

TITLE 18**WATER AND SEWERS¹****CHAPTER**

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CHAPTER 1**WATER AND SEWERS****SECTION**

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18-101. Application and scope. The provisions of this chapter are a part of all contracts for receiving water and/or sewer service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1982 Code, § 13-101)

18-102. Definitions. (1) "Customer" means any person, firm, or corporation who receives water and/or sewer service from the city under either an express or implied contract.

(2) "Discount date" shall mean the date ten (10) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water and/or sewer bills can be paid at net rates.

(3) "Dwelling" means any single structure, with auxiliary buildings, occupied by one (1) or more persons or households for residential purposes.

(4) "Household" means any two (2) or more persons living together as a family group.

(5) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling.

(6) "Service line" shall consist of the pipe line extending from any water or sewer main of the city to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the city's water main to and including the meter and meter box. (1982 Code, § 18-102)

18-103. Obtaining service. A formal application for either original or additional service must be made and be approved by the city before connection or meter installation orders will be issued and work performed. (1982 Code, § 13-103)

18-104. Application and contract for service. Each prospective customer desiring water or sewer service will be required to sign a standard form of contract for service. An application/connection fee, in an amount as established by the city council by resolution, shall be paid at time of application for service. If, for any reason, the person, after signing a contract for service does not take such service, he shall reimburse the city for the expense incurred by

reason of its endeavor to furnish said service. The receipt of an application for service shall not obligate the city to render service.

18-105. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water and/or sewer service. (1982 Code, § 13-105)

18-106. Connection charges. Service lines will be laid by the city from its mains to the property line at the expense of the applicant for service. The location of such lines will be determined by the city.

Before a new water or sewer service line will be laid by the city, the applicant shall make a deposit equal to the estimated cost of the installation.

This deposit shall be used to pay the cost of laying such new service line and appurtenant equipment. If such cost exceeds the amount of the deposit, the applicant shall pay to the city the amount of such excess cost when billed therefor. If such cost is less than the amount of the deposit, the amount by which the deposit exceeds such cost shall be refunded to the applicant.

When a service line is completed, the city shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the city. The remaining portion of the service line beyond the meter box (or property line, in the case of sewers) shall belong to and be the responsibility of the customer. (1982 Code, § 13-106)

18-107. Water and sewer main extensions. Persons desiring water and/or sewer main extensions must pay all of the cost of making such extensions.

For water main extensions cement-lined cast iron pipe, class 150 American Water Works Association Standard (or other construction approved by the city council), not less than six inches (6") in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than one thousand feet (1,000') from the most distant part of any dwelling structure and no farther than six hundred feet (600') from the most distant part of any commercial, industrial, or public building, such measurements to be based on road or street distances. Cement-lined cast iron pipe (or other construction approved by the city council) two inches (2") in diameter, to supply dwellings only, may be used to supplement such lines. For sewer main extensions eight inch (8") pipe of vitrified clay or other construction approved by the city council shall be used.

All such extensions shall be installed either by municipal forces or by other forces working directly under the supervision of the city in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the city, such water and/or sewer mains shall become the property of the city. The persons paying the cost of constructing such mains shall execute any written instruments requested by the city to provide evidence of the city's title to such mains. In consideration of such mains being transferred to it, the city shall incorporate said mains as an integral part of the municipal water and sewer systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of said mains. (1982 Code, § 13-107)

18-108. Variances from effect of preceding section as to extensions. Whenever the city council is of the opinion that it is to the best interest of the city and its inhabitants to construct a water and/or sewer main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the city council.

The authority to make water and/or sewer main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the city to make such extensions or to furnish service to any person or persons. (1982 Code, § 13-108)

18-109. Meters. All meters shall be installed, tested, repaired, and removed only by the city.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the city. No one shall install any pipe or other device which will cause water to pass-through or around a meter without the passage of such water being registered fully by the meter. (1982 Code, § 13-109)

18-110. Meter tests. The city will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

<u>Meter Size</u>	<u>Percentage</u>
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

The city will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be

accurate within the limits stated above, the customer shall pay a meter testing charge in the amount stated in the following table:

<u>Meter Size</u>	<u>Test Charge</u>
5/8", 3/4", 1"	\$12.00
1 1/2", 2"	15.00
3"	18.00
4"	22.00
6" and over	30.00

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the city. (1982 Code, § 13-110)

18-111. Multiple services through a single meter. No customer shall supply water or sewer service to more than one (1) dwelling or premise from a single service line and meter without first obtaining the written permission of the city.

Where the city allows more than one (1) dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water and/or sewer charges for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the city's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1982 Code, § 13-112)

18-112. Billing. Bills for residential water and sewer service will be rendered monthly.

Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the city.

Both charges shall be collected as a unit; no municipal employee shall accept payment of water service charges from any customer without receiving at the same time payment of all sewer service charges owed by such customer. Water service may be discontinued for non-payment of the combined bill.

Water and sewer bills must be paid on or before the discount date shown thereon to obtain the net rate, otherwise the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

In the event a bill is not paid on or before five (5) days after the discount date, a written notice shall be mailed to the customer. The notice shall advise

the customer that his service may be discontinued without further notice if the bill is not paid on or before ten (10) days after the discount date. The city shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the final date of payment of bill at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the city if the envelope is date-stamped on or before the final date for payment of the net amount.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available. (1982 Code, § 13-113)

18-113. Discontinuance or refusal of service. The city shall have the right to discontinue water and/or sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations;
- (2) The customer's application for service;
- (3) The customer's contract for service.

Such right to discontinue service shall apply to all service received through a single connection or service, even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one (1) such customer or tenant.

Discontinuance of service by the city for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract.

Water service may be disconnected if the customer's bill is not paid by its due date. No re-connection shall occur unless the bill and re-connection charge is paid in full. (1982 Code, § 13-114, as amended by Ord. #581, Aug. 2004)

18-114. Re-connection charge. Whenever service has been discontinued, a re-connection charge, in an amount as established by the city council by resolution, shall be paid before service is restored.

18-115. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days' written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the city reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

(1) Written notice of the customer's desire for such service to be discontinued may be required; and the city shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the city should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of such ten (10) day period.

(2) During such ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the city to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1982 Code, § 13-116)

18-116. Access to customers' premises. The city's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the city, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1982 Code, § 13-117)

18-117. Inspections. The city shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water and/or sewer service is furnished or at any later time. The city reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the city.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the city liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (1982 Code, § 13-118)

18-118. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the city shall be and remain the property of the city. Each customer shall provide space for and exercise proper care to protect the property of the city on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost

of necessary repairs or replacements shall be paid by the customer. (1982 Code, § 13-119)

18-119. Customer's responsibility for violations. Where the city furnishes water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1982 Code, § 13-120)

18-120. Supply and resale of water. All water shall be supplied within the city exclusively by the city and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof except with written permission from the city. (1982 Code, § 13-121)

18-121. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the city's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the city. (1982 Code, § 13-122)

18-122. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the city.

All private fire hydrants shall be sealed by the city and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the city a written notice of such occurrence. (1982 Code, § 13-123)

18-123. Damages to property due to water pressure. The city shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the city's water mains. (1982 Code, § 13-124)

18-124. Liability for cutoff failures. The city's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

- (1) After receipt of at least ten (10) days' written notice to cut off a water service, the city has failed to cut off such service.
- (2) The city has attempted to cut off a service but such service has not been completely cut off.

(3) The city has completely cut off a service but subsequently the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the city's main.

Except to the extent stated above, the city shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the city's cutoff. Also, the customer (and not the city) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1982 Code, § 13-125)

18-125. Restricted use of water. In times of emergencies or in times of water shortage, the city reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (1982 Code, § 13-126)

18-126. Interruption of service. The city will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The city shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The city shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1982 Code, § 13-127)

18-127. Schedule of rates. All water and sewer service shall be furnished under such rate schedules as the city council may from time to time adopt by ordinance.

CHAPTER 2

SEWER USE ORDINANCE

SECTION

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18-201. Purpose and policy. (1) This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Hohenwald, Tennessee, hereinafter referred to as "the city" or control authority. The control authority is the City of Hohenwald and enables the city to comply with all applicable state laws and regulations and federal laws required by the Federal Water Pollution Control Act of 1972 and its subsequent amendment, and the General Pretreatment Regulations (40 C.F.R., part 403).

(2) The objectives of this chapter are:

(a) To prevent the introduction of pollutants into the Publicly Owned Treatment Works (POTW) system which will interfere with the operation of the system or contaminate the resulting sludge;

(b) To prevent the introduction of pollutants into the POTW system in amounts which will pass-through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

(c) To protect both the POTW system personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

(d) To improve the opportunity to recycle and reclaim wastewaters and sludge from the POTW system;

(e) To provide fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW system; and

(f) To enable the City of Hohenwald wastewater treatment plant to comply with its national pollutant discharge elimination system permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW system is subject.

(3) This chapter provides for the regulation of contributors to the POTW system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees and charges for the equitable distribution of costs relating to the administration, operation, maintenance, amortization of debt and depreciation of the POTW.

(4) This chapter shall apply to the City of Hohenwald and to persons outside the city who are, by contract or agreement with the control authority, users of the City of Hohenwald's POTW. Except as otherwise provided herein, the mayor or his representative shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the mayor may be delegated by the mayor to a duly authorized representative of the city. (Ord. #664, Dec. 2011)

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

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

(2) "Approval authority." The Tennessee Division of Water Pollution Control Director or the Director's representative.

(3) "Authorized or duly authorized representative of the user."

(a) If the user is a corporation:

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

(ii) The manager of one (1) or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with

environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

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

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

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

(5) "Best Management Practices (BMPs)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 2.3(a) and (b) (Tennessee Rule 1200-4-14-.05(1)(a) and (2)). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. "BMPs" also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical pretreatment standards and effluent limits.

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

(7) "Building sewer." A sewer conveying wastewater from the premises of a user to the POTW.

(8) "Categorical pretreatment standard" or "categorical standard". Any regulation containing pollutant discharge limits promulgated by EPA in accordance with § 307(b) and (c) of the Act (33 U.S.C. § 1317) that apply to a specific category of users and that appear in 40 C.F.R. Chapter I, Subchapter N5 Parts 405-471.

(9) "Categorical industrial user." An industrial user subject to a categorical pretreatment standard or categorical standard.

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

(11) "Chronic violation." Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period on a rolling quarterly basis exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.

(12) "City." City of Hohenwald.

(13) "City council." The persons elected board of mayor and aldermen.

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

(15) "Control authority." The mayor of the City of Hohenwald, Tennessee or a duly authorized representative of the City of Hohenwald.

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

(17) "Conventional pollutants" Biochemical Oxygen Demand (BOD₅), Total Suspended Solids (TSS), fecal coliform bacteria, oil and grease, flow, and pH (40 C.F.R. 401.16).

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

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

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

(21) "Domestic wastewater." Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent containing sanitary facilities for the disposal of wastewater and used for residential purposes only and/or restroom wastes from commercial, institutional and industrial users.

(22) "Environmental Protection Agency" or "EPA." The U.S. Environmental Protection Agency, or where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

(23) "Existing source." Any source of discharge that is not a "new source."

(24) "Grab sample." A sample that is collected from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

(25) "Grease interceptor." An interceptor whose rated flow exceeds fifty (50) gpm and is located outside the building.

(26) "Grease trap." An interceptor whose rated flow is fifty (50) gpm or less and is typically located inside the building.

