seq.*

(2) Protection of confidential information. In the event Ripley Gas, Water and Wastewater Department is subjected to legal processes that requires Ripley Gas, Water and Wastewater Department to release proprietary information designated by the industry as confidential, then the industry will protect and hold Ripley Gas, Water and Wastewater Department harmless from damages and injuries including attorney fees and court cost arising from denial of the information. (1994 Code, § 18-212)

18-213. Protection of equipment. No person shall maliciously, willfully or negligently break, damage, destroy, deface, tamper with or remove any equipment or materials which are a part of the Ripley Gas, Water and Wastewater Department or which are used by Ripley Gas, Water and Wastewater Department for the purposes of making wastewater examinations and wastewater flow measurements or monitoring. Only persons authorized by the Ripley Gas, Water and Wastewater Department will be allowed to uncover, adjust, maintain and remove such equipment and materials. (1994 Code, § 18-213)

18-214. Reviewing authority. (1) Reviewing authority. The Board of Directors of the Ripley Gas, Water and Wastewater Department of the City of Ripley, Tennessee, shall be the reviewing authority for all appeals of actions or administrative determinations made by the President of Ripley Gas, Water and Wastewater Department under the provisions of these regulations. Notice of an intent to appeal and request for a hearing shall detail the nature of the appeal. An early date for such hearing shall be set by the board, and the appellant promptly notified in writing. The decision of the board after such hearing shall be final and conclusive and shall be conveyed to the persons involved in writing.

(2) Review of permit denial or conditions of issued permit. Procedures to request a review of a permit denial or of conditions of a permit shall be as follows:

(a) An applicant whose permit is denied or is granted subject to conditions he deems unacceptable, shall have the right to a hearing before the Ripley Gas, Water and Wastewater Department or a hearing officer appointed by the Ripley Gas, Water and Wastewater Department. The applicant shall request a hearing in writing. The request shall be delivered to the Ripley Gas, Water and Wastewater Department within thirty (30) days of the notice of final decision to grant or deny the permit and shall set forth the specific nature of the issues the applicant is contesting. Hearings under this section shall be held in accordance with procedures prescribed by Ripley Gas, Water and Wastewater Department.

(b) The decision of a hearing officer made under subsection (a) above may be appealed by any party to the board. Notice of appeal shall be made in writing within ten (10) days of the decision of the hearing officer. Notice shall be filed in the office of the Ripley Gas, Water and Wastewater Department and shall be served on all parties. Appeal hearings shall be held in accordance with procedures prescribed by Ripley Gas, Water and Wastewater Department. (1994 Code, § 18-214)

18-215. Enforcement, penalties and costs. (1) Enforcement actions. The control authority shall have the administrative authority to enforce this chapter. Whenever the control authority finds that any user has violated or is violating section(s) of these regulations, conditions of an industrial wastewater discharge permit or applicable state or federal regulations, the control authority will implement Ripley Gas, Water and Wastewater Department's Enforcement Response Plan as described in § 18-215(7). Each day on which a violation occurs or continues shall constitute a separate and distinct violation hereunder.

(2) Violations. Violations subject to enforcement action encompass the following:

(a) An accidental discharge as defined in § 18-201(3)(a).

(b) Any failure by a user to notify the control authority of an accidental discharge in accordance with provisions of § 18-206(10)(b) shall constitute a separate and distinct violation hereunder.

(c) Every user in violation of the provisions of these regulations, conditions of an industrial wastewater discharge permit or applicable state and federal laws and regulations, or who furnishes false information relative to use of the wastewater department, whether the user directly commits the act(s) or aids and abets same and whether present or absent may be held liable as a principal.

(d) An upset as defined in § 18-201(3)(mmmm) may constitute an affirmative defense to an enforcement action brought against it alleging a violation of any of the prohibitions established in § 18-205 where the user can demonstrate that:

(i) He did not know or have reason to know that his discharge, alone or in conjunction with a discharge or discharges from other sources would cause pass through and/or interference; and

(ii) A local limit designed to prevent pass through and/or interference, as the case may be, was established in the user's industrial wastewater discharge permit for each pollutant that caused pass through or interference and the user was in compliance with each such local limit directly prior to and during the pass through or interference; or

(iii) If a local limit designed to prevent pass through and/or interference, as the case may be, has not been developed for

the pollutant(s) that caused the pass through and/or interference, the user's discharge directly prior to and during the pass through and/or interference did not change substantially in nature or constituents from the user's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

(e) Nothing in the user's permit shall be construed to relieve a user from administrative or criminal penalties for noncompliance with provisions of his permit.

(f) It shall not be a defense for a user in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the conditions of the user's permit.

(3) Actions by the control authority. If a user of the Ripley Gas, Water and Wastewater Department proposes to discharge, discharges or accidentally discharges wastewater in a manner that is in violation of any section of these regulations and/or violates any other conditions of these regulations and/or any condition of his industrial wastewater discharge permit, the Ripley Gas, Water and Wastewater Department may take any one (1) or a combination of the following enforcement actions:

(a) Prohibit the discharge of such wastewater or substances.

(b) Require the user to demonstrate that in-plant modifications will reduce or eliminate the discharge of such wastewater or substances so as to place the discharge in conformity with these regulations.

(c) Require pretreatment, which may include storage facilities or flow equalization, necessary to reduce or eliminate the objectionable wastewater characteristics or substances so that the discharge will not violate these regulations.

(d) Require the user to cease, correct and rectify other violations.

(e) Take such other remedial action as may be deemed to be desirable or necessary to achieve the purposes of these regulations including the revocation of his industrial wastewater discharge permit and the termination of service.

(f) Emergency suspension of services. Ripley Gas, Water and Wastewater Department may suspend water or sewer service when such suspension is necessary, in the opinion of the control authority, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment; causes or has the potential to cause stoppages or excessive maintenance to be performed to prevent stoppages in the sanitary sewer collection system; causes or has the potential to cause interference to the POTW; or causes or has the potential to cause

Ripley Gas, Water and Wastewater Department to violate any condition of its NPDES permit.

Any person notified of a suspension of the water or sewer service should immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, Ripley Gas, Water and Wastewater Department shall take such steps as deemed necessary, including immediate termination of water or sewer service, to prevent or minimize damage to the POTW system or sewer connection or endangerment to any individuals. Ripley Gas, Water and Wastewater Department shall reinstate the water or sewer service when such conditions causing the suspension have passed or been eliminated.

A detailed written statement submitted by the user describing the cause(s) of the harmful discharge and the measure(s) taken to prevent any future occurrence shall be submitted to Ripley Gas, Water and Wastewater Department within fifteen (15) days of the date of occurrence.

(g) Notice of violation. Ripley Gas, Water and Wastewater Department may serve upon any user a written notice stating the nature of violation. Within fifteen (15) days of the date of notice, a plan for the satisfactory correction thereof shall be submitted to the control authority by the user.

(4) Appeals. Procedures for any appeal of actions or administrative determinations made by the Ripley Gas, Water and Wastewater Department under the provisions of these regulations shall be as specified in § 18-214.

(5) Actions by the board. If the Ripley Gas, Water and Wastewater Department fails to obtain cooperation and compliance with an enforcement action as outlined in § 18-215(3), the superintendent shall submit a report to the board outlining details of the violation, consequences of allowing the violation to continue and steps taken toward correcting the violation. Upon receiving a report from the Ripley Gas, Water and Wastewater Department, the board may order such user to show cause before the board why proposed enforcement action should not be taken. Procedures used by the board shall be as follows:

(a) A reasonable notice shall be delivered to the user showing:
(i) The date, hour and place of a hearing to be held regarding the alleged violation and proposed enforcement action; and

(ii) A reference to the particular section or sections of these regulations which are involved; and

(iii) A short statement of the factual allegations; and any proposed enforcement action; and direction that the user show cause why the proposed enforcement action should not be taken.

(b) Notice of the hearing shall be delivered to the user personally or mailed by registered or certified mail, return receipt

requested, to the user or an authorized representative of the user at least ten (10) days prior to the hearing.

(c) The board may itself conduct the hearing or may designate any one (1) or number of its members to conduct the hearing as a hearing officer or officers.

(d) When it is impracticable for a hearing officer to conduct the hearing, another hearing officer may be assigned to continue with the case unless it is shown that substantial prejudice to a party will result therefrom, in which event a new hearing shall be held or the case dismissed without prejudice.

(6) Power of the hearing officer and board. (a) Hearings. During the course of a hearing and in preparation therefore, the board or any hearing officer(s) designated to conduct the hearing may:

- (i) Administer oaths and affirmations; and
- (ii) Issue, in the name of the board, notice of the hearing to persons calling for their attendance, testimony and production of evidence relevant to any matter involved in such hearing; and
- (iii) Regulate the course of the hearing, and set the time and place for continued hearings; and
- (iv) Hear the evidence.

(b) Places of hearings. Any hearing held pursuant to these regulations, shall be held in the Ripley Gas, Water and Wastewater Department Office unless the board, hearing officer or majority of hearing officers designated to conduct the hearing determines that the obtaining of evidence will be better facilitated by holding the hearing at the site of the alleged violation of these regulations or such other place within the city as the board or hearing officer(s) may deem appropriate.

(c) Conduct of hearings. Any hearing, held pursuant to this section, shall be conducted as follows:

- (i) A user, who is a party to a board action, may file a written answer with the board before the date set for the hearing.
- (ii) If a user, who is a party to a board action, fails to appear after notice has been served or properly mailed and if no adjournment is granted, the board may proceed with the hearing and make its decision in the absence of the party.
- (iii) At any hearing held pursuant to this section, testimony taken must be recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

(iv) A user, who is a party to a board action, shall be given an opportunity to present arguments on issues of law and an opportunity to present evidence on issues of fact.

(v) A user, who is a party to a board action, may cross-examine any witness. A party may submit rebuttal evidence.

(vi) At the conclusion of a hearing conducted by a hearing officer(s), the officer(s) shall transmit a report of the hearing together with recommendations to the board for action thereon.

(vii) At the conclusion of a hearing conducted by the board or upon receipt by the board of a report of a hearing from a hearing officer(s), the board shall take action pursuant to (vi) above.

(d) Final board decisions. The board shall make a final order. The order shall be made after review of the official record as defined in (e) below, shall be in writing and shall include findings of fact and conclusions.

(i) Findings of fact shall be based exclusively on the evidence and on matters officially noticed by the board or hearing officer(s); and

(ii) An order shall not be made except upon consideration of the record as a whole or such portion thereof as may be cited by any party to the hearing and shall be supported by the evidence; and

(iii) A copy of the order shall be served upon each party personally or by registered or certified mail, return receipt requested, and a copy furnished to the attorney of record.

(e) The official record of a hearing shall include:

(i) Notices, motions and intermediate rulings; and

(ii) Questions and offers of proof, objections and rulings thereon; and

(iii) Evidence presented; and

(iv) Matters officially noticed, except matters so obvious that a statement of them would serve no useful purpose; and

(v) Proposed findings and exceptions, if any; and

(vi) Any decision, opinion, order, transmittal or report by the officer presiding at the hearing and by the board.

(f) Penalties. If in its order, the board finds the user is in violation of, fails to comply with or has failed to comply with any of the provisions of these regulations including the willful furnishing of false information relative to same, it may, in addition to invoking the enforcement actions set forth in § 18-215(3):

(i) Subject the user to an administrative penalty of not more than ten thousand dollars (\$10,000.00) for each violation to be recovered by the board in a civil action in the nature of a debt if the user does not pay the penalty within a prescribed period of time after he has been found to be in violation of these regulations.

The amount of the administrative penalty shall be determined by the procedures presented in § 18-215(3).

When a user has been assessed an administrative penalty by the board, he shall be notified of the assessment personally or by registered or certified mail, return receipt requested.

(ii) In addition to the penalty provided in (i) above and the enforcement actions detailed in § 18-215(3), the board may:

(A) Require the user making, causing or allowing the violation to pay costs or expenses incurred by Ripley Gas, Water and Wastewater Department which expenses may include, but not be limited to, damage to the wastewater department, extraordinary monitoring of the wastewater and extraordinary treatment measures or processing imposed on a wastewater treatment plant by said violation; and

(B) Require the user making, causing or allowing the violation to pay any costs or expenses incurred by Ripley Gas, Water and Wastewater Department for any fines or penalties imposed on Ripley Gas, Water and Wastewater Department by the state or federal government or agency thereof because of a violation of a Ripley Gas, Water and Wastewater Department NPDES permit or damage to the environment that is attributed to said violation; and

(C) Require the user making, causing or allowing the violation to furnish a bond or other security, with terms specified by the board, to hold Ripley Gas, Water and Wastewater Department harmless from any loss or expense that Ripley Gas, Water and Wastewater Department may incur as a result of such noncompliance or any future noncompliance; and

(D) Recover reasonable attorney's fees and expenses incurred by the board as a result of its employing legal counsel to assist the President of Ripley Gas, Water and Wastewater Department in taking action pursuant to these regulations.

(g) If the user assessed fails to pay the amount of the administrative penalty or assessment to Ripley Gas, Water and Wastewater Department within thirty (30) days after receipt of notice, or such longer period, not to exceed one hundred eighty (180) days, as the board may specify; the board may institute a civil action to recover the amount of the penalty or assessment in the General Court of Justice of Lauderdale County or, at the discretion of Ripley Gas, Water and Wastewater Department, in the county in which is located a principal place of business of the user assessed.

(7) Emergency enforcement actions. (a) If the control authority determines that an action, a potential action or a continuing action of a

user may create a potential for damage to the wastewater department, the receiving stream, the environment, life or health of humans or animals or an interference with treatment processes at a wastewater treatment plant: the control authority may recommend to the board enforcement of these regulations as they apply to said violation by said user by seeking an appropriate equitable remedy issuing from a court of competent jurisdiction.

(b) The board may, without providing prior notice to said user, request enforcement of these regulations as they apply to said violation by said user by seeking an appropriate equitable remedy issuing from a court of competent jurisdiction.

In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate and it shall not be a defense to the application of the board for equitable relief that there is an adequate remedy at law.

(8) Enforcement response plan. The Ripley Gas, Water and Wastewater Department Enforcement Response Plan is designed to insure uniform application of the enforcement actions presented in this section.

ENFORCEMENT RESPONSE PLAN

(a) Unauthorized Discharges

	TYPE OF NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
1.	Unpermitted discharge	Industrial user unaware of requirement; (no harm)	Phone call	Environmental coordinator
			Notice of violation with application	
		Industrial user aware of requirement or harm to POTW or environment	Administrative order	Environmental coordinator
			Civil action	Superintendent
		Failure to apply continues after application deadline set by POTW	Administrative penalty	Superintendent
			Civil action	
Show cause hearing	Board			

	TYPE OF NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
			Service termination	Superintendent
2.	Non-permitted discharge (failure to renew or request transfer)	Application not submitted within 10 days of due date	Phone call	Environmental coordinator
Notice of violation				
Failure to apply continues after deadline set in notice by POTW		Administrative penalty	Superintendent	
		Civil action		
	Show cause hearing	Board		
			Service termination	Superintendent

(b) Discharge Limit Violations

	TYPE OF NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
1.	Exceeding local or federal standard (permit limit)	Isolated, not significant	Phone call	Environmental coordinator
Notice of violation				
Conference			Superintendent	
		Isolated, significant (no harm)	Phone call	Environmental coordinator
Notice of violation				
Conference			Superintendent	
		Isolated, emergency (actual harm or potential harm to POTW or environment)	Administrative order to cease and desist	Environmental Coordinator
Administrative penalty			Superintendent	
Show cause order			Board	
Civil action			Superintendent	

	TYPE OF NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
		Recurring, (not significant)	Administrative order	Environmental coordinator
			Administrative penalty	Superintendent
		Recurring, (significant no harm)	Administrative order	Environmental coordinator
			Administrative penalty	Superintendent
			Show cause order	Board
		Recurring, (actual harm or potential to harm POTW or environment)	Administrative penalty	Superintendent
			Show cause order	Board
			Civil action	Superintendent
			Terminate service	

(c) Monitoring and Reporting Violations

	TYPE OF NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
1.	Reporting violation	Report is improperly signed or certified	Phone call	Environmental coordinator
			Notice of violation	
		Report is improperly submitted after POTW notification	Administrative order	Environmental coordinator
			Show cause order	Board

	TYPE OF NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
		Report is less than 30 days late	Phone call	Environmental coordinator
			Notice of violation	
		Report is 30 days or more	Administrative order	Environmental coordinator
		Recurring late reports or no reports at all	Administrative	Superintendent
			Show cause order	Board
			Civil action	Superintendent
		Failure to report spill or changed discharge (no harm)	Notice of violation	Environmental coordinator
		Failure to report spill or changed discharge (harm)	Administrative	Superintendent
			Show cause action	Board
			Civil action	Superintendent
		Recurring failure to report spills	Show cause order	Board
			Civil action	Superintendent
			Terminate service	
		Report falsification	Show cause order	Board
			Civil action	Superintendent
			Criminal action	
			Terminate service	
2.	Failure to monitor correctly	Failure to monitor all pollutants as required by permit	Notice of violation	Environmental coordinator
			Administrative order	