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

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

(29) "Industrial User (IU)" or "user." A source of nondomestic waste. Any nondomestic source discharging pollutants to the POTW.

(30) "Individual wastewater discharge permit and general permit." As set forth in § 18-205.

(31) "Instantaneous maximum limit." The maximum allowable concentration of a pollutant 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.

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

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

(34) "Local limit." Specific discharge limits developed and enforced by the control authority upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Tennessee Rule 1200-4-14-.05(1)(a) and (2).

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

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

(37) "Monthly average limit." The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily

discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(38) "National Pollutant Discharge Elimination System or NPDES permit." A permit issued to a POTW pursuant to § 402 of the Act.

(39) "National pretreatment standard, pretreatment standard, or standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with § 307(b) and (c) of the Federal Clean Water Act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 1200-4-14-.05.

(40) National prohibitive discharges. Prohibitions applicable to all nondomestic dischargers regarding the introduction of pollutants into POTW's set forth in 40 C.F.R. 403.5.

(41) New source.

(a) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed national pretreatment standards under § 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 or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent as to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(b) Construction on the 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 the aforementioned but otherwise alters, replaces, or adds to existing process or production equipment.

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

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

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

(B) 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

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

(42) "Noncontact cooling water." Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(43) "North American Industry Classification System (NAICS)." A classification pursuant to the North American Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 2007.

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

(45) "Person." Any and all persons, including individuals, partnerships, co-partnerships, firms, companies, public or private corporations or officers thereof, associations, joint stock companies, trusts, estates, state and federal agencies, municipalities or political subdivisions, or officers thereof, departments, agencies, or instrumentalities organized or existing under the laws of this or any state or country. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

(46) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution which is the measurement of acidity or alkalinity of a solution.

(47) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharge equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

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

(49) "Pretreatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or

otherwise introducing such pollutants into a POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except as prohibited by Tennessee Rule 1200-4-14-.06(4). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW; however, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with Tennessee Rule 1200-4-14-.06(5).

(50) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard imposed on a user, including, but not limited to, discharge, sampling requirements, analytical requirements, reporting requirements, and compliance schedules.

(51) "Pretreatment standards or standards." Prohibited discharge standards, categorical pretreatment standards, and local limits.

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

(53) "Process wastewater pollutants." Pollutants present in process waste water.

(54) "Prohibited discharge standards or prohibited discharges." Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 18-204(3).

(55) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by § 212 of the Act (33 U.S.C. § 1292), which is owned by the City of Hohenwald, Tennessee. This definition includes any devices or systems used in collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city, who are, by contract or agreement with the control authority, users of the POTW.

(56) "POTW treatment plant, wastewater treatment plant, or treatment plant." That portion of the POTW designed to provide treatment to wastewater.

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

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

(59) Significant Industrial User (SIU). Except as provided in paragraphs (c) and (d) below, a significant industrial user is:

(a) All industrial users subject to categorical pretreatment standards under 40 C.F.R. 403.6 and 40 C.F.R. chapter I, subchapter N; and

(b) Any other industrial user that:

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

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

(iii) Is designated as such by the control authority on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with Tennessee Code Annotated, 1200-4-14-.08(6)(f)).

(c) The control authority may determine that an industrial user subject to categorical pretreatment standards under Tennessee Rule 1200-4-14-.06 and 40 CFR chapter 1, subchapter N is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred (100) gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

(i) The industrial user, prior to the control authority's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

(ii) The industrial user annually submits the certification statement(s) required in § 7.14 (Tennessee Rule 1200-4-14-.12(17)), together with any additional information necessary to support the certification statement; and

(iii) The industrial user never discharges any untreated concentrated wastewater.

(d) Upon finding that a user meeting the criteria in Subsection (b) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the control authority may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in Tennessee Rule 1200-4-14-.08(6)(f), determine that such user is not a significant industrial user.

(60) "Significant Noncompliance (SNC)." Any violation of pretreatment requirements which meet one (1) or more of the following criteria:

- (a) Violations of wastewater discharge limits;
 - (i) Chronic violations;
 - (ii) Technical Review Criteria (TRC) violations;
 - (iii) Any other violation(s) of an industrial wastewater discharge permit or general permit effluent limit that the control authority believes has caused, alone or in combination with other discharges, interferences (e.g., slug loads) or pass-through; or endangered the health of the POTW personnel or the public, or
 - (iv) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(b) Violations of compliance schedule milestones, contained in an enforcement order by ninety (90) days or more after the schedule date. Milestones may include but not be limited to dates for starting construction, completing construction and attaining final compliance.

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

(d) Failure to accurately report noncompliance.

(e) Violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

(61) "Significant violation." A violation which remains uncorrected forty-five (45) days after notification of noncompliance; which is part of a pattern of noncompliance over a twelve (12) month period; or which involves a failure to accurately report noncompliance; or which resulted in the POTW exercising its emergency authority under C.F.R. §§ 403.8 (f)(2)(vi)(B) and 403.8(f)(2)(vii).

(62) "Slug control plan." A plan to control slug discharges, which shall include, as a minimum:

- (a) Description of discharge practices, including non-routine batch discharges;
- (b) Description of stored chemicals; and
- (c) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a discharge prohibition under this chapter, or 40 C.F.R. 403.5(b), with procedures for follow-up written notification within five (5) days.

(d) If necessary, procedures to prevent adverse impact from accidental spills, including 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.

(63) "Slug load or slug discharge." Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in § 18-204. A slug discharge is any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the POTW's regulations, local limits, or permit conditions.

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

(65) "State." State of Tennessee.

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

(67) "Surcharge." A fee charged to industrial users in excess of the normal sewer user charge to cover the additional expenses incurred by the POTW for treating conventional pollutants of a higher concentration than the POTW treatment plant was designed to treat.

(68) "Technical Review Criteria (TRC) Violation." Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period on a rolling quarterly basis equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by this section, multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other parameters except pH).

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

(70) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of § 307(a) of the Act (40 C.F.R. 403 Appendix B).

(71) "Upset." An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

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

owner of any private property having a building sewer connected to the POTW sewer system.

(73) "Wastewater." The liquid and water-carried industrial or domestic wastes from residential dwellings, commercial buildings, industrial and manufacturing 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 POTW.

(74) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state of any portion thereof. (Ord. #664, Dec. 2011)

18-203. Abbreviations. The following abbreviations shall have the designated meanings.

BOD ₅	Biochemical Oxygen Demand 5-day
BMP	Best Management Practice
BMR	Baseline Monitoring Report
C.F.R.	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
EPA	U.S. Environmental Protection Agency
FOG	Fats, Oil and Grease
gpd	Gallons per day
IU	Industrial User
l	Liter
lb	pounds
mg	Milligrams
mg/l	Milligrams per liter
NAICS	North American Industry Classification System
NH ₃ -N	Ammonia Nitrogen
NPDES	National Pollutant Discharge Elimination System
NSCIU	Non-Significant Categorical Industrial User
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIU	Significant Industrial User
SNC	Significant Noncompliance
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, <u>et seq.</u>
TSS	Total Suspended Solids
U.S.C.	United States Code. (Ord. #664, Dec. 2011)

18-204. General sewer use requirements. (1) Use of public sewers.

(a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Hohenwald, or in any area under the jurisdiction of the control authority, any human or animal excrement, garbage or other objectionable waste.

(b) It shall be unlawful to discharge any wastewater to any waters of the state within the city or in any area under the jurisdiction of the city.

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

(d) The owners of all houses, building or properties used for human occupancy, employment, recreation, or other purposes, situated within the City of Hohenwald, and abutting any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the POTW, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper sanitary sewer by means of a building sewer in accordance with the provisions of this chapter within sixty (60) days after official notice to do so. Such connection shall be made at the place and in the manner as directed by the control authority or his representative.

(e) Where a POTW sanitary sewer is not available up to or even with the property line, the building sewer shall be connected to a private subsurface sewage disposal system complying with the provisions of this chapter and the Tennessee Department of Environment and Conservation, and amended rules, regulations to govern subsurface sewage disposal systems.

(f) The owner of any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation necessary to obtain a grade of at least one percent (1%) in the building sewer, but is otherwise accessible to a public sewer as provided in this subsection (1) shall provide a private sewage pumping station (grinder pump) to convey wastewater into the POTW sanitary sewer.

(2) Building sewer and connections.

(a) General.

(i) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any POTW sanitary sewer or appurtenance thereof without first obtaining a written permit from the control authority.

(ii) All cost and expense incidental to the installation and connection of the building sewer to the POTW sanitary sewer shall be borne by the user. The user shall indemnify the city from any

loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(iii) A separate and independent building sewer shall be provided for every building; except that where one 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, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(iv) Old building sewers may be used in connection with new buildings only when they are found, on examination and testing by the control authority or his representative, meeting all requirements of this chapter. All others must be sealed to the specifications of the control authority.

(b) Building sewer construction. Building sewers shall conform to the following requirements:

(i) The minimum size of a building sewer shall be six inches (6") for commercial and four inches (4") for residential.

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

(iii) Six inch (6") building sewers shall be laid on a grade of at least one percent (1%). Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') per second.

(iv) Slope and alignment of all building sewers shall maintain constant horizontal alignment and vertical grade, except at bends.

(v) Building sewers shall be constructed only of: cast iron soil pipe or ductile iron pipe with compression joints; or polyvinyl chloride pipe with rubber compression joints. Under no circumstances will cement mortar joints be acceptable.

(vi) Cleanouts shall be located on building sewers as follows: one located no closer than eighteen inches (18") to the building and no more than five feet (5') outside the building, one at the tap onto the POTW sanitary sewer if the main is on the user side of the street, if the main is on the opposite side of street the cleanout shall be placed on the right-of-way of the user's property and one at each change of direction of the building sewer which is greater than forty-five (45) degrees. Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of six inch (6") nominal diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wye) and one-eighth

(1/8) bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4") on a six inch (6") pipe.

(vii) Connections of building sewers to POTW sanitary sewer shall be made at the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with corrosion resisting or stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting or cutting a clean opening in the existing public sewer and installing a tee-saddle or tee-insert of a type approved by the control authority and/or his representative. All such connections shall be made gas-tight and water-tight.

(viii) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the POTW sanitary sewer is at a grade of at least one percent (1%) or more, if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the user. In all buildings in which any building drain is too low to permit gravity flow to the POTW sanitary sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the owner/user.

(ix) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federal Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the control authority or his representative before installation.

(x) Any installed building sewer shall be gas-tight and water-tight.

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

(xii) 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 POTW sanitary sewer.

(c) Inspection of connections.

(i) The connection to the POTW sanitary sewer and all building sewers from the building to the POTW sanitary sewer shall be inspected by the control authority and/or his representative before the underground portion is covered.

(ii) The applicant for discharge shall notify the control authority when the building sewer is ready for inspection and connection to the POTW sanitary sewer. The connection shall be made under the supervision of the control authority or his representative before acceptance.

(d) Maintenance of building sewers. Each user shall be entirely responsible for the maintenance of the building sewer located on private property to insure that the building sewer is water-tight. This maintenance will include repair or replacement of the building sewer as deemed necessary by the control authority to meet specifications of the city. If, upon smoke testing or visual inspection by the control authority or his representative, roof downspout connections, exterior foundation drains, or other sources of rainwater, surface runoff or groundwater entry into the POTW sewer system are identified on building sewers on private property, the control authority may take any of the following actions.

(i) 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 chapter. All steps necessary to comply with this chapter must be complete within sixty (60) days from the date of the written notice and entirely at the expense of the user.