	TYPE OF NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
		Recurring failure to monitor correctly	Administrative penalty	Superintendent
			Show cause order	Board
			Civil action	Superintendent
		Failure to report additional monitoring	Notice of violation	Environmental coordinator
		Recurring failure to report additional monitoring	Administrative penalty	Superintendent
			Show cause order	Board
3.	Improper sampling	Unintentionally using incorrect sampling type, incorrect sample technique, or sampling at incorrect location	Notice of violation	Environmental coordinator
		Evidence of intent or recurring	Show cause order	Board
			Civil action	Superintendent
		Terminate service		
4.	Failure to resample	Must resample within 30 days of violation	Notice of violation	Environmental coordinator
			Administrative order	

	TYPE OF NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
5.	Failure to install monitoring equipment	Delay of less than 30 days	Notice of violation	Environmental coordinator
		Delay of 30 days or more	Administrative penalty	Superintendent
		Recurring violation of administrative order	Show cause order	Board
			Civil action	Superintendent
			Terminate service	
6.	Inadequate record keeping	Incomplete files or files missing	Notice of violation	Environmental coordinator
		Recurring	Administrative order; show cause order	
			Show cause order	Board

(d) Other Permit Violations

	TYPE OF NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
1.	Compliance schedules	Missed milestone by less than 30 days, or will not affect final milestone	Notice of violation	Environmental coordinator
			Administrative order	
		Missed milestone will affect final milestone (good reason for delay)	Show cause order	Board

	TYPE OF NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
		Missed milestone will affect final milestone (no good reason for delay)	Show cause order	Board
			Civil action	Superintendent
			Terminate service	
		Recurring violation of schedule	Show cause order	Superintendent
			Civil action	
			Terminate service	
2.	Waste streams diluted in lieu of treatment	Initial violation	Administrative order	Environmental coordinator
		Recurring violations	Show cause order	Board
			Civil action	Superintendent
		Terminate service		
3.	Failure to mitigate noncompliance or halt production	No harm to POTW or environment	Notice of violation	Environmental coordinator
			Administrative order	
		Harm to POTW or environment	Administrative penalty	Superintendent
			Show cause order	Board
		Civil action	Superintendent	
4.	Failure to properly operate and maintain pretreatment facility	No harm to POTW or environment	Notice of violation	Environmental coordinator
			Administrative order	
		Harm to POTW or environment	Administrative penalty	Superintendent
			Show cause order	Board
		Civil action	Superintendent	

	TYPE OF NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
5.	Entry denial	Entry or copies of records denied or consent withdrawn	Return with administrative order or warrant	Environmental coordinator

(e) Administrative penalty structure. The administrative penalty structure is a five (5) tier stepped system and is set up where minimum amounts are assessed when there is no harm to the POTW or the environment. Maximum amounts are to be assessed when there is harm to the POTW or the environment or where the subject violation causes the POTW to violate a permit condition. Interim amounts may be assessed at the discretion of Ripley Gas, Water and Wastewater Department as violation circumstances warrant. The actual penalty amount to be assessed shall be computed in accordance with (f) below; penalty assessment guidelines. A Tier I penalty will be assessed when no administrative penalty violation or penalty triggering civil action has occurred in the previous twelve (12) months. The industrial user will step up a tier each time a violation occurs within twelve (12) months of a previous administrative penalty or a penalty triggering civil action. In cases where there is harm or potential harm to the POTW or the environment or in other extreme cases, one (1) or more tiers may be skipped in order to bring the industrial user into compliance.

Tier I	\$50.00	\$100.00	
Tier II	\$50.00	\$100.00	per violation
Tier III	\$100.00	\$500.00	per violation
Tier IV	\$500.00	\$1,000.00	per violation
Tier V	\$1,000.00	\$10,000.00	per violation

These penalties are in addition to assessed reimbursement costs as specified in § 18-215(5)(f) of these regulations for legal fees, equipment repair or replacement, any additional monitoring the POTW is required to do and any penalties assessed to the POTW resulting from the subject violation.

(f) Penalty assessment guidelines. The tier structure presented in (e) above provides a penalty range for specific violations. To determine

the actual penalty, the following penalty assessment guidelines shall apply:

- (i) Locate the type of noncompliance in the enforcement response guide.
- (ii) Select the most accurate "nature of the violation."
- (iii) Determine the appropriate enforcement response that coincides with the nature of the violation.
- (iv) If a penalty is involved, assign the proper tier to determine the penalty range.
- (v) To compute the actual amount of the penalty:
 - (A) The magnitude of the violation;
 - (B) Its duration;
 - (C) Its effects on the wastewater department and/or the environment;
 - (D) The compliance history of the user; and
 - (E) Good faith efforts of the user to avoid the violation and to correct the problem leading to the violation will be rated using a penalty assessment form as reproduced on the next page of these regulations.
- (vi) Each of these five (5) criteria will be assigned a numerical value from zero percent (0%) (minimum violation) to one hundred percent (100%) (maximum violation).
 - (A) Total the five (5) items of criteria and obtain an average criteria rating.
 - (B) Multiply the average criteria rating as a decimal by the difference between the minimum and maximum penalty associated with the proper tier level.
 - (C) Add this amount to the minimum penalty in the applicable tier. This is the amount of the penalty to be assessed.

PENALTY ASSESSMENT FORM
 The Ripley Gas, Water and Wastewater Department of
 The City of Ripley, Tennessee

INDUSTRY _____ DATE _____

- (1) Locate the type of noncompliance in the Enforcement Response Guide.
- (2) Select the most accurate "nature of the violation."
- (3) Determine the appropriate enforcement response that coincides with the nature of the violation.
- (4) If a Penalty is involved, assign the proper tier to determine the penalty range.
- (5) To calculate the total amount of the penalty, the criteria of magnitude, duration, effects, compliance history, and good faith will each be assigned a numerical value of from zero percent (0%) (minimum violation) to one hundred percent (100%) (maximum violation).
- (6) Total the five items of criteria and obtain an AVERAGE CRITERIA RATING.
- (7) Multiply the AVERAGE CRITERIA RATING as a decimal by the difference between the minimum and maximum penalty associated with the proper tier level.
- (8) Add this amount to the minimum penalty in the applicable tier. This is the amount of the penalty to be assessed.

<u>CRITERIA</u>	<u>CRITERIA RATING</u>	<u>COMMENTS</u>
Magnitude	_____	_____
Duration	_____	_____
Effects	_____	_____
Compliance History	_____	_____
Good Faith	_____	_____
Total	_____	Average Criteria Rating _____
Penalties past 12 months? _____		Tier Level _____
Penalty Range _____		Total Penalty Amount _____
APPROVED BY _____		DATE _____

(vii) When a violation cannot be categorized in the guide, equivalent enforcement actions will be as specified in this section.

(A) Definitions of enforcement responses are:

(1) Notification by Ripley Gas, Water and Wastewater Department. Informal contact by Ripley Gas, Water and Wastewater Department utilizing telephone or personal contact with notification verification placed in file, memo, or letter for minor violations.

(2) Notice of Violation (NOV). A written notice from Ripley Gas, Water and Wastewater Department to a noncompliant user, which informs the user that a violation has occurred.

(3) Administrative Order (AO). An administrative order may consist of a:

(a) Cease and desist order. Directs a non-compliant user to cease illegal or unauthorized discharge immediately or to terminate its discharge altogether. To be used for non-emergency and emergency situations.

(b) Consent order. An agreement between Ripley Gas, Water and Wastewater Department and an industrial user that contains three (3) elements:

(i) Compliance schedules;

(ii) Stipulated fines or remedial actions; and

(iii) Signatures of the president of company and an authorized representative of an industrial user.

(c) Compliance order. A directive from Ripley Gas, Water and Wastewater Department to a non-compliant industrial user that contains three (3) elements:

(i) Compliance schedules;

(ii) Stipulated fines or remedial actions; and

(iii) Signature of the Superintendent of Ripley Gas, Water and Wastewater Department. A compliance order may also be used to require an industrial user to develop a management practices plan, a spill prevention program and/or related

control authority pretreatment program requirements.

(d) Show cause order. Formal meeting requiring a noncompliant user to appear and demonstrate why Ripley Gas, Water and Wastewater Department should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.

(4) Administrative penalties. Monetary penalties assessed by Ripley Gas, Water and Wastewater Department for violations of pretreatment standards and requirements included as an adjunct to one (1) of the above-defined administrative orders. They are to be used as an escalated type of response to significant or continued noncompliance and/or failure to meet established milestones. Tier 3, Tier 4 and Tier 5 administrative penalties shall be submitted to the board of directors for concurrence before being assessed. In addition to administrative penalties, recovery of damages, assessments and extraordinary expenses will also be used as enforcement tools as well as for recovering expenses incurred by Ripley Gas, Water and Wastewater Department.

(5) Termination of wastewater service. The revocation of an industrial user's privilege to discharge industrial wastewater into the wastewater department. Termination may be accomplished by physical severance of the industry's connection to a sanitary sewer, by issuing a cease and desist order which compels the user to terminate its discharge, or by a court ruling.

(6) Civil action. The formal process of filing a lawsuit against an industrial user to secure court ordered action when the control authority determines that emergency enforcement actions are necessary or to correct continued significant noncompliance by seeking equitable relief, monetary penalties, and actual cost of damages to the wastewater department.

(7) Criminal action. The formal process of filing charges to be used where there is evidence of criminal intent or in extreme recurring cases.

(8) The Environmental Coordinator for Ripley Gas, Water and Wastewater Department is responsible for determining that a violation has occurred and what type of enforcement response is required.

(9) Time frames for determining that a violation has occurred and for issuing the requisite enforcement responses are listed below:

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

(b) Initial enforcement response will be to contact with the industrial user to request information on corrective or preventative action(s) and is to 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 termination of service.

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

(9) Publication of lists of significant violations. Any and all significant violations of provisions of these regulations and a list of resulting enforcement actions taken by Ripley Gas, Water and Wastewater Department shall be published in the largest local daily newspaper in circulation in the city. A significant violation is as defined in § 18-201(3)(www). (1994 Code, § 18-215)

18-216. Fees. (1) User charges and fees. It is the purpose of this section to provide for the recovery of costs from users of the Ripley Gas, Water and Wastewater Department for the implementation of the program established herein and for the construction, operation and maintenance of said system.

Ripley Gas, Water and Wastewater Department will adopt and modify from time to time separate rate schedules and fees to supplement these regulations.

(2) User charge and fee schedules. All charges, fees and other penalties shall be published in schedules separate from these regulations and may be revised from time to time as Ripley Gas, Water and Wastewater Department finds necessary for maintenance of the purposes described in subsection (1) above.

(3) Surcharge fees. If a user discharges in excess of the criteria to protect the POTW treatment plant influent set out for the conventional pollutants CBOD or BOD, TSS, NH₃-N, and/or "free" oil and grease in § 18-205 of this regulation, additional operation and maintenance costs may be incurred by the wastewater department wastewater treatment plant. Therefore, any user who discharges in excess of the limits for any of these parameters may be subject to a surcharge. The formula for this surcharge is listed below. Surcharges shall be in addition to normal user fees. As an alternate to this formula, the city may calculate surcharge fees based on actual costs caused by the discharge of excessive strength conventional pollutants.

$$\left[\begin{array}{l} \text{Base sewer} \\ \text{bill for} \\ \text{monthly} \\ \text{usage} \end{array} \right] \times \frac{\begin{array}{l} \text{Actual monthly average of} \\ \text{conventional pollutant} \\ \text{concentration (mg/l)} \end{array}}{\begin{array}{l} \text{Conventional pollutant criteria to} \\ \text{protect the POTW influent} \end{array}} \left[\begin{array}{l} \text{Base} \\ \text{sewer} \\ \text{bill for} \\ \text{monthly} \\ \text{usage} \end{array} \right] - \begin{array}{l} \text{Base} \\ \text{sewer} \\ \text{bill for} \\ \text{monthly} \\ \text{usage} \end{array}$$

(1994 Code, § 18-216)

18-217. Special agreements. Nothing contained in these regulations shall be construed as preventing the execution of a contract, special agreement or arrangement between the board and any user whereby wastewater of unusual strength, character or quantity may be admitted into the wastewater department upon such terms and conditions as the board deems appropriate. (1994 Code, § 18-217)

18-218. Amendments. The board expressly reserves the right to amend, modify, rescind, or supplement these regulations. (1994 Code, § 18-220)

CHAPTER 3

CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.

SECTION

- 18-301. Objectives.
- 18-302. Definitions.
- 18-303. Compliance with *Tennessee Code Annotated*.
- 18-304. Regulated.
- 18-305. Permit required.
- 18-306. Inspections.
- 18-307. Right of entry for inspections.
- 18-308. Correction of violations.
- 18-309. Required devices.
- 18-310. Non-potable supplies.
- 18-311. Statement required.
- 18-312. Penalty; discontinuance of water supply.
- 18-313. Provision applicable.

18-301. Objectives. The objectives of this chapter are:

- (1) To protect the public potable water system of Ripley Water System from the possibility of contamination or pollution by isolating within the customer's internal distribution system, such contaminants or pollutants that could backflow or backsiphon into the public water system;
- (2) To promote the elimination or control of existing cross-connections, actual or potential, between the customer's in-house potable water system and non-potable water systems, plumbing fixtures, and industrial piping systems; and
- (3) To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems. (1994 Code, § 18-301)

18-302. Definitions. The following words, terms and phrases shall have the meanings ascribed to them in this section, when used in the interpretation and enforcement of this section:

- (1) "Air-gap" shall mean a vertical, physical separation between a water supply and the overflow rim of a non-pressurized receiving vessel. An approved air-gap separation shall be at least twice the inside diameter of the water supply line, but in no case less than six (6") inches. Where a discharge line serves as receiver, the air-gap shall be at least twice the diameter of the discharge line, but not less than six inches (6").
- (2) "Atmospheric vacuum breaker" shall mean a device, which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in the water system.

(3) "Auxiliary intake" shall mean any water supply, on or available to a premises, other than that directly supplied by the public water system. These auxiliary waters may include water from another purveyor's public water system; any natural source, such as a well, spring, river, stream, and so forth; used, reclaimed or recycled waters; or industrial fluids.

(4) "Backflow" shall mean the undesirable reversal of the intended direction of flow in a potable water distribution system as a result of a cross-connection.

(5) "Backpressure" shall mean any elevation of pressure in the downstream piping system (caused by pump, elevated tank or piping, steam and/or air pressure) above the water supply pressure at the point which would cause, or tend to cause, a reversal of the normal direction of flow.

(6) "Backsiphonage" shall mean the flow of water or other liquids, mixtures or substances into the potable water system from any source other than its intended source, caused by the reduction of pressure in the potable water system.

(7) "Bypass" shall mean any system of piping or other arrangement whereby water from the public water system can be diverted around a backflow prevention device.

(8) "Cross-connection" shall mean any physical connection or potential connection 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 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 or backsiphonage. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, through which or because of which backflow could occur, are considered to be cross-connections.

(9) "Double check detector assembly" shall mean an assembly of two (2) independently operating, approved check valves with an approved water meter (protected by another double check valve assembly) connected across the check valves, with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each part of the assembly.

(10) "Double check valve assembly" shall mean an assembly of two (2) independently operating, approved check valves with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each check valve.

(11) "Fire protection systems" shall be classified in six (6) different classes in accordance with *AWWA Manual M14 - Second Edition 1990*. The six (6) classes are as follows:

(a) Class 1 shall be those with direct connections from public water mains only; no pumps, tanks or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind;

all sprinkler drains discharging to the atmosphere, dry wells or other safe outlets.

(b) Class 2 shall be the same as Class 1, except that booster pumps may be installed in the connections from the street mains.

(c) Class 3 shall be those with direct connection from public water supply mains, plus one (1) or more of the following: elevated storage tanks, fire pumps taking suction from above ground covered reservoirs or tanks, and/or pressure tanks (all storage facilities are filled from or connected to public water only, and the water in the tanks is to be maintained in a potable condition).

(d) Class 4 shall be those with direct connection from the public water supply mains, similar to Class 1 and Class 2, with an auxiliary water supply dedicated to fire department use and available to the premises, such as an auxiliary supply located within one thousand seven hundred feet (1,700') of the pumper connection.

(e) Class 5 shall be those directly supplied from public water mains and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water systems; or where antifreeze or other additives are used.

(f) Class 6 shall be those with combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

(12) "Interconnection" shall mean any system of piping or other arrangements whereby the public water supply 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.

(13) "Manager" shall mean the Manager of the Ripley Water System or his duly authorized deputy, agent or representative.

(14) "Person" shall mean any and all persons, natural or artificial, including any individual, firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(15) "Potable water" shall mean water, which meets the criteria of the Tennessee Department of Environment and Conservation and the United States Environmental Protection Agency for human consumption.

(16) "Pressure vacuum breaker" shall mean an assembly consisting of a device containing one (1) or two (2) independently operating spring loaded check valves and an independently operating spring loaded air inlet valve located on the discharge side of the check valve(s), with tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valves and relief valve.

(17) "Public water supply" shall mean the Ripley Water System, which furnishes potable water to the public for general use and which is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

(18) "Reduced pressure principle backflow prevention device" shall mean an assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing resilient seated shut-off valves, plus properly located resilient seated test cocks for the testing of the check valves and the relief valve.

(19) "Water system" shall be considered as made up of two (2) parts, the utility system and the customer system.