(ii) Notify the user in writing of the nature of the problem(s) identified on the user's building sewer and inform the user that the city will provide all labor, equipment, and materials necessary to make the repairs required to bring the building sewer within the requirements of this chapter. The work on private property will be performed at the city's convenience and the cost of all materials, labor and equipment used will be charged to the user. The city will be responsible for bringing any excavations back to original grade, replacing topsoil and hand raking all disturbed areas; however, the user shall be responsible for final landscaping, including, but not limited to, seeding, fertilizing, watering, mulching, sodding, and replacing any shrubbery or trees displaced or damaged by the city during the execution of the work.

(3) Prohibited discharge standards.

(a) General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes

pass-through or interference. These general prohibitions apply to all users of the POTW whether or not the user is subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

(b) Specific prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(i) Any liquids, solids, or gases which, by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the POTW system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter or have a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F) (sixty degrees Celsius) (60°C) using the test methods specified in 40 C.F.R. 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohol's, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides and any other substance which the city, the state, or EPA has notified the user is a fire hazard or a hazard to the system;

(ii) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease garbage with particles greater than one-half inch (1/2") or one and 27 hundredths (1.27) centimeters in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, and feathers from slaughterhouses, ashes, cinders, sand, spent lime, stone, or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing waxes;

(iii) Any wastewater having a pH less than 5.0 or greater than 10.0 capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW;

(iv) Any wastewater containing 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;

(v) Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life (acute worker health and safety problems) or are sufficient to prevent entry into the sewers for maintenance and repair;

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

(vii) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;

(viii) Any wastewater with objectionable color which causes discoloration of the POTW treatment plant effluent to the extent that the NPDES permit is violated, such as, but not limited to, dye wastes and vegetable tanning solutions;

(ix) Any wastewater heat in amounts which will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case heat in such quantities that the temperature at the POTW exceeds forty degrees Celsius (40°C) (one hundred four degrees Fahrenheit (104°F));

(x) Any pollutants, including oxygen demanding pollutants, such as BOD₅, NH₃-N, and oil and grease, released at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference to the POTW. In no case shall a discharge to the POTW have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation;

(xi) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the control authority in compliance with applicable state or federal regulations;

(xii) Any wastewater which causes a hazard to human life or creates a public nuisance;

(xiii) Any wastewater containing fats, wax, grease, petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, or other substances which may solidify or become viscous at temperatures between zero degrees Celsius (0°C) (thirty-two degrees Fahrenheit (32°F)) and forty degrees Celsius (40°C) (one hundred four degrees Fahrenheit (104°F)) and/or cause interference or pass-through at the POTW;

(xiv) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters. Stormwater and all other unpolluted drainage shall be discharged to storm sewers, or to a natural outlet approved by the control authority and the Tennessee Department of Environment and Conservation. Industrial cooling water or unpolluted process waters may be discharged on approval of the control authority and the Tennessee Department of Environment and Conservation, to a storm sewer or natural outlet;

(xv) Any trucked or hauled pollutants except at discharge points designated by the POTW in accordance with § 18-205(4); or

(xvi) Fats, oils, and grease, waste food, and sand. Refer to subsection (4) below for guidelines.

(c) When the control authority determines that a user is contributing to the POTW, any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the control authority shall: advise the user of the impact of the contribution on the POTW; and develop effluent limitation(s) for such user to correct the interference with the POTW.

(d) Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(4) Fats, oils, and grease, waste food, and sand guidelines. Fats, oil, grease, waste food, and sand in the POTW can interfere with the collection system and wastewater treatment facility by causing blockages and plugging of pipelines, problems with normal operation of pumps and their controls, and contribute waste of a strength or form that is beyond the treatment capability of the treatment plant.

(a) Interceptors. Fats, Oil, and Grease (FOG), waste food, and sand interceptors shall be installed when, in the opinion of the control authority, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amounts which impact the POTW. Such interceptors shall not be required of single-family residences, but may be required for multiple-family residences. All interceptors shall be of a type and capacity approved by the control

authority, and shall be located as to be readily and easily accessible for cleaning and inspection.

(i) Fats, oil, grease, and food waste.

(A) New food service facility. On or after the effective date of this chapter, food service facilities which are newly proposed or constructed, shall be required to install, operate and maintain a grease interceptor with a minimum capacity of seven hundred fifty (750) gallons located on the exterior of the building. Approval of the installation of a grease trap instead of a grease interceptor at a new food service facility can be obtained for those facilities where inadequate space is available for the installation of a grease interceptor. Design criteria shall conform to the standard in accordance with any provisions of the plumbing code as adopted by the City of Hohenwald and Tennessee Department of Environment and Conservation engineering standards or applicable local guidelines.

(B) Existing food service facilities. On or after the effective date of this chapter, existing food service facilities or food service facilities which will be expanded or renovated shall install a grease trap or grease interceptor when, in the opinion of the control authority, necessary for the control of FOG and food waste. Upon notification, the facility must be in compliance within ninety (90) days (unless due case of hardship may be proven). The facility must service and maintain the equipment in order to prevent adverse impact upon the POTW. If in the opinion of the control authority the user continues to impact the POTW, additional pretreatment measures may be required.

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

(iii) Laundries. Where directed by the control authority commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that

prevents passage into the POTW of solids one-half inch (1/2") or larger in size such as strings, rags, buttons, or other solids detrimental to the POTW.

The equipment or facilities installed to control FOG, food waste, sand, and soil shall be designed in accordance with Southern Plumbing Code and Tennessee Department of Environment and Conservation engineering standards or applicable local guidelines. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance and inspection. Control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer, and the accumulation of FOG in the POTW. If the control authority is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, or lack thereof, the owner or operator shall be required to refund the labor, equipment, materials, and overhead costs to the control authority. Nothing in this section shall be construed to prohibit or restrict any other remedy the control authority has under this chapter, or state or federal law.

The control authority retains the right to inspect and approve installation of the control equipment.

There shall be no charge for random inspections conducted by the control authority personnel on traps or interceptors. If a trap or interceptor has to be re-inspected because of deficiencies found during the previous inspection by the control authority personnel, and all of the deficiencies have been corrected, there shall be no charge for the re-inspection. If all of the deficiencies have not been corrected, a first re-inspection fee of fifty dollars (\$50.00) shall be charged to the facility. If a second re-inspection is required, a second re-inspection fee of one hundred fifty dollars (\$150.00) shall be charged to the facility if all of the deficiencies have still not been corrected. If three or more re-inspections are required, a re-inspection fee of three hundred dollars (\$300.00) for each successive re-inspection shall be charged to the facility in addition to other enforcement actions if all of the deficiencies have not been corrected.

(b) Solvents. The use of degreasing or line cleaning products containing petroleum-based solvents is prohibited.

(5) National categorical pretreatment standards. Users must comply with the categorical pretreatment standards for new and existing sources set out in 40 C.F.R. chapter I, subchapter N, parts 405 to 471 and shall serve as the minimum requirements.

(a) Where a categorical pretreatment standard is expressed in terms of either the mass or the concentration of a pollutant in wastewater, the control authority may impose equivalent concentration

or mass limits in accordance with subsection (5)(e) and (5)(f) below as allowed at 40 C.F.R. § 403.6(c).

(b) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the control authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to the individual industrial users as allowed at 40 C.F.R. § 403.6(c)(2).

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

(d) A CIU may obtain a net/gross adjustment to a categorical pretreatment standard in accordance with the following paragraphs of this section as allowed at 40 C.F.R. § 403.15.

(i) Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with this section. Any industrial user wishing to obtain credit for intake pollutants must make application to the city. Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (ii) of this section are met.

(ii) Criteria.

(A) Either: the applicable categorical pretreatment standards contained in 40 C.F.R., chapter I, subchapter N specifically provide that they shall be applied on a net basis; or the industrial user demonstrates that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in absence of pollutants in the intake waters.

(B) Credit for generic pollutants such as biochemical oxygen demand (BOD_5), total suspended solids (TSS), and oil and grease shall not be granted unless the industrial user demonstrates that the constituents of the generic measure in the user's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

(C) Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standard(s), up to a maximum value equal to the influent

value. Additional monitoring (at the person's, applying for credit, expense) may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section.

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

(e) When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that the city convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the control authority. The city may establish equivalent mass limits only if the industrial user meets all the conditions set forth in subsections (5)(e)(i)(A) through (5)(e)(i)(E) below.

(i) To be eligible for equivalent mass limits, the industrial user must:

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

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

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

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

(E) Have consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.

(ii) An industrial user subject to equivalent mass limits must:

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

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

(C) Continue to record the facility's production rates and notify the control authority whenever production rates are expected to vary by more than twenty percent (20%) from its baseline production rates determined in subsection (5)(e)(i)(C) above. Upon notification of a revised production rate, the control authority will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

(D) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to subsections (5)(e)(i)(A) above as long as it discharges under an equivalent mass limit.

(iii) When developing equivalent mass limits, the control authority:

(A) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;

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

(C) May retain the same equivalent mass limit in subsequent individual wastewater discharger permit or general permit terms if the user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to § 18-212. The user must also be in compliance with § 18-215(3) regarding the prohibition of by-pass.

(f) The control authority may convert the mass limits of the categorical pretreatment standards of 40 C.F.R. parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users. The conversion is at the discretion of the control authority. When converting such limits, the control authority will

use the concentrations listed in the applicable subparts of 40 C.F.R. parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited in § 18-212 (see 40 C.F.R. 403.6(d)). In addition, the control authority will document how the equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available (see 40 C.F.R. 403.6(c)(7)).

(g) Once included in its permit, the industrial user must comply with the equivalent limitations developed in this subsection (5) (§ 18-204(5)) in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

(h) Many categorical pretreatment standards specify one (1) limit for calculating maximum daily discharge limitations and a second for calculating monthly average, or four (4) day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

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

(6) Modification of national pretreatment standards. If the POTW system achieves consistent removal of pollutants limited by the national pretreatment standards, the city may apply to the approval authority for modifications of specific limits in the national pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the POTW system to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in 40 C.F.R. § 403.7(a)(3)(ii), part 403 - general pretreatment regulations for existing and new sources of pollution, promulgated pursuant to the act. The city may then modify pollutant discharge limits in the national pretreatment standards if the requirements continued in 40 C.F.R., part 403, § 403.7, are fulfilled and approval is obtained from the approval authority.

(7) State pretreatment standards. Users must comply with Tennessee pretreatment standards codified at Tennessee Code Annotated, §§ 69-3-101, et seq. and §§ 4-5-201, et seq.

(8) Local limits.

(a) The control authority is authorized to establish local limits pursuant to Tennessee Rule 1200-4-14-.05(3).

(b) Specific pollutant limitations. Pollutant limits are established to protect against pass-through and interference. No person shall discharge wastewater containing in excess of the limits for each pollutant. Refer to Appendix A (latest revision), Table A1: Specific Pollutant Limitations, for a list of the specific pollutants and respective concentrations.

(c) Criteria to protect the POTW treatment plant influent. The control authority and/or his designated representative shall monitor the POTW treatment plant influent for each parameter in Table A2: Criteria to Protect the POTW Treatment Plant Influent contained in Appendix A (latest revision). Analyses for all pollutants listed at TABLE A2 shall be conducted in accordance with the requirements of 40 C.F.R. part 136 or equivalent methods approved by the United States Environmental Protection Agency. All users shall be subject to the reporting and monitoring requirements set forth in § 18-209, Reporting requirements, and § 18-210, Compliance monitoring, as to these parameters. In the event that the influent at the POTW treatment plant reaches or exceeds the levels established by said table, the control authority shall initiate technical studies to determine the cause of the influent violation, and shall recommend to the city council such remedial measures as are necessary, including, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The control authority shall also recommend changes to any of these criteria in the event the POTW 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 POTW.