(a) The utility system shall consist of the facilities for the storage and distribution of water and shall include all those facilities of the water system under the complete control of the utility system, up to the point where the customer's system begins (i.e., the water meter);

(b) The customer system shall include those parts of the facilities beyond the termination of the utility system distribution system that are utilized in conveying domestic water to points of use. (1994 Code, § 18-302)

18-303. Compliance with *Tennessee Code Annotated*. The Ripley Water System shall be responsible for the protection of the public water system from contamination or pollution due to the backflow of contaminants through the water service connection. The Ripley Water System shall comply with *Tennessee Code Annotated*, § 68-221-711, as well as the Rules and Regulations for Public Water Systems and Drinking Water Quality, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, bypasses and interconnections; and shall establish an effective, ongoing program to control these undesirable water uses. (1994 Code, § 18-303)

18-304. Regulated. (1) No water service connection to any premises shall be installed or maintained by the Ripley Water System unless the water supply system is protected as required by state laws and this chapter. Service of water to any premises shall be discontinued by the Ripley Water System if a backflow prevention device required by this chapter is not installed, tested, and/or maintained; or if it is found that a backflow prevention device has been removed, bypassed, or if an unprotected cross-connection exists on the premises. Service shall not be restored until such conditions or defects are corrected.

(2) It shall be unlawful for any person to cause a cross-connection to be made or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation, and the operation of such

cross-connection is at all times under the direction of the manager of the Ripley Water System.

(3) If, in the judgment of the manager or his designated agent, an approved backflow prevention device is required at the water service connection to a customer's premises, or at any point(s) within the premises, to protect the potable water supply, the manager shall compel the installation, testing and maintenance of the required backflow prevention device(s), by a private contractor, at the customer's expense.

(4) An approved backflow prevention device shall be installed on each water service line to a customer's premises at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line.

(5) For new installations, the manager or his designated agent shall inspect the site and/or review plans in order to assess the degree of hazard and to determine the type of backflow prevention device, if any, that will be required, and to notify the owners in writing of the required device and installation criteria. All required devices shall be installed and operational prior to the initiation of water service.

(6) For existing premises, personnel from the Ripley Water System shall conduct inspections and evaluations, and shall require correction of violations in accordance with the provisions of this chapter. (1994 Code, § 18-304)

18-305. Permit required. (1) New installations. No installation, alteration, or change shall be made to any backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first contacting the Ripley Water System for approval.

(2) Existing installations. No alteration, repair, testing or change shall be made of any existing backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first securing the appropriate approval from the Ripley Water System. (1994 Code, § 18-305)

18-306. Inspections. The manager or his designated agent shall inspect all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and re-inspection shall be based on potential health hazards involved, and shall be established by the Ripley Water System in accordance with guidelines acceptable to the Tennessee Department of Environment and Conservation. (1994 Code, § 18-306)

18-307. Right of entry for inspections. The manager or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Ripley Water System public water

system for the purpose of inspecting the piping system therein for cross-connection, auxiliary intakes, bypasses or interconnections, or for the testing of backflow prevention devices. Upon request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding the piping system(s) on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections, and shall be grounds for disconnection of water service. (1994 Code, § 18-307)

18-308. Correction of violations. (1) Any person found to have 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 the existing conditions and an appraisal of the time required to complete the work, the manager or his representative shall assign an appropriate amount of time, but in no case shall the time for corrective measures exceed ninety (90) days.

(2) Where cross-connections, auxiliary intakes, bypasses or interconnections are found that constitute an extreme hazard, with the immediate possibility of contaminating the public water system, the Ripley Water System shall require that immediate corrective action be taken to eliminate the threat to the public water system. Expeditious steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard is immediately corrected, subject to the right to a due process hearing upon timely request. The time allowed for preparation for a due process hearing shall be relative to the risk of hazard to the public health and may follow disconnection when the risk to the public health and safety, in the opinion of the manager, warrants disconnection prior to a due process hearing.

(3) The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and *Tennessee Code Annotated*, § 68-221-711, within the time limits established by the manager or his representative, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the manager 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 in such a manner that the two (2) systems cannot again be connected by an unauthorized person, subject to the right of a due process hearing upon timely request. The due process hearing may follow disconnection when the risk to the public health and safety, in the opinion of the manager, warrants disconnection prior to a due process hearing. (1994 Code, § 18-308)

18-309. Required devices. (1) An approved backflow prevention assembly shall be installed downstream of the meter on each service line to a customer's premises at or near the property line or immediately inside the

building being served, but in all cases, before the first branch line leading off the service line, when any of the following conditions exist:

- (a) Impractical to provide an effective air-gap separation;
- (b) The owner/occupant of the premises cannot or is not willing to demonstrate to the Ripley Water System 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;
- (c) The nature and mode of operation within a premise are such that frequent alterations are made to the plumbing;
- (d) There is likelihood that protective measures may be subverted, altered or disconnected;
- (e) The nature of the premises is such that the use of the structure may change to a use wherein backflow prevention is required;
- (f) The plumbing from a private well or other water source enters the premises served by the public water system.

(2) The protective devices shall be of the reduced pressure zone type (except in the case of certain fire protection systems and swimming pools with no permanent plumbing installed) approved by the Tennessee Department of Environment and Conservation and the Ripley Water System, as to manufacture, model, size and application. The method of installation of backflow prevention devices shall be approved by the Ripley Water System prior to installation and shall comply with the criteria set forth in this chapter. The installation and maintenance of backflow prevention devices shall be at the expense of the owner or occupant of the premises.

(3) Premises requiring reduced pressure principle assemblies or air gap separation. (a) High risk high hazards. Establishments which pose significant risk of contamination or may create conditions which pose an extreme hazard of immediate concern (high risk high hazards). The cross-connection control inspector shall require immediate or a short amount of time (fourteen (14) days maximum), depending on conditions, for corrective action to be taken. In such cases, if corrections have not been made within the time limits set forth, water service will be discontinued.

High risk high hazards require a reduced pressure principle (or detector) assembly. The following list is establishments deemed high risk high hazard and require a reduced pressure principle assembly:

- (i) High risk high hazards:
 - (A) Mortuaries, morgues, autopsy facilities;
 - (B) Hospitals, medical buildings, animal hospitals and control centers, doctor and dental offices;
 - (C) Sewage treatment facilities, water treatment, sewage and water treatment pump stations;
 - (D) Premises with auxiliary water supplies or industrial piping systems;

- (E) Chemical plants (manufacturing, processing, compounding, or treatment);
- (F) Laboratories (industrial, commercial, medical research, school);
- (G) Packing and rendering houses;
- (H) Manufacturing plants;
- (I) Food and beverage processing plants;
- (J) Automated car wash facilities;
- (K) Extermination companies;
- (L) Airports, railroads, bus terminals, piers, boat docks;
- (M) Bulk distributors and users of pesticides, herbicides, liquid fertilizer, etc.;
- (N) Metal plating, pickling, and anodizing operations;
- (O) Greenhouses and nurseries;
- (P) Commercial laundries and dry cleaners;
- (Q) Film laboratories;
- (R) Petroleum processes and storage plants;
- (S) Restricted establishments;
- (T) Schools and educational facilities;
- (U) Animal feedlots, chicken houses, and CAFOs;
- (V) Taxidermy facilities;
- (W) Establishments which handle, process, or have extremely toxic or large amounts of toxic chemicals or use water of unknown or unsafe quality extensively.

(ii) High hazard. In cases where there is less risk of contamination, or less likelihood of cross-connections contaminating the system, a time period of ninety (90) days maximum will be allowed for corrections. High hazard is a cross-connection or potential cross-connection involving any substance that could, if introduced in the public water supply, cause death, illness, and spread disease. (See Appendix A of manual.)

(4) Applications requiring backflow prevention devices shall include, but shall not be limited to, domestic water service and/or fire flow connections for all medical facilities, all fountains, lawn irrigation systems, wells, water softeners and other treatment systems, swimming pools and on all fire hydrant connections other than those by the fire department in combating fires. Those facilities deemed by Ripley Water System as needing protection.

(a) Class 1, Class 2 and Class 3 fire protection systems shall generally require a double check valve assembly, except:

(i) A double check detector assembly shall be required where a hydrant or other point of use exists on the system; or

(ii) A reduced pressure backflow prevention device shall be required where:

(A) Underground fire sprinkler lines are parallel to and within ten feet (10') horizontally of pipes carrying sewage or significantly toxic materials;

(B) Premises have unusually complex piping systems;

(C) Pumpers connecting to the system have corrosion inhibitors or other chemicals added to the tanks of the fire trucks.

(b) Class 4, Class 5 and Class 6 fire protection systems shall require reduced pressure backflow prevention devices.

(c) Wherever the fire protection system piping is not an acceptable potable water system material, or chemicals such as foam concentrates or antifreeze additives are used, a reduced pressure backflow prevention device shall be required.

(d) Swimming pools with no permanent plumbing and only filled with hoses will require a hose bibb vacuum breaker be installed on the faucet used for filling.

(5) The manager or his representative may require additional and/or internal backflow prevention devices wherein it is deemed necessary to protect potable water supplies within the premises.

(6) Installation criteria. The minimum acceptable criteria for the installation of reduced pressure backflow prevention devices, double check valve assemblies or other backflow prevention devices requiring regular inspection or testing shall include the following:

(a) All required devices shall be installed in accordance with the provisions of this chapter, by a person approved by the Ripley Water System who is knowledgeable in the proper installation. Only licensed sprinkler contractors may install, repair or test backflow prevention devices on fire protection systems.

(b) All devices shall be installed in accordance with the manufacturer's instructions and shall possess appropriate test cocks, fittings and caps required for the testing of the device (except hose bibb vacuum breakers). All fittings shall be of brass construction, unless otherwise approved by the Ripley Water System, and shall permit direct connection to department test equipment.

(c) The entire device, including valves and test cocks, shall be easily accessible for testing and repair.

(d) All devices shall be placed in the upright position in a horizontal run of pipe.

(e) Device shall be protected from freezing, vandalism, mechanical abuse and from any corrosive, sticky, greasy, abrasive or other damaging environment.

(f) Reduced pressure backflow prevention devices shall be located a minimum of twelve inches (12") plus the nominal diameter of the device above either:

- (i) The floor;
- (ii) The top of opening(s) in the enclosure; or
- (iii) Maximum flood level, whichever is higher. Maximum height above the floor surface shall not exceed sixty inches (60").

(g) Clearance from wall surfaces or other obstructions shall be at least six inches (6"). Devices located in non-removable enclosures shall have at least twenty-four inches (24") of clearance on each side of the device for testing and repairs.

(h) Devices shall be positioned where a discharge from the relief port will not create undesirable conditions. The relief port must never be plugged, restricted or solidly piped to a drain.

(i) An approved air-gap shall separate the relief port from any drainage system. An approved air-gap shall be at least twice the inside diameter of the supply line, but never less than one inch (1").

(j) An approved strainer shall be installed immediately upstream of the backflow prevention device, except in the case of a fire protection system.

(k) Devices shall be located in an area free from submergence or flood potential, therefore never in a below grade pit or vault. All devices shall be adequately supported to prevent sagging.

(l) Adequate drainage shall be provided for all devices. Reduced pressure backflow prevention devices shall be drained to the outside whenever possible.

(m) Fire hydrant drains shall not be connected to the sewer, nor shall fire hydrants be installed such that backflow/back-siphonage through the drain may occur.

(n) Enclosures for outside installations shall meet the following criteria:

(i) All enclosures for backflow prevention devices shall be as manufactured by a reputable company or an approved equal.

(ii) For backflow prevention devices up to and including two inches (2"), the enclosure shall be constructed of adequate material to protect the device from vandalism and freezing and shall be approved by the Ripley Water System. The complete assembly, including valve stems and hand wheels, shall be protected by being inside the enclosure.

(iii) To provide access for backflow prevention devices up to and including two inches (2"), the enclosure shall be completely removable. Access for backflow prevention devices two and one-half inches (2-1/2") and larger shall be provided through a minimum of two (2) access panels. The access panels shall be of the

same height as the enclosure and shall be completely removable. All access panels shall be provided with built-in locks.

(iv) The enclosure shall be mounted to a concrete pad in no case less than four inches (4") thick. The enclosure shall be constructed, assembled and/or mounted in such a manner that it will remain locked and secured to the pad even if any outside fasteners are removed. All hardware and fasteners shall be constructed of 300 series stainless steel.

(v) Heating equipment, if required, shall be designed and furnished by the manufacturer of the enclosure to maintain an interior temperature of forty degrees Fahrenheit (+40° F) with an outside temperature of negative thirty degrees Fahrenheit (-30° F) and a wind velocity of fifteen (15) miles per hour.

(o) Where the use of water is critical to the continuance of normal operations or the protection of life, property or equipment, duplicate backflow prevention devices shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device. Where it is found that only one (1) device has been installed and the continuance of service is critical, the private contractor shall notify, in writing, the occupant of the premises of plans to interrupt water services and arrange for a mutually acceptable time to test the device. In such cases, the Ripley Water System may require the installation of a duplicate device.

(p) The Ripley Water System shall require the occupant of the premises to keep any backflow prevention devices working properly, and to make all indicated repairs promptly. Repairs shall be made by qualified personnel acceptable to the Ripley Water System. Expense of such repairs shall be borne by the owner or occupant of the premises. The failure to maintain a backflow prevention device in proper working condition shall be grounds for discontinuance of water service to a premises. Likewise the removal, bypassing or alteration of a backflow prevention device or the installation thereof, so as to render a device ineffective shall constitute a violation of this chapter and shall be 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 Ripley Water System.

(7) Testing of devices. Devices shall be tested at least annually by a private contractor possessing a valid certification from the Tennessee Department of Environment and Conservation, Division of Water Supply for the testing of such devices. A copy of this report will be supplied to the Ripley Water System to be put on file. The test must pass and the customer will be responsible for all costs of testing and or retesting. Water service shall not be disrupted to test a device without the knowledge of the occupant of the premises. (1994 Code, § 18-309)

18-310. Non-potable supplies. The potable water supply made available to a premises served by the public water system shall be protected from contamination as specified in the provisions of this chapter. Any water pipe or outlet which could be used for potable or domestic purposes and which is not supplied by the potable water system must be labeled in a conspicuous manner such as:

WATER UNSAFE
FOR DRINKING

The minimum acceptable sign shall have black letters at least one inch (1") high located on a red background. Color-coding of pipelines, in accordance with Occupational Safety and Health Act (OSHA) guidelines, shall be required in locations where in the judgment of the Ripley Water System, such coding is necessary to identify and protect the potable water supply. (1994 Code, § 18-310)

18-311. Statement required. Any person whose premises are supplied with water from the public water system, and who also has on the same premises a well or other separate source of water supply, or who stores water in an uncovered or unsanitary storage reservoir from which the water is circulated through a piping system, shall file with the Ripley Water System a statement of the nonexistence of unapproved or unauthorized cross-connections, auxiliary intakes, bypasses or interconnections. Such statement shall contain an agreement that no cross-connections, auxiliary intakes, bypasses or interconnections will be permitted upon the premises. Such statement shall also include the location of all additional water sources utilized on the premises and how they are used. Maximum backflow protection shall be required on all public water sources supplied to the premises. (1994 Code, § 18-311)

18-312. Penalty; discontinuance of water supply. (1) Any person who neglects or refuses to comply with any of the provisions of this chapter may be deemed guilty of a misdemeanor and subject to a fine.

(2) Independent of and in addition to any fines or penalties imposed, the manager may discontinue the public water supply service to any premises upon which there is found to be a cross-connection, auxiliary intake, bypass or interconnection; and service shall not be restored until such cross-connection, auxiliary intake, bypass or interconnection has been eliminated. (1994 Code, § 18-312)

18-313. Provision applicable. The requirements contained in this chapter shall apply to all premises served by the Ripley Water System and are hereby made part of the conditions required to be met for the Ripley Water System to provide water services to any premises. The provisions of this chapter

shall be rigidly enforced since it is essential for the protection of the public water distribution system against the entrance of contamination. Any person aggrieved by the action of the chapter is entitled to a due process hearing upon timely request. (1994 Code, § 18-313)

CHAPTER 4**WATER AND SEWER SYSTEM ADMINISTRATION****SECTION**

18-401. Rules and regulations.

18-402. Utility rates and charges.

18-401. Rules and regulations. The administrative rules and regulations of the City of Ripley Gas, Water and Wastewater Plants are hereby adopted as the rules and regulations of the departments of water and sewer. (1994 Code, § 18-401, modified)

18-402. Utility rates and charges. The customers of the water and sewer departments shall pay for the services of such departments in accordance with such rate schedules as the board of mayor and aldermen may from time to time prescribe. (1994 Code, § 18-402)

CHAPTER 5

DROUGHT MANAGEMENT

SECTION

- 18-501. Authority and status to plan.
- 18-502. System characteristics and risks.
- 18-503. Purpose of the drought management plan.
- 18-504. Drought management plan within the context of an EOP.
- 18-505. The planning committee.
- 18-506. Goals--objectives and priorities.
- 18-507. General water uses in order of priority.
- 18-508. Interconnections, mutual aid agreements and backup sources.
- 18-509. Ordinances, policies and legal requirements.
- 18-510. Well static water levels.
- 18-511. Phased management.
- 18-512. Monitor supply and demand.
- 18-513. Management team.
- 18-514. Review, evaluation and updating the management plan.