(d) Conventional pollutants.

(i) BOD₅, TSS, and NH₃-N. The POTW treatment plant was designed to accommodate specific waste load concentrations and mass amounts of Biochemical Oxygen Demand (BOD₅), Total Suspended Solids (TSS), and Ammonia Nitrogen (NH₃-N). If a user discharges concentrations of these pollutants in excess of the criteria to protect the POTW treatment plant influent listing at Table A2 in the Appendix (latest revision) of this chapter, added operation and maintenance costs will be incurred by the POTW. Therefore, any user who discharges concentrations in excess of the criteria to protect the POTW treatment plant influent listed at Table A2 in the Appendix (latest revision) of this chapter for any of the conventional pollutants such as BOD₅, TSS, and/or NH₃-N will be subject to a surcharge. The formula for this surcharge is listed in § 18-206(3). The city also reserves the right to, at any time, place specific mass or concentration limits for BOD₅, TSS, and/or NH₃-N on the user if the user's discharge of the excessive

strength wastewater causes the POTW treatment plant to violate its NPDES permit.

(ii) Oil and grease. Oil and grease loadings were not taken into account in the design of the POTW treatment plant; however, oil and grease are regulated under this chapter as conventional pollutants.

If a user discharges concentrations of total oil and grease in excess of the criteria to protect the POTW treatment plant influent listed in Table A2 at Appendix A of this chapter for total oil and grease, added operation and maintenance cost will be incurred by the POTW. Therefore, any user who discharges concentrations in excess of the criteria to protect the POTW treatment plant influent listed in Table A2 at Appendix A for total oil and grease will be subject to a surcharge. The formula for this surcharge is listed in § 18-206(3). The city reserves the right to, at any time, place specific mass or concentration limits for total oil and grease on the user if the user's discharge of the excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit.

(e) The control authority and/or his designated representative may develop Best Management Practices (BMPs), in individual wastewater discharge permits or in general permits, to implement local limits and the requirements of subsection (3) above.

(9) The city's right of revision. The city reserves the right to establish, by ordinance or in individual wastewater discharge permits or in general permits, more stringent standards or requirements on users of the POTW system if deemed necessary to comply with the objectives presented in this chapter.

(10) Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The control authority and/or his designated representative may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

(11) Accidental discharges.

(a) Protection from accidental discharge. Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the industrial user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the control authority for review, and shall be approved by the control authority before construction of the facility. No industrial user who commences contribution to the POTW after the

effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the control authority. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the industrial user's facility as necessary to meet the requirements of this chapter.

(b) Notification of accidental discharge. In the case of an accidental discharge, it is the responsibility of the industrial user to immediately telephone and notify the POTW of the incident. The notification shall be within twenty-four (24) hours of becoming aware of the violation and shall include location of discharge, type of waste, concentration and volume, and corrective actions. The industrial user shall repeat the sample within five (5) days, perform an analysis, and report the results of the sample analysis to the control authority within thirty (30) days of becoming aware of the violation (40 C.F.R. 403.12(g)).

(i) Written notice. Within five (5) days following an accidental discharge, the industrial user shall submit to the control authority a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the industrial user of any administrative penalties, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

(ii) Notice to employees. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous accidental discharge. Industrial users shall insure that all employees who may cause such a dangerous discharge to occur or may suffer such are advised of the emergency notification procedure. (Ord. #664, Dec. 2011)

18-205. Pretreatment of wastewater. (1) Pretreatment facilities. Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in § 18-204 within the time limitations specified by EPA, the state, or the control authority and/or his designated representative, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the control authority for review, and shall be acceptable to the control authority before such facilities are constructed. The review of such plans

and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this chapter.

(2) Additional pretreatment measures.

(a) Whenever deemed necessary, the control authority and/or his designated representative may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.

(b) The control authority may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit or general permit may be solely for flow equalization.

(c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the control authority and/or his designated representative, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the control authority and/or his designated representative, shall comply with § 18-204(4), and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with § 18-204(4) by the user at their expense.

(d) Users with potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(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 at the user's expense. 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 (which shall include cleaning supplies);

(c) Procedures for immediately notifying the control authority of any accidental or slug discharge, as required by § 18-209(6); and

(d) Procedures to prevent adverse impact from any incidental 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 pollutants, including solvents, and/or measures and equipment for emergency response.

(4) Hauled wastewater.

(a) Septic tank waste may be introduced into the POTW only at locations designated by the control authority, and as such times as established by the control authority and/or his designated representative. Such waste shall not violate § 18-204 or any other requirements established by the control authority. The control authority may require septic tank haulers to obtain individual wastewater discharge permits or general permits.

(b) The control authority may require haulers of industrial waste to obtain individual wastewater discharge permits or general permits. The control authority may require generators of hauled industrial waste to obtain individual wastewater discharge permits or general permits. The control authority may also prohibit disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.

(c) Industrial waste haulers may discharge loads only at locations designated by the control authority and/or his designated representative. No load may be discharged without prior consent of the control authority and/or his designated representative. The control authority and/or his designated representative may collect samples of each hauled load to ensure compliance with applicable standards. The control authority and/or his designated representative may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. (Ord. #664, Dec. 2011)

18-206. Fees. (1) Purpose. It is the purpose of this section to provide for the recovery of costs from users of the city's wastewater disposal system for the administration, operation, maintenance, amortization of debt, and depreciation of the POTW. The applicable charges or fees are set forth by the city's schedule of charges and fees.

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

- (a) Fees for reimbursement of costs of setting up and operating the POTW's pretreatment program;
- (b) Fees for monitoring, inspections, and surveillance procedures associated with users;
- (c) Fees for reviewing accidental/slug discharge procedures/control plans and construction plans and specifications for industrial users;
- (d) Fees for permit applications;
- (e) Fees for FOG plan submittals;
- (f) Fees for inspection of building sewer connections;
- (g) Fees for cleaning/removing stoppages from FOG, sand, soil, oil, and laundry interceptors;
- (h) Fees for filing appeals of enforcement actions taken by the city;
- (i) Fees for treating conventional pollutants discharged to the POTW by users with strengths in excess of the design capacity of the POTW treatment plant for individual conventional pollutants;
- (j) Charges to users for recovery of costs associated with normal operation, maintenance, administration, amortization of debt, and depreciation of the POTW; and
- (k) Other fees as the city may deem necessary to carry out the requirements contained herein.

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

(3) Operation and maintenance user charges. Each user's share of operation and maintenance costs will be computed by the following formula:

$$C_u = \frac{C_t}{V_t} \times (V_u)$$

Where:

- C_u = User's charge for O&M per unit of time
- C_t = Total O&M cost per unit of time
- V_t = Total volume contribution from all users per unit time
- V_u = Volume contribution from a user per unit of time.

Operation and maintenance charges may be established on a percentage of water use charge only in the event that water use charges are based on a constant cost per unit of consumption.

(4) Surcharge fees.

- (a) The surcharge will be the user's proportionate share of the O&M costs for handling its periodic volume of wastewater which exceeds

the strength of BOD₅, suspended solids, and/or other elements in "normal wastewater" including "toxic wastes".

(b) The surcharge shall be based on the analytical results on not less than three (3) twenty-four (24) hour composite samples collected at the control manhole at unannounced, but approximately equal intervals during the preceding three (3) months. Samples shall be collected and analyses shall be made by competent operating personnel at the wastewater treatment plant or other persons designated by the control authority in accordance with the latest edition of Standard Methods for Examination of Water and Wastewater.

(c) The amount of the surcharge shall be determined by the following formula:

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

Where:

- C_s = Surcharge for wastewater exceeding the strength of "normal wastewater" expressed in dollars per billing period
- B_c = O&M cost for treatment of a unit of BOD₅ expressed in dollars per pound
- B = Concentration of BOD₅ from a user above the base level of 2.50 lbs/1,000 gallons expressed in pounds per 1,000 gallons
- S_c = O&M costs for treatment of a unit of suspended solids expressed in dollars per pound
- S = Concentration of suspended solids from a user above the base level of 2.50 lbs/1,000 gallons expressed in pounds per 1,000 gallons
- P_c = O&M costs for treatment of a unit of any pollutant which the POTW is committed to treat by virtue of an NPDES permit or other regulatory requirement expressed in dollars per pound
- P = Concentration of any pollutant from a user above base level. Base levels for pollutants subject to surcharges will be established by the wastewater manager
- V_u = Volume contribution of a user per billing period. (Expressed in thousands of gallons)

The values of parameters used to determine user charges may vary from time to time. Therefore, the control authority is authorized to modify any parameter or value as often as necessary. Review of all parameters and values shall be undertaken whenever necessary; but in no case less frequently than biennially.

(5) Notification. Each user shall be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

(6) Biennial review of operation and maintenance charges. The control authority shall review not less often than every two (2) years the wastewater contribution of users and user classes, the total costs of operation and maintenance of the treatment works and its approved user charge system. The control authority shall revise the charges for users or user classes to accomplish the following:

- (a) Maintain the proportionate distribution of operation and maintenance costs among users and user classes as required herein;
- (b) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the treatment works; and
- (c) Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly. (Ord. #664, Dec. 2011)

18-207. Individual wastewater discharge and general permits. (1)
Wastewater analysis.

(a) When requested by the control authority and/or his designated representative, a user must submit information on the nature and characteristics of its wastewater within fifteen (15) days of the request. The control authority or his designated representative is authorized to prepare a form for this purpose and may periodically require users to update this information.

(b) There shall be two (2) classes of building sewer permits: for connection of residential, commercial, and institutional users to the POTW, and for connection of industrial users to the POTW. In either case, the owner of the facility or residence wishing to connect a building sewer to the POTW or his agent shall make application on a special form furnished by the City of Hohenwald. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the control authority. A permit and inspection fee shall be paid to the City of Hohenwald at the time the application is filed as set out in the City of Hohenwald's schedule of charges and fees.

(2) Individual wastewater discharge and general permit requirement.

(a) No significant industrial user shall discharge wastewater to the POTW without first obtaining an individual wastewater discharge permit or general permit from the control authority, except that a significant industrial user that has filed a timely application pursuant to subsection (3) below may continue to discharge for the time period specified therein.

(b) The control authority may require other users to obtain individual wastewater discharge permits or general permits as necessary to carry out the purposes of this chapter.

(c) Any violation of the terms and conditions of an individual wastewater discharge permit or general permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in §§ 18-213 to 18-215. Obtaining an individual wastewater discharge permit or a general permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements with any other requirements of federal, state, and local law.

(3) Individual wastewater discharge and general permitting: existing connections. Any user required to obtain an individual wastewater discharge permit or general permit who was discharging wastewater into the POTW prior to the effective date of this chapter and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the control authority for an individual wastewater discharge permit or general permit in accordance with subsection (5) below, and shall not cause or allow discharges to the POTW to continue after forty-five (45) days of the effective date of this chapter, except in accordance with an individual wastewater discharge permit or general permit issued by the control authority.

(4) Individual wastewater discharge and general permitting: new connections. Any user that is required to obtain an individual wastewater discharge permit or general permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit or general permit, in accordance with § 18-208(5), must be filed ninety (90) days prior to the date upon which any discharge will begin or recommence.

(5) Individual wastewater discharge and general permit application contents.

(a) General. All users that are required to obtain an individual wastewater discharge permit or general permit must submit a permit application. Users that are eligible may request a general permit under subsection (6) below. The control authority may require users to submit all or some of the following information as part of the permit application:

(i) Identifying information:

(A) The name, address, and location of the facility, including the name of the operator and owner; and

(B) Contact information, description of activities, facilities, and plant production processes on the premises;

(ii) Environmental permits. A list of any environmental control permits held by or for the facility.

(iii) Description of operations.

(A) 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 (SIC or NAICS code) of the operation(s) earned out by such user. This description shall include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.

(B) 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 POTW;

(C) Number of employees, shifts, contact per shift (if applicable), hours of operation, and proposed or actual hours of operation;

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

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

(F) 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;

(iv) Time and duration of discharges;

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

(vi) Flow measurement - information showing the measured average daily, maximum daily flow, and 30-minute peak flow in gallons per day, (including daily, monthly and seasonal variations, if any) to the POTW from regulated process streams and other streams, as necessary to allow use of the combined wastestream formula set out in § 18-204(5)(c) (Tennessee Rule 1200-4-14-.06(5));

(vii) Measurement of pollutants.

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

(B) Wastewater constituents and characteristics (nature and concentration, and/or mass) in the discharge from each regulated process, including, but not limited to, those mentioned in § 18-204 and Appendix A of this chapter as determined by a reliable analytical laboratory; sampling and analyses shall be performed in accordance with procedures established by the EPA pursuant to § 304(g) of the Act and contained in 40 C.F.R. part 136, as amended.

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

(D) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 18-209(10). 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.

(E) Sampling must be performed in accordance with procedures set out in § 18-213(11).

(F) Where known, the nature and concentration of any pollutants in the discharge which are limited by any local, state or national pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the industrial user to meet applicable pretreatment standards.

(viii) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on § 18-209(4)(b) [2300-4-14-.12(5)(b)];

(ix) Statement of duly authorized representative(s). Wastewater constituents and characteristics, including, but not limited to, those mentioned in § 18-204 and Appendix A of this chapter as determined by a reliable analytical laboratory; sampling and analyses shall be performed in accordance with procedures established by the EPA pursuant to § 304(g) of the Act and contained in 40 C.F.R., part 136, as amended; and

(x) 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.

(6) Wastewater discharge permitting: general permits.

(a) At the discretion of the control authority, the control authority may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:

- (i) Involve the same or substantially similar types of operations;
- (ii) Discharge the same types of wastes;
- (iii) Require the same effluent limitations;
- (iv) Require the same or similar monitoring; and

(v) In the opinion of the control authority, are more appropriately controlled under a general permit than under individual wastewater discharge permits.

(b) To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with § 18-209(4)(b) for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the control authority has provided written notice to the SIU that such a waiver request has been granted in accordance with § 18-209(4)(b).

(c) The control authority will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in subsection (6)(a)(i) to (v) above and applicable state regulations, and copy of the user's written request for coverage for three (3) years after the expiration of the general permit.

(d) The control authority may not control a SIU through a general permit where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day of for IUs whose limits are based on the combined wastestream formula or net/gross calculations.

(7) Application signatories and certifications.

(a) All wastewater discharge permit applications, user reports and certification statements must be signed by a duly authorized representative of the user and contain the certification statement in § 18-209(14)(a).

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

(c) A facility determined to be a non-significant categorical industrial user by the control authority pursuant to § 18-202(57)(c) must annually submit the signed certification statement in § 18-209(14)(b).

(8) Individual wastewater discharge and general permit decisions.

The control authority will evaluate the data furnished by the user and may require additional information. If sufficient data was not received to determine an industry's category, the control authority may submit a category determination request to the approval authority as set out in Tennessee Rule

1200-4-14-.06(1). After evaluation and acceptance of the data furnished, the control authority will determine whether to issue an individual wastewater discharge permit or a general permit. The control authority may deny any application for an individual wastewater discharge permit or a general permit. (Ord. #664, Dec. 2011)

18-208. Individual wastewater discharge and general permit issuance. (1) Individual wastewater discharge and general permit duration. An individual wastewater discharge permit or a general permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A permit may be issued for less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modifications as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change unless this allows federal due dates to be violated. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. Each individual wastewater discharge permit or general permit will indicate a specific date upon which it will expire.

(2) Individual wastewater discharge and general permit contents. An individual wastewater discharge permit or a general permit shall include such conditions as are deemed reasonably necessary by the control authority and/or his designated representative to prevent pass-through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. Individual wastewater discharge permits or general permits shall be expressly subject to all provisions of this chapter and all other applicable regulation, charges, and fees established by the City of Hohenwald.

(a) Individual wastewater discharge permits and general permits shall contain:

(i) Statement that indicates the wastewater discharge permit issuance date, expiration date, and effective date;

(ii) Statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with subsection (4) below, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(iii) Effluent limits, including best management practices, based on applicable pretreatment standards;

(iv) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be

monitored, sampling location, frequency of sampling, and sample type based on federal, state, and local law;

(v) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge according to § 18-209(4)(b);

(vi) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by federal, state, or local law;

(vii) Requirements to control slug discharge, if determined by the control authority to be necessary;

(viii) Any grant of the monitoring waiver by the control authority (§ 18-209(4)(b)) must be included as a condition in the user's permit or other control mechanism;

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

(x) Requirements for notification of excessive discharges such as described in § 18-204(10); and

(xi) Requirement to immediately report any noncompliance to the control authority, and to immediately resample for parameter out of compliance in accordance with 40 C.F.R. § 403.12(g).

(b) Individual wastewater discharge permits or general permits may contain, but need not be limited to, the following conditions:

(i) Limits on average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulations and equalization;

(ii) Requirements for installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(iii) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

(iv) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

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

(vi) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(vii) A statement that compliance with the individual wastewater discharge permit or general permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the individual wastewater discharge permit or general permit; and

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

(3) Permit modifications. The control authority may modify an individual wastewater discharge permit or general permit for good cause, including, but not limited to, the following reasons:

(a) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit or general permit issuance;

(c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(d) Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;

(e) Violation of any terms or conditions of the individual wastewater discharge permit or the general permit;

(f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(g) Revision of a grant of variance from categorical pretreatment standards pursuant to Tennessee Rule 1200-4-14-.13;

(h) To correct typographical or other errors in the individual wastewater discharge permit or the general permit; or

(i) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with subsection (4) below.

(4) Individual wastewater discharge and general permit transfer. Individual wastewater discharge permits and general permits are issued to a specific user for a specific operation. An individual wastewater discharge permit or a general permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without prior notice and approval of the control authority, and provision of a copy of the existing control mechanism (individual wastewater discharge permit or general permit) to the new owner or operator. Any succeeding owner or user shall also

comply with the terms and conditions of the existing permit. The notice to the control authority must include a written certification by the new owner or operator which:

- (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (b) Identifies the specific date on which the transfer is to occur;
- (c) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit or general permit; and
- (d) Submits a duly authorized sign.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit or general permit void as of the date of facility transfer.

(5) Individual wastewater discharge and general permit revocation. The control authority may revoke an individual wastewater discharge permit or general permit for good cause, including, but not limited to, the following reasons:

- (a) Failure to notify the control authority of significant changes to the wastewater prior to the changed discharge;
- (b) Failure to provide prior notification to the control authority of changed conditions pursuant to § 18-209(5);
- (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (d) Falsifying self-monitoring reports and certification statements;
- (e) Tampering with monitoring equipment;
- (f) Refusing to allow the control authority timely access to the facility premises and records;
- (g) Failure to meet effluent limitations;
- (h) Failure to pay penalties;
- (i) Failure to pay sewer charges;
- (j) Failure to meet compliance schedules;
- (k) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (m) Violation of any pretreatment standard or requirement, or any terms of the individual wastewater discharge permit or the general permit or this chapter.

Individual wastewater discharge permits and general permits shall be subject to void upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits and general permits issued to a user are void upon the issuance of a new individual wastewater discharge permit or general permit to that user.

(6) Individual wastewater discharge and general permit reissuance.

A user with an expiring individual discharge permit or general permit shall apply for permit reissuance by submitting a complete permit application in accordance with § 18-207(5), a minimum of ninety (90) days prior to the expiration of the user's existing individual wastewater discharge permit or general permit. The terms and conditions of the permit may be subject to modification by the control authority during the term of the permit as limitations or requirements as identified in § 18-204 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change unless this allows federal due dates to be violated. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(7) Regulation of waste received from other jurisdictions.

(a) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the control authority shall enter into an intermunicipal agreement with the contributing municipality.

(b) Prior to entering into an agreement required by paragraph (a) above, the control authority shall request the following information from the contributing municipality:

(i) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

(ii) An inventory of all users located within the contributing municipality that are discharging to the POTW; and

(iii) Such other information deemed necessary by the control authority.

(c) An intermunicipal agreement, as required by paragraph (a) above, shall contain the following conditions:

(i) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this chapter and local limits, including Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in § 18-204(8). The requirement shall specify that such an ordinance and limits must be revised as necessary to reflect changes made to the city's ordinance and local limits;

(ii) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;

(iii) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit or general permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the control authority; and which of these activities will be conducted jointly by the contributing municipality and the control authority;

(iv) A requirement for the contributing municipality to provide the control authority with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(v) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

(vi) Requirements for monitoring the contributing municipality's discharge;

(vii) A provision ensuring the control authority access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the control authority; and

(viii) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

The intermunicipal agreement may contain provisions for the control authority has the right to take action to enforce the terms of the contributing municipality's ordinances or to impose and enforce pretreatment standards and requirements directly against discharges of the contributing municipality. (Ord. #664, Dec. 2011)

18-209. Reporting requirements. (1) Baseline monitoring reports.

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

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

(i) All information required in § 18-207(5)(a)(i)(a), § 18-207(5)(a)(ii), § 18-207(5)(a)(iii)(a), and § 18-207(5)(a)(vi).

(ii) Measurement of pollutants.

(A) The user shall provide the information required in § 18-207(5)(a)(vii)(a) through (d);

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

(C) 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;

(D) Sampling and analysis shall be performed in accordance with subsection (10) below;

(E) 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; and

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

(iii) Compliance certification. A statement, reviewed by the user's authorized representative, as defined in § 18-202, 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.

(iv) 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 subsection (2) above.

(v) Signature and report certification. All baseline monitoring reports must be certified in accordance with subsection (14)(a) below and signed by an authorized representative as defined in § 18-202.

(2) Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by subsection (1)(b)(iv) above:

(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.

(3) Reports on compliance with categorical pretreatment standard deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the control authority a report containing the information described in § 18-207(5)(a)(vi) and (vii) and subsection (1)(b)(ii) above. For users subject to equivalent mass or concentration limits established in accordance with the procedures in § 18-204(5), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection (14)(a) below. All sampling will be done in conformance with subsection (11) below.

(4) Periodic compliance reports. All SIUs and non-significant categorical industrial users are required to submit periodic compliance reports.

(a) All users must, at a frequency determined by the control authority, submit no less than twice per year (on dates specified) 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.

(b) The control authority may authorize an industrial user subject to a categorical pretreatment standard (upon the approval authority's approval) to forego sampling of a pollutant by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. [Tennessee Rule 1200-4-14-.12(5)(b)] This authorization is subject to the following conditions.

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

(ii) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit or general permit, but in no case longer than five (5) years. The user must submit a new request (including the requirements of subsection (4)(b)(iii) for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit or general permit). See § 18-207(5)(a)(viii).

(iii) In making a demonstration that a pollutant is not present, the industrial user must provide sufficient data of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(iv) The request for monitoring waiver must be signed in accordance with § 18-202, and include the certification statement in subsection (14)(a) (Tennessee Rule 1200-4-14-.06(1)(b)(2)).

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

(vi) Any grant of the monitoring waiver by the control authority must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by

the user in its request for the waiver must be maintained by the control authority and the user for three (3) years after the expiration of the waiver.

(vii) Upon approval of the monitoring waiver and revision of the user's permit by the control authority, the industrial user must include on each submitted report the certification statement in subsection (14)(c) below, that there has been no increase in the pollutant in its wastestream due to activities of the industrial user.

(viii) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately comply with the monitoring requirements of subsection (4)(a) above, or other more frequent monitoring requirements imposed by the control authority, and notify the control authority.

(ix) This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.

(c) All periodic compliance reports must be signed and certified in accordance with subsection (14)(a) below. A chain of custody form must be submitted with all reports.

(d) 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.

(e) 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 subsection (11) below; the results must be included in the report for the corresponding reporting period.

(5) Reports of change conditions. Each user must notify the control authority of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least one hundred eighty (180) days before the change.

(a) The control authority may require the user to submit such information as may be deemed as necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 18-207(5).

(b) The control authority may issue an individual wastewater discharge permit or general permit under § 18-208(6) or modify an existing wastewater discharge permit under § 18-208(3) in response to changed conditions or anticipated changed conditions.

(6) Reports of potential problems.

(a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a uncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the control authority 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. The control authority may request a sample for analysis be collected at the moment of accidental discharge.

(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 may incur 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 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 paragraph (a) above. Employers shall ensure that all employees are advised of the emergency notification procedure.

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

(7) Reports from non-permitted users. All users that are not required to obtain an individual wastewater discharge permit or general permit shall provide appropriate reports to the control authority as may be required.

(8) 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. Repeat sampling by the user is not required if the control authority performs sampling at the user's facility at least once a month, or if the control authority performs sampling at the user's facility between the time when the initial sampling was conducted and the time when the user or the control authority receives the results of this sampling, or if the control authority has performed the sampling and analysis in lieu of the user. If sampling and analysis performed by the control authority indicates a violation, the control authority may opt to notify the user of the violation and require the user to perform the repeat sampling and analysis (40 C.F.R. § 403.12(g)(2)).

(9) Notification of the discharge of hazardous waste.

(a) Any user who commences the discharge of hazardous waste shall notify the control authority, the EPA Regional Water Management Division Director, and state hazardous waste authorities, in writing, of any discharge to the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. part 261. Such notification must include the name of the hazardous waste as set forth in 40 C.F.R. part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred 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 subsection (5) above. 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 subsections (1), (3), and (4) above.

(b) Discharges are exempt from the requirements of paragraph (a) above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 C.F.R. §§ 261.20(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 C.F.R. § 261.30(d) and 261.33(c), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under § 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.

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

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

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

(10) Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 C.F.R. part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 C.F.R. 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 using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Control Authority or other parties approved by EPA.

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

(a) Except as indicated in subsections (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 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 C.F.R. 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 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 (40 C.F.R. § 403.12(g)(3)).

(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 subsections (1) and (3) (Tennessee Rule 1200-4-14-.12 (2) and (4)), 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 data are available, the Control Authority may authorize a lower minimum. For the reports required by subsection (4) (Tennessee Rule 1200-4-14-.12 (5) and (8)), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

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

(13) Retention of records. 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, as set out in individual wastewater discharge permits or general permits. 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 after the expiration date of the user's permit. This period shall be automatically extended for the duration of any litigation concerning the user or the control authority, or where the user has been specifically notified of a longer retention period by the control authority.

(14) Certification statements.

(a) 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 in accordance with § 18-207(6); users submitting baseline monitoring reports under subsection (1)(b)(v) above (40 C.F.R. § 403.12 (1)); users submitting reports on compliance with the categorical pretreatment standard deadlines under subsection (3) (40 C.F.R. § 403.12 (d)); users submitting periodic compliance reports required by subsection (4)(a) to (c) (40 C.F.R. § 403.12 (e) and (h)), and users submitting an initial request to forego sampling of a pollutant on the basis of subsection (4)(b)(iv) (40 C.F.R. § 403.12 (e)(2)(iii)). The following certification statement must be signed by an authorized representative as defined in § 18-202:

"I certify under the 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(s) who manage the system, or the person(s) 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 penalty and imprisonment for knowing violations."

(b) Annual certification for non-significant categorical industrial users. A facility determined to be a non-significant categorical industrial user by the control authority pursuant to § 18-202(57)(c) and § 18-207(6)(c) (40 C.F.R. § 403.3(v)(2)) must annually submit the following certification statement signed in accordance with the signatory requirements in § 18-202(3) (40 C.F.R. § 403.120(l)). This certification must accompany an alternative report required by the control authority:

"Based on my inquiry of the person(s) directly responsible for managing compliance with the categorical pretreatment standards under 40 C.F.R. part _____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____ [month, days, year(s)]:

(i) The facility described as _____ (facility name) met the definition of a non-significant categorical industrial user as described in § 18-202(57)(c);

(ii) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and

(iii) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information: _____

_____."

(c) Certification of pollutants not present. Users that have an approved monitoring waiver based on subsection (4)(b) above must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the user.

"Based on my inquiry of the person(s) directly responsible for managing compliance with the pretreatment standard for 40 C.F.R. part(s) _____, I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ in the wastewaters due to the activities at the facility since filing of the last periodic report under § 18-209(4)(a)." (Ord. #664, Dec. 2011)

18-210. Compliance monitoring. Right of entry; inspection and sampling: the control authority shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any individual wastewater discharge permit or general permit or order issued hereunder. Users shall allow the control authority or his

representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(1) Where a user has security measures in force which would require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guard(s) so that, upon presentation of suitable identification, personnel from the control authority, approval authority and EPA shall be permitted to enter, without delay, for the purposes of performing their specific responsibilities (40 C.F.R. § 403.12).

(2) The control authority, approval authority and EPA shall have the right to set up on the industrial user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering of the user's operations.

(3) The control authority may require the user to install monitoring equipment as necessary. The facility's sampling, and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually, unless specified otherwise) to ensure their accuracy. The location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and on-site analysis (where necessary), whether constructed on public or private property. The monitoring facilities should be provided in accordance with the control authorities requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such manner so as to enable the control authority to perform independent monitoring activities.

(4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the control authority and shall not be replaced. The costs of clearing such access shall be borne by the user.

(5) Unreasonable delays in allowing the control authority access to the user's premises shall be a violation of this chapter. (Ord. #664, Dec. 2011)

18-211. Confidential information. (1) Information and data on a user obtained from reports, surveys, permit applications, individual wastewater discharge permits or general permits and monitoring programs, and from the control authority's inspections and sampling activities, shall be available to the public or other governmental agency without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the control authority, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user under applicable state law. Any such request must be asserted at the time of submission of the information or data.

(2) When requested and demonstrated by the user furnishing a report, that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) permit, and/or the state pretreatment program, and that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 C.F.R. § 2.302, shall not be recognized as confidential information and shall be available to the public without restriction. (Ord. #664, Dec. 2011)

18-212. Publication of users in significant noncompliance. (1) The control authority shall publish, at least annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of users, which at any time during the previous twelve months, were in significant noncompliance with applicable pretreatment requirements.

(2) For the purposes of this provision, a significant industrial user (or an industrial user which violates subparts (c), (d), or (h) below) is in significant noncompliance if its violation meets one (1) or more of the following criteria.

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period on a rolling quarterly basis exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in § 18-202;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by § 18-202 multiplied by the applicable TRC (TRC-1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other parameters except pH);

(c) Any other violation of a pretreatment standard or requirement as defined by § 18-202 (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 POTW personnel and/or the general public);

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has

resulted in the POTW's exercise of its emergency authority under 40 C.F.R. § 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;

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

(f) 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;

(g) Failure to accurately report non-compliance; or

(h) 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. (Ord. #664, Dec. 2011)

18-213. Administrative enforcement remedies. All administrative enforcement actions taken against a significant industrial user, including procedures, orders, and complaints, shall be in accordance with the Tennessee Water Quality Control Act of 1977 and its amendments, specifically Tennessee Code Annotated, § 69-3-123, and enforcement per the Enforcement Response Plan (ERP).

(1) Notification of violation. When the control authority finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit or general permit, or order issued hereunder, or any other pretreatment standard or requirement, the control authority may serve upon that user a written notice of violation. Within ten (10) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the control authority. Submission of such a plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the control authority to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation,

(2) Consent orders. The City of Hohenwald is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period also specified by the document. Consent orders shall have the same force and effect as the administrative orders issued pursuant to subsections (4) and (5) below, and shall be judicially enforceable.

(3) Show cause hearing. The control authority may order a user which has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit or a general permit, or order issued hereunder, or any other pretreatment standard or requirement to appear before the City of Hohenwald and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user as defined in § 18-202 and required by § 18-207(7). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued. Hearings shall be conducted in accordance with the provisions of Tennessee Code Annotated, § 69-3-124.

(4) Compliance orders. When the control authority finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit or a general permit, order issued hereunder, or any pretreatment standard or requirement, the City of Hohenwald may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time period. If the user does not show compliance within the specified time period, sewer service may be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated to allow compliance with this chapter. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, the installation of pretreatment systems(s), and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. A compliance order may also contain a penalty for noncompliance with the ordinance or an individual wastewater discharge permit or a general permit. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(5) Cease and desist orders. When the control authority finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit or a general permit, order issued hereunder, any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the City of Hohenwald may issue an order to the user directing it to cease and desist all such violations and directing the user:

- (a) Immediately comply with all requirements; and

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

(6) Administrative penalties.

(a) Notwithstanding any other section of this chapter, when the control authority finds that a user has violated, or continues to violate, any provision of this chapter, individual wastewater discharge permit or general permit, and/or orders issued hereunder, any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the control authority may penalize such a user in an amount not to exceed ten thousand dollars (\$10,000.00). Such penalties shall be assessed on a per violation, per day basis in accordance with the provisions of Tennessee Code Annotated, §§ 69-3-125, 126, 128 and 129 and 40 C.F.R. § 403.8(f)(1)(vi)(A). In the case of monthly or other long-term average discharge limits, penalties shall be assessed for each day during the period of violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the City of Hohenwald shall have such other collection remedies as are available to collect other service charges.

(b) Unpaid charges and penalties shall constitute a lien against the user's property.

(c) Users desiring to dispute such penalties must file a written request for the City of Hohenwald to reconsider the penalty along with full payment of the penalty amount within thirty (30) days of being notified of the penalty. Where the City of Hohenwald believes a request has merit, the City of Hohenwald shall convene a hearing on the matter within fifteen (15) days of receiving the request from the user and a hearing will be held before the City of Hohenwald in accordance with the provisions of Tennessee Code Annotated, § 69-3-124. The control authority may add the costs of preparing administrative enforcement actions, such as notices and orders, to the penalty.

(d) Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the user.

(7) Emergency suspensions. The City of Hohenwald may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

(a) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution of process wastewater to

the POTW. In the event of a user's failure to immediately comply voluntarily with the suspension order, the control authority may take such steps as deemed necessary, including immediate severance of the building sewer connection to the POTW, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City of Hohenwald may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the control authority that the period of endangerment has passed, unless the termination proceedings set forth in subsection (8) below are initiated against the user.

(b) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit to the control authority a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence within five days after notification of suspension of service or prior to the date of any show cause or termination hearing under subsections (3) above or (8) below.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(8) Termination of discharge. In addition to the provision in § 18-208(5), any user who violates the following conditions is subject to permit termination:

- (a) Violation of individual wastewater discharge permit or general permit conditions;
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (c) Failure to report significant changes in operations or wastewater constituents and characteristics;
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; or
- (e) Violation of the pretreatment standards in § 18-205.

Such user(s) will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under subsection (3) above why the proposed action should not be taken. Exercise of this option by the control authority shall not be a bar to, or a prerequisite for, taking any other action against the user. (Ord. #664, Dec. 2011)

18-214. Judicial enforcement remedies. (1) Injunctive relief.

(a) If any person discharges sewage, industrial wastes, or other wastes into the POTW contrary to the provisions of this chapter or any order or industrial wastewater discharge permit or general permit issued hereunder, the City of Hohenwald, through the city attorney, may commence an action for appropriate legal and/or equitable relief in the Chancery Court of Lewis County. Any judicial proceedings and relief shall

be in accordance with the provisions of Tennessee Code Annotated, § 69-3-127.

(b) When the control authority finds that a user has violated, or continues to violate, any provisions of this chapter, an individual wastewater discharge permit or a general permit, order issued hereunder, or any other pretreatment standard or requirement, the City of Hohenwald, through the city attorney, may petition the court for the issuance of a temporary or permanent injunction or both (as may be appropriate) which restrains or compels the specific performance of the individual wastewater discharge permit or general permit, order, or other requirement imposed by this chapter on activities of the user.

(c) The City of Hohenwald may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(2) Civil penalties.

(a) A user who has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit or general permit, an order issued hereunder, or any pretreatment standard or requirement shall be liable to the City of Hohenwald for a maximum civil penalty of ten thousand dollars (\$10,000.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(b) The City of Hohenwald may recover reasonable attorneys' fees, court costs, engineering fees, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

(c) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, connective actions by the user, the compliance history of the user, and any other factor as justice requires.

(d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(3) Criminal prosecution. Any violation of this chapter is subject to criminal prosecution as ascertained in Tennessee Code Annotated, § 40-35-3.

(4) Remedies nonexclusive. The remedies provided for in this chapter are not exclusive. The control authority may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City of Hohenwald enforcement response plan; however, the control authority may take other action against any user when the circumstances warrant. Further, the control

authority is empowered to take more than one enforcement action against any noncompliant user. (Ord. #664, Dec. 2011)

18-215. Affirmative defenses to discharge violations. (1)

Treatment upset.

(a) Any user which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation, shall inform the control authority thereof immediately upon becoming aware of the upset.

(b) A user who wishes to establish affirmative defense of a treatment upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and the user can identify the cause(s) of the upset;

(ii) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(iii) The user has submitted the following information to the control authority within twenty-four (24) hours of becoming aware of the upset (where such information is provided orally, a written report thereof shall be filed by the user within five days). The report shall contain:

(A) A description of the indirect discharge and cause of noncompliance;

(B) The duration of noncompliance, including exact dates and times of noncompliance, and, if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored; and

(C) All steps taken or planned to reduce, eliminate, and prevent recurrence of such an upset.

(c) A user which complies with the notification provisions of this section in a timely manner shall have an affirmative defense to any enforcement action brought by the City of Hohenwald for any noncompliance with this chapter, or an order or industrial wastewater discharge permit or general permit issued hereunder to the significant industrial user, which arises out of violations attributable and alleged to have occurred during the period of the documented and verified upset.

(d) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(e) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(f) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(2) **Prohibited discharge standards.** A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 18-204(3)(a) or the specific prohibitions in § 18-204(3)(b)(i) through (b)(xvi) of this chapter if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either:

(a) A local limit exists for each pollutant discharge and the user was in compliance with each limit directly prior to, and during, the pass-through or interference; or

(b) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the control authority was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

The affirmative defense outlined in this section does not apply to the specific prohibitions in § 18-204(3)(b)(i), (iii), and (xv).

(3) **By-pass.**

(a) For the purposes of this section:

(i) "By-pass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.

(ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a by-pass. Severe property damage does not mean economic loss caused by delays in production,

(b) By-pass not violating applicable pretreatment standards or requirements. A user may allow any by-pass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These by-passes are not subject to the provision of paragraphs (c) and (d) below.

(c) By-pass notification.

(i) If a user knows in advance of the need for a by-pass, it shall submit prior notice to the control authority, if possible at least ten (10) days before the date of the by-pass.

(ii) A user shall submit oral notice of an unanticipated by-pass that exceeds applicable pretreatment standards to the

control authority within twenty-four (24) hours from the time the user becomes aware of the by-pass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the by-pass. The written submission shall contain a description of the by-pass and its cause; the duration to the by-pass, including exact dates and times, and, if the by-pass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the by-pass. The control authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(d) Prohibition of a by-pass.

(i) By-pass is prohibited, and the control authority may take enforcement action against a user for a by-pass, unless:

(A) The by-pass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There was no feasible alternative to the by-pass, including the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a by-pass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The user properly notified the control authority as required by paragraph (3)(c) above.

(ii) The control authority may approve an anticipated by-pass, after considering its adverse effects, if the control authority determines that it will meet the three conditions listed in paragraph (d)(i) above. (Ord. #664, Dec. 2011)

18-216. Miscellaneous provisions. (1) Pretreatment charges and fees. The City of Hohenwald may adopt reasonable fees for reimbursement of costs of setting up and operating the city's pretreatment program, which may include:

(a) Fees for wastewater discharge permit applications including the cost of processing such applications;

(b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing the user's discharge, and reviewing monitoring reports and certification statements submitted by users;

(c) Fees for reviewing and responding to accidental discharge procedures and construction;

(d) Fees for filing appeals;

(e) Fees to recover administrative and legal costs (not included in subsection (1)(b) above) associated with the enforcement activity taken by the control authority to address user noncompliance; and

(f) Other fees the city may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees and penalties chargeable by the city.

(2) Conflict. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of such inconsistency or conflict.

(3) Enforcement response plan¹. This plan is adopted by reference. (Ord. #664, Dec. 2011)

APPENDIX A: Pollutant parameters. Pollutant parameters (subject to change by addenda applicable to "pass-through limitations" issued by the state. The year for each revision will be indicated in the top left hand corner of Appendix A.)

TABLE A1: Specific Pollutant Limitations (2011)

Parameter	Max. concentration in 24-hour flow proportional composite sample (mg/l)	Maximum instantaneous concentration grab sample (mg/l)
Arsenic	0.2355	0.471
Benzene	0.10	0.20
BOD ₅	300	450
Cadmium	0.07	0.14
Carbon tetrachloride	0.25	0.50
Chloroform	0.65	1.30
Chromium	2.40	4.80
Copper	0.56	1.12
Cyanide	0.06	0.12
Ethylbenzene	0.25	0.50

¹The enforcement response plan for the City of Hohenwald (and any amendments) is available in the office of the city recorder.

TABLE A1: Specific Pollutant Limitations (2011)

Parameter	Max. concentration in 24-hour flow proportional composite sample (mg/l)	Maximum instantaneous concentration grab sample (mg/l)
Lead	0.06	0.12
Mercury	0.0001	0.0002
Methylene chloride	0.70	1.40
Molybdenum	0.27	0.54
Naphthalene	0.08	0.16
Nickel	0.3026	0.6052
Phenols, total	3.00	6.00
Phthalates, total	1.00	2.00
Selenium	0.0022	0.0044
Silver	0.07	0.14
Toluene	1.00	2.00
Zinc	2.70	5.40
Oil and grease	100	150
Tetrachloroethylene	0.25	0.50
Trichloroethylene	0.14	0.28
1,1,1-Trichloroethane	1.60	3.2
1,2-Transdichloroethylene	0.05	0.10
Total suspended solids, TSS	300	450

*Based on 24-hour flow proportional composite samples except for parameters that should be grab sampled.

* f/l = fibers/liter

Any user discharging wastewater having pollutants in excess of the concentrations listed above may be subject to penalties and/or surcharges as outlined in § 18-206 and in §§ 18-213, 18-214, and 18-215.

TABLE A2: Criteria to Protect the POTW Treatment Plant Influent (2011)

Pollutant	Daily average* maximum concentration (mg/l)	Instantaneous maximum concentration (mg/l)
1,1,1 -Trichloroethane	0.06	0.12
1,2 Transdichloroethylene	0.003	0.006
Arsenic	0.00086	0.00172
Benzene	0.00545	0.0109
Cadmium	0.00764	0.00152
Carbon tetrachloride	0.03	0.060
Chloroform, total	0.100	0.200
Chromium	0.1764	0.3528
Copper	0.0583	0.1166
Cyanide	0.0098	0.0196
Ethylbenzene	0.008	0.016
Lead	0.0038	0.0076
Mercury	0.0001	0.0002
Methylene chloride	0.10	0.20
Molybdenum	0.000547	0.00109
Naphthalene	0.0025	0.005
Nickel	0.00733	0.01466
Phenols, total	0.0943	0.1886
Phthalates, total	0.126	0.252
Selenium	0.0027	0.0054
Silver	0.00557	0.01114
Toluene	0.0245	0.0490
Tetrachloroethylene	0.0625	0.1250

TABLE A2: Criteria to Protect the POTW Treatment Plant Influent (2011)

Pollutant	Daily average* maximum concentration (mg/l)	Instantaneous maximum concentration (mg/l)
Trichloroethylene	0.02	0.04
Zinc	0.1296	0.2592

Analyses for all pollutants listed in TABLE A2 shall be conducted in accordance with the requirements of 40 C.F.R. part 136 or equivalent methods approved by the United States Environmental Protection Agency. The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless otherwise indicated. (Ord. #664, Dec. 2011)

CHAPTER 3**SUPPLEMENTARY SEWER REGULATIONS¹****SECTION**

- 18-301. Definitions.
- 18-302. Use of public sewers required.
- 18-303. Private sewage disposal.
- 18-304. Building sewers and connections.
- 18-305. Use of the public sewers.
- 18-306. Protection from damage.
- 18-307. Powers and authority of inspectors.
- 18-308. Violations.

18-301. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

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

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

(3) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(4) "Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

(5) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(6) "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

(7) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

¹Municipal code references

Plumbing: title 12, chapter 2.

Sewer use: title 18, chapter 2.

Water and sewer: title 18, chapter 1.

(8) "Person" shall mean any individual, firm, company, association, society, corporation, or group.

(9) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

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

(11) "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and controlled by public authority.

(12) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

(13) "Sewage" shall mean a combination of the watercarried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

(14) "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

(15) "Sewage works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

(16) "Sewer" shall mean a pipe or conduit for carrying sewage.

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

(18) "Slug" shall mean any discharge water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

(19) "Storm drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(20) "Superintendent" shall mean the superintendent of sewage works and/or of water pollution control of the city, or his authorized deputy, agent, or representative.

(21) "Suspended solids" shall mean solids that are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(22) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently. (1982 Code, § 13-201)

18-302. Use of public sewers required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Hohenwald, or in any area under its jurisdiction, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the City of Hohenwald or in any area under its jurisdiction, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

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

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within ninety (90) days after date of official notice to do so, provided that said public sewer is within two hundred feet (200') of the property line. (1982 Code, § 13-202)

18-303. Private sewage disposal. The disposal of sewage by means other than the use of the sanitary sewage system shall be in accordance with local and state laws. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the sanitary sewage system is not available. (1982 Code, § 13-203)

18-304. Building sewers and connections. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

(2) There shall be two (2) classes of building sewer permits:

(a) For residential and commercial service; and

(b) For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent.

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

(4) A separate and independent building sewer shall be provided for every building except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.

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

(6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice, No. 9 shall apply.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

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

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

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

(11) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (1982 Code, § 13-204)

18-305. Use of the public sewers. (1) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(2) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Tennessee Stream Pollution Control Board. Industrial cooling water or unpolluted process waters may be discharged, on approval of

the Tennessee Stream Pollution Control Board, to a storm sewer or natural outlet.

(3) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, to create a public nuisance, or to create any hazard in the receiving waters of the sewage treatment plant.

(c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(4) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree or treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150° F) (sixty-five degrees Centigrade (65° C)).

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32°) and one hundred fifty degrees (150°) Fahrenheit (zero degrees (0°) and sixty-five degrees (65°) Centigrade).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor

of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.

(d) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc, cyanide, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent and/or the Division of Sanitary Engineering, Tennessee Department of Public Health, for such materials.

(f) Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

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

(h) Any waters or wastes having a pH in excess of 9.5.

(i) Materials which exert or cause:

(i) Unusual concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(ii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(iii) Unusual BOD (above three hundred (300) mg/l), chemical oxygen demand, or chlorine requirement in such quantities as to constitute a significant load on the sewage treatment works.

(iv) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(k) Waters or wastes containing suspended solids in excess of three hundred (300) mg/l.

(5) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (4) of this section, and which in the

judgment of the superintendent and/or the Division of Sanitary Engineering, Tennessee Department of Public Health, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge; and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (10) of this section.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent and the Tennessee Department of Public Health and subject to the requirements of all applicable codes, ordinances, and laws.

(6) Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be so located as to be readily and easily accessible for cleaning and inspection.

(7) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(8) When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(9) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily

accepted methods to reflect the effect of constituent upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pHs are determined from periodic grab samples.)

(10) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the municipality for treatment, subject to payment therefor by the industrial concern. (1982 Code, § 13-205)

18-306. Protection from damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (1982 Code, § 13-206)

18-307. Powers and authority of inspectors. (1) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private properties referred to in subsection (1) of this section, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the municipal employees, and the city shall indemnify the company against loss or damage to its property by municipal employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operations, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 18-205(8).

(3) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entries and subsequent work, if any, on said easement

shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (1982 Code, § 13-207)

18-308. Violations. (1) Any person found to be violating any provision of this chapter except § 18-306 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in subsection (1) of this section shall be guilty of a misdemeanor, and on conviction thereof shall be fined under the general penalty clause for this municipal code of ordinances.

(3) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation. (1982 Code, § 13-208)

CHAPTER 4**SEWAGE AND HUMAN EXCRETA DISPOSAL**¹**SECTION**

- 18-401. Definitions.
- 18-402. Places required to have sanitary disposal methods.
- 18-403. When a connection to the public sewer is required.
- 18-404. When a septic tank shall be used.
- 18-405. Registration and records of septic tank cleaners, etc.
- 18-406. Use of pit privy or other method of disposal.
- 18-407. Approval and permit required for septic tanks, privies, etc.
- 18-408. Owner to provide disposal facilities.
- 18-409. Occupant to maintain disposal facilities.
- 18-410. Only specified methods of disposal to be used.
- 18-411. Discharge into watercourses restricted.
- 18-412. Pollution of ground water prohibited.
- 18-413. Enforcement of chapter.
- 18-414. Carnivals, circuses, etc.
- 18-415. Violations.

18-401. Definitions. The following definitions shall apply in the interpretation of this chapter:

(1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred feet (200') of any boundary of said property measured along the shortest available right-of-way;

(2) "Approved septic tank system." A water-tight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than seven hundred fifty (750) gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Environment and Conservation as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four feet (4') should be provided with a minimum depth of air space above the liquid of one foot (1'). The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than

¹Municipal code references

Building utilities and residential codes: title 12

Plumbing code: title 12, chapter 2

Refuse disposal: title 17

three (3) times the width. The liquid depth should not exceed five feet (5'). The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data;

(3) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent;

(4) "Human excreta." The bowel and kidney discharges of human beings;

(5) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer;

(6) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented;

(7) "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments;

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1982 Code, § 8-301)

18-402. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1982 Code, § 8-302)

18-403. When a connection to the public 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 said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1982 Code, § 8-303)

18-404. When a septic tank shall be used. Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the

health officer and the installation shall be under the general supervision of the department of health. (1982 Code, § 8-304)

18-405. Registration and records of septic tank cleaners, etc. Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1982 Code, § 8-305)

18-406. Use of pit privy or other method of disposal. Wherever a sanitary method of human excreta disposal is required under § 18-402 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1982 Code, § 8-306)

18-407. Approval and permit required for septic tanks, privies, etc. Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1982 Code, § 8-307)

18-408. Owner to provide disposal facilities. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-402, or the agent of the owner to provide such facilities. (1982 Code, § 8-308)

18-409. Occupant to maintain disposal facilities. 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 and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1982 Code, § 8-309)

18-410. Only specified methods of disposal to be used. 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. (1982 Code, § 8-310)

18-411. Discharge into watercourses restricted. No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1982 Code, § 8-311)

18-412. Pollution of ground water prohibited. No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1982 Code, § 8-312)

18-413. Enforcement of chapter. It shall be the duty of the health 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 shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace, and failure to remove such menace immediately shall be punishable under the general penalty clause for this code; but such person shall be allowed the number of days herein provided within which to make permanent correction. (1982 Code, § 8-313)

18-414. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1982 Code, § 8-314)

18-415. Violations. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1982 Code, § 8-315)

CHAPTER 5

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-501. Testing of devices.
- 18-502. Penalty.
- 18-503. Definitions.
- 18-504. Construction, operation, and supervision.
- 18-505. Statement required.
- 18-506. Fees.
- 18-507. Penalty; discontinuance of water supply.

18-501. Testing of devices. (1) Devices shall be tested at least annually by a person possessing valid certification from the Tennessee Department of Environment and Conservation, Division of Drinking Water (or its successor) for the testing of such devices. Records of all tests shall be provided to the Hohenwald Water and Sewer Department. Personnel of the Hohenwald Water and Sewer Department shall have the right to inspect and test the devices whenever deemed necessary by the director. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

(2) Reduced pressure backflow prevention devices shall be located a minimum of twelve inches (12") plus the nominal diameter of the device above the floor surface. Maximum height above the floor surface shall not exceed sixty inches (60").

(3) Clearance of device from wall surfaces or other obstructions shall be a minimum of six inches (6").

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

(5) Devices shall be positioned where discharge from relief port will not create undesirable conditions.

(6) An approved air-gap shall separate the relief port from any drainage system.

¹Municipal code references

Plumbing code: title 12.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

(7) An approved strainer, fitted with a test cock, shall be installed immediately upstream of the backflow device or shut-off valve before strainer.

(8) Devices shall be located in an area free from submergence or flood potential. (Ord. #566, May 2003)

18-502. Penalty. Any person who neglect or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and subject to a fine of up to one hundred dollars (\$100.00) on the first offense and five hundred dollars (\$500.00) for each offense thereafter within any five (5) year period.

Independent of and in addition to fines and penalties, the director may discontinue the public water supply service at any premises upon which there is found to be a cross connection, auxiliary intake, by-pass or inter-connection, and service shall not be restored until such cross connection, auxiliary intake, by-pass, or inter-connection has been discontinued. (Ord. #566, May 2003)

18-503. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(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 must be at least twice the inside diameter of the supply line, but not less than two inches (2"). Where a discharge line serves as receiver, the air gap separation shall be at least twice the diameter of the discharge line, but not less than two inches (2").

(2) "Approved" shall mean that the device or method is accepted by the Tennessee Department of Environment and Conservation and the director as meeting specifications suitable for the intended purpose.

(3) "Atmospheric vacuum breaker" shall mean a device which prevents back siphonage by creating an atmospheric vent when there is either a negative pressure or subatmospheric pressure in the water system.

(4) "Auxiliary intake" shall mean any water supply, on or available to premises, other than that directly supplied by the public water system.

(5) "Back siphonage" 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.

(6) "Backflow" shall mean the reversal of the intended direction of flow in a piping system.

(7) "By-pass" 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 arrangement whereby a public water supply 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 supply as a result of backflow. By-pass 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) "Department" shall mean the Hohenwald Water and Sewer Department.

(10) "Director" shall mean the director of the Hohenwald Water and Sewer Department of the City of Hohenwald, his authorized deputy, agent or representative.

(11) "Double check detector assembly" shall mean an assembly of two (2) independently operating spring loaded check valves with a water meter (protected by another check valve or a reduced pressure backflow prevention device, depending upon degree of hazard) connected across the check valves, and with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for testing each part of the assembly.

(12) "Double check valve assembly" shall mean an assembly of two (2) independently operating spring loaded check valves with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for testing each check valve.

(13) "Fire protection systems." (a) Class 1 shall be those with direct connections from the 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, and having storage tanks filled from the public water system, with the water maintained in potable condition.

(d) Class 4 shall be those with direct connection from the public water mains and having an auxiliary water supply dedicated to fire protection and available to the premises.

(e) Class 5 shall be those with direct connection from the public water mains and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to contamination, or from rivers, ponds, wells, or 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.

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

(15) "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.

(16) "Public water supply" shall mean the Hohenwald waterworks system, which furnishes water to the city for general use and which is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

(17) "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 shut-off valves on each side of the check valves plus properly located test cocks for the testing of the check valves and the relief valve. (Ord. #566, May 2003)

18-504. Construction, operation, and supervision. Construction and operation subject to approval of Tennessee Department of Environment and Conservation; under supervision of director.

(1) Compliance with Tennessee Code Annotated. The water department of the City of Hohenwald is to comply with Tennessee Code Annotated, §§ 68-13-701 through 68-13-719, as well as the rules and regulations for public water systems, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses.

(2) Regulated. (a) 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 Health and Environment and Conservation, and the operation of such cross connection, auxiliary intake, by-pass or inter-connection is at all times under the direction of the Director of the Hohenwald Water and Sewer Department.

(b) If, in the judgment of the director, or his designated agent, an approved backflow prevention device is required at the city's water service connection to the customer's premises, or at points within the premises, to protect the potable water supply, the director shall compel the installation and maintenance of said device at the owner's expense.

(c) For new installations, the department shall inspect the site and/or review plans in order to determine the type of backflow prevention device, if any, that will be required and notify the owners in writing of the required device. All required devices must be installed and operable prior to initiation of water service.

(d) For existing premises, the department shall perform evaluation and inspections and shall require correction of violations in accordance with this chapter.

(3) Plumbing permit required. No installation, alteration or change shall be made of any backflow prevention device connected to the public water supply for water supply, fire protection or any other purpose without first notifying the Hohenwald Water Department in charge of cross connections for reinspection.

(4) Inspections. The director 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 reinspection based on potential health hazards involved shall be established by the director in accordance with guidelines acceptable to the Tennessee Department of Environment and Conservation. The director or authorized representative shall have the right to enter at any reasonable time any property served by a connection to the City of Hohenwald Public Water System for the purpose of inspecting the piping system therein for cross connections, auxiliary intakes, bypasses, or inter connections