18-501. Authority and status to plan. Ripley, Tennessee is a municipal corporation chartered and organized under the laws of the State of Tennessee. The City of Ripley owns and operates a water treatment plant and distribution system serving the citizens of Ripley and the surrounding area. The Board of Mayor and Aldermen of the City of Ripley has the authority to implement a drought management plan. The chief water treatment plant operator has been given the responsibility to complete the plan. (1994 Code, § 18-601)

18-502. System characteristics and risks. The Ripley Water System has approximately three thousand five hundred (3,500) water connections. Using the household factor of two and one-half (2.5) persons per household for Lauderdale County, this is equivalent to approximately eight thousand seven hundred fifty (8,750) persons. The usage is categorized as follows:

<u>Water Use Category</u>	Use in		<u>Peak Water Use</u>	<u>Percent of Total Usage</u>	<u>Percent of Total Usage</u>	<u>Increase in Gallons</u>	Percent
	<u>Gallons (Avg)</u>	<u>Percent of Total Usage</u>					<u>Increase (Peak Over Avg)</u>
Residential	12,509,800	33.58%	14,603,900	34.85%	2,094,100	16.74%	
Commercial	12,651,208	33.96%	14,544,000	34.71%	1,892,792	14.96%	
Industrial	4,429,092	11.89%	5,096,500	12.16%	667,408	15.07%	

Water Use Category	Use in		Peak Water Use	Percent of Total Usage	Increase in Gallons	Percent Increase (Peak Over Avg)
	Gallons (Avg)	Percent of Total Usage				
Non metered	7,659,900	20.56%	7,659,900	18.28%	0	0.00%
Total	37,250,000	100.00%	41 ,904,300	100.00%	4,654,300	12.49%

The Ripley Water Treatment Plant is a conventional groundwater plant with a design capacity of approximately three million (3,000,000) gallons per day. Average usage for the system is approximately 1.275 million gallons per day. The maximum daily pumpage in recent years, which occurred in September, 2013, was 2.038 million gallons. The treatment plant uses the three (3) wells as its raw water source. The distribution system contains four (4) water storage tanks and two (2) underground storage tanks with a combined capacity of 2.7 million gallons. (1994 Code, § 18-602)

18-503. Purpose of the drought management plan. Typically drought has not affected the water source in past years. The purpose of this plan is to reduce water demand in the event of a drought where existing water supplies are inadequate to meet current demand for potable water. The significance of taking into account water use on average and during peak water demand (though it may not reflect an extreme or exceptional drought) is that system officials can identify water uses that have the potential to be reduced more easily. The point here is to identify potential discretionary or non-essential water uses. It is evident from the data above that water use by residential users typically increases 16.74% over average water use. The 14.96% increase in commercial use indicates that this area may not be easily reduced.

Because water use data reflects a typical peak summer water use but not necessarily a moderate, severe or extreme drought, additional water use could be expected by residential customers on the system to water cattle and other livestock. Residential customers usually rely on ponds and small streams which are likely to be depleted in a severe drought.

During the droughts of 2007 and 2008, the water treatment plant was able to meet customer demand with no restrictions implemented. Static water levels in our wells remained at normal levels. Presently there are two (2) connections with neighboring water systems. An emergency connection with Henning Water System and a live connection with Lauderdale County Water; however, since their source is also groundwater, a drought that affects Ripley Water System would likely affect them. (1994 Code, § 18-603)

18-504. Drought management plan within the context of an EOP. Development of the city's drought management plan and EOP were assigned to the chief water plant operator. He organized a team of individuals, including

employees and local officials, to help organize and frame the plan. Ripley EOP addresses line breaks, storms, earthquakes, hazardous material spills and civil disturbances. The EOP is not available for public scrutiny. The drought management plan focuses attention on managing supplies and demand during a declared drought. (1994 Code, § 18-604)

18-505. The planning committee. The Ripley drought management plan is a separate component of the Emergency Operation Plan (EOP). It was developed by water department staff of the city but included a focus group in its development and review. Unlike the EOP, to which the drought plan is an "annex," the drought plan includes a standby rate structure, restricts some water uses and in some cases bans other water uses at times. The drought management plan was adopted by the board of mayor and aldermen. The final adoption process was the normal process used by board of mayor and aldermen to adopt ordinances allowing for public comment. The drought committee met on May 16, 2016. (1994 Code, § 18-605)

18-506. Goals--objectives and priorities. The initial goal of the drought management plan was to provide water to all priority uses as established by the water system under worsening drought conditions (three (3) levels). The water uses and levels of water availability take into account the maintenance of public health and safety, sustaining economic activity, preserving critical environmental resources and life activities. (1994 Code, § 18-606)

18-507. General water uses in order of priority. (1) Hospital and medical facilities;

- (2) Nursing homes and elderly care facilities;
- (3) Human consumption (drinking water, domestic cooking, bathing, toilet use);
- (4) Fire protection (structural facilities, and hazardous situations);
- (5) Agricultural irrigation;
- (6) Pets (animal hospitals, kennels) and livestock;
- (7) Environment (erosion, aquatic habitat);
- (8) Commercial uses (restaurant, laundry, office, retail);
- (9) Industry and manufacturing (sanitation, process, cooling);
- (10) Recreation (pools, athletic fields);
- (11) Landscape (shrubbery) watering (home and commercial); and
- (12) Lawn watering, vehicle washing (home and commercial).

(1994 Code, § 18-607)

18-508. Interconnections, mutual aid agreements and backup sources. As a result of customers with livestock on the system with potentially inadequate streams, the plan calls for the use of fire department tankers to haul

water from area streams (having available water) to assist farmers with livestock. A portion of the additional funds needed to support this activity would come from revenues generated by standby rates with the remaining funds from fees for services from farmers. (1994 Code, § 18-608)

18-509. Ordinances, policies and legal requirements. The city's drought management plan, rules, ordinances, and policies are available for review. Copies can be examined at the City of Ripley, City Hall. (1994 Code, § 18-609)

18-510. Well static water levels. During periods of drought or impending drought, operators at the Ripley Water Treatment Plant will monitor the static water levels of system wells. U.S. drought monitor (<https://www.drought.gov/gdm/current-conditions>) will be monitored to determine severity of drought. In the event that the static water levels begin to approach preset trigger points, the Tennessee Division of Water Resources will be contacted to discuss possible actions. (1994 Code, § 18-610)

18-511. Phased management. The drought response plan is broken into four (4) phases: drought alert, voluntary water reductions, mandatory water restrictions and emergency water management. The drought management phases and sets of trigger points along with their associated goals are described below. Failure to achieve a management phase's goal within a reasonable time shall call for the next phase to be implemented.

(1) Drought alert. In the drought alert phase, no reduction in water use demand is planned. The Ripley water system will focus on monitoring conditions, prepare for the possible implementation of "voluntary reductions," and call its drought task force group together to review the plan and next-step actions.

(2) Voluntary water reductions. Under "voluntary reductions" Ripley has established a water use reduction goal of ten percent (10%). This figure corresponds to approximately three hundred thousand (300,000) gallons per day water use judging by peak usage. Among the trigger points for implementing this phase would be a drop in static water levels of twenty percent (20%) or an increase in the usage to two million four hundred thousand (2,400,000) gpd for five (5) consecutive days. The public appeal would consist of news releases to the media (weekly newspaper, local radio and regional television stations). Customers will be encouraged to use efficient water practices, e.g., watering lawns between sunset and sunrise, along with the more careful watering of shrubs and other landscape plantings.

(3) Mandatory water restrictions. The goal of activating a "mandatory water restrictions" phase would be to reduce water demand by customers by fifteen percent (15%) (from estimated peak demand). This would amount to a

reduction of approximately four hundred fifty thousand (450,000) gpd. Vehicle washing will be restricted. Restrictions to car/vehicle washing will apply to commercial car washes that do not re-cycle water and to the domestic washing of cars, etc. Lawn and landscape watering will be restricted. To assist in reducing usage, the water system will reduce the amount of flushing where possible. Among the trigger points for implementing this phase would be a drop in static water levels of forty percent (40%) or an increase in the usage to two million five hundred fifty thousand (2,550,000) gpd for five (5) consecutive days. Restrictions will be provided to the public through the media and posted in public buildings such as libraries, city hall, court house, banks and grocery stores. A fifteen dollar (\$15.00) surcharge will be assessed to all customers using over four thousand (4,000) gallons per month. System personnel will be utilized to monitor compliance with restrictions. Customers will also be requested to report violators of the restrictions.

The following will be used to enforce restrictions:

- (a) First offense - A written warning will be issued;
- (b) Second offense - A fifty dollar (\$50.00) fine; and
- (c) Third offense - Customer's water service will be discontinued for a minimum of five (5) days. A reconnection fee will be required to have service restored.

(4) Emergency water management. The "emergency water management" phase of the drought plan would be triggered by severe water pressure or other hydraulic issues, the static water level drops fifty percent (50%) or more or the daily usage reaches three million (3,000,000) gpd for five (5) consecutive days. The purpose of this phase would be to reduce water use to twenty five percent (25%) of the peak demand. This would be a reduction of approximately seven hundred fifty thousand (750,000) gpd. The media will be used to strongly encourage all customers to curtail any nonessential usage. A twenty five dollar (\$25.00) surcharge will be assessed to all customers using over four thousand (4,000) gallons per month. System personnel will be utilized to monitor compliance with restrictions. Customers will also be requested to report violators of the restrictions.

The following will be used to enforce restrictions:

- (a) First offense - A written warning will be issued;
- (b) Second offense - A fifty dollar (\$50.00) fine; and
- (c) Third offense - Customer's water service will be discontinued for a minimum of fifteen (15) days. A reconnection fee will be required to have service restored. (1994 Code, § 18-611)

18-512. Monitor supply and demand. Ripley established three (3) drought management phases in addition to a "drought alert" phase. All four (4) phases are described below. In addition, numerous trigger points were identified signaling the beginning of a phase. (1994 Code, § 18-612)

18-513. Management team. Ripley designated the chief water treatment plant operator to be the drought plan implementation manager. He is ultimately in charge of managing the water system. In addition, the mayor of the city, the chief of the fire department and distribution supervisor make up the drought management group responsible for overseeing the implementation of the plan. They advise and assist the chief operator in gathering information, assessing the situation and recommending/advising/approving the chief operator's actions. The task group is activated and will meet as necessary once a "drought alert" has been initiated. A "drought alert" corresponds to the U.S. drought monitor's categorization of the water system's service area as being characterized as under "severe" drought conditions. The task group monitors water system conditions, including water demand, water supply, forecasted conditions, hydraulic conditions, water quality issues, impacted communities, public notification, plan modifications, staffing, trigger points and other issues related to the implementation of the plan. The task group and chief operator must also maintain records of their actions, system conditions at the time of management actions taken, and their effects. Finally, the drought management group and plan implementation manager must also determine and announce the step-down and/or deactivation of the plan. (1994 Code, § 18-613)

18-514. Review, evaluation and updating the management plan. The drought management plan was adopted on September 6, 2016 by the City of Ripley Board of Mayor and Aldermen. The drought manager will review the plan within six (6) months after any phase of the plan has been implemented and/or every five (5) years. Refinements to the drought management plan will be made as necessary. The drought manager is responsible for making the review and presenting that review before the council. (1994 Code, § 18-614)

CHAPTER 6

GAS, WATER AND WASTEWATER BOARD

SECTION

18-601. Gas, water and wastewater board established.

18-602. Members of the board.

18-603. Meeting and organization of the board.

18-604. Appointment of superintendent of utilities.

18-605. Utility rates and charges.

18-601. Gas, water and wastewater board established. A gas, water and wastewater board is hereby constituted and established for the purpose of taking and having supervision and control of the improvement, operation and maintenance of the City of Ripley's gas, water and wastewater plants. Such board or committee shall be the supervisory body of the said plants and shall have all the powers and duties which are, or shall be, conferred upon it by the laws of the State of Tennessee and the charter, ordinances and resolutions of the City of Ripley, Tennessee. The authority of such board is subject to the city's ownership interest. (1994 Code, § 2-201, modified)

18-602. Members of the board. (1) The board shall consist of five (5) members with fixed, staggered terms, one (1) of whom shall be a member of Board of Mayor and Aldermen of Ripley.

(2) No one shall be eligible for membership on the board unless he or she:

(a) Owns property in the corporate limits of the City of Ripley, Tennessee; and

(b) Has been a resident in said city for not less than one (1) year preceding the date of their appointment.

(3) The members of the board shall be appointed by the mayor and approved by the aldermen of Ripley.

(4) The initial board members shall be appointed by majority vote as directed above, the original appointees to serve from the date of appointment for one (1), two (2), three (3), and four (4) years, respectively, from the next succeeding July 1. Each successor to a member of the board shall be appointed for a term of five (5) years in the same manner, at the next regular meeting of the board of mayor and aldermen in June next preceding the expiration of the term of office of the vacating member. Appointments to complete an unexpired term of office, vacant for any cause, shall be made in the same manner as the original appointments. The alderman appointed to the board shall serve until the expiration of their term as alderman. To assist in the identification and selection of qualified candidates, the board shall solicit applications from the department's customers and others eligible under subsection (2) who may be

interested in being nominated to fill an upcoming vacancy on the board. The board may submit the names of up to three (3) qualified candidates to the board of mayor and aldermen for consideration in the nomination and confirmation of new members of the board. Any such nominee shall be qualified to serve on the utility board if appointed but the board of mayor and aldermen shall not be limited to consideration of the existing board.

(5) The term of office of the member elected from the board of aldermen shall in no event extend beyond their term of office in such governing body.

(6) Each member of the board shall qualify by taking the oath of office as required to be taken by members of the Board of Mayor and Aldermen of the City of Ripley and each member shall serve without bond.

(7) The members of the board shall serve without compensation but shall be allowed necessary traveling and other expenses while engaged in the business of the board, including an allowance not to exceed one hundred and twenty-five dollars (\$125.00) per month for attendance at meetings. Such expenses shall constitute a cost of operation and maintenance of the departments receiving administration.

(8) Any member of the board may be removed from office for cause, or the entire board may be abolished and discontinued, by vote of two thirds (2/3) of the members of the board of mayor and aldermen, after a public hearing, not less than ten (10) days after notice publishes in a newspaper of general circulation in the City of Ripley, Tennessee. (1994 Code, § 2-202, modified)

18-603. Meeting and organization of the board. (1) The regular monthly meeting date of the board shall be at at such time and place as a majority of the gas, water and wastewater board may agree upon.

(2) At the first meeting of said board, held for the purpose of the members taking the oath of office, the members shall elect a chairman who will serve as chairman until the expiration of his or her term of office, adopt by-laws, and conduct any other business which may come before the board.

(3) A chairman shall be elected from the members of the board, at the board's initial meeting, as well as when the chairman's term expires or when a vacancy occurs.

(4) A majority of the board shall constitute a quorum, and the board shall act by vote of a majority present at any meeting attended by a quorum and vacancies in the board shall not affect its power and authority so long as a quorum remains.

(5) The secretary may be elected from the board. The accountant, the superintendent, the chairman of the board shall be bonded in such amounts as the board of mayor and aldermen deems necessary.

(6) The minutes of the board, its by-laws, and rules and regulations shall be kept in the minute book which shall remain in the custody of the secretary or in the offices of the gas, water and wastewater department. It shall,

at all times, be subject to inspection by any board member or any member of the board of mayor and aldermen, or by any citizen during normal business hours.

(7) The board may from time to time adopt and/or revise such by-laws, policies, and regulations of the board, after ten (10) days' notice to said board and to the board of mayor and aldermen.

(8) Any three (3) members of the board can request the chairman to call a meeting of said board by giving written notice to superintendent of the date and hour of said called meeting, at least three (3) days prior to said meeting, and said superintendent will so notify all the board members of said call meeting. The chairman of said board can call a meeting as business demands.

(9) The board shall have all rights, powers and duties conferred upon it by the city charter, other city ordinances, as well as the general statutes of the State of Tennessee. (1994 Code, § 2-203, modified)

18-604. Appointment of superintendent of utilities. (1) The board of mayor and aldermen shall appoint a superintendent for the gas, water and wastewater department, who shall be qualified by training and experience for the general supervision of the improvement and operation of the department's systems.

(2) The superintendent's employment, salary, and other compensation shall be governed by the city's charter.

(3) The superintendent shall have charge of all actual construction and immediate management and operation of said systems, and the enforcement of execution of all rules, regulations, programs, plans and decisions made and adopted by the board. The city's charter shall govern the employment, salary, and other compensation of other departmental employees. The appointment of technical consultants, advisers and legal assistants shall be made subject to approval of the gas, water and wastewater board.

(4) The superintendent shall let all contracts subject to the approval of the board of mayor and aldermen.

(5) The superintendent shall make and keep full and proper books and records subject to the supervision and direction of the gas, water and wastewater board and the board of mayor and aldermen.

(6) The superintendent shall have such other rights, powers and duties which may be conferred upon said superintendent by the board. (1994 Code, § 2-204, modified)

18-605. Utility rates and charges. The customers of the gas, water and wastewater department shall pay for the services of such department in accordance with such rate schedules as the board and/or the board of mayor and aldermen may from time to time prescribe. (1994 Code, § 2-205, modified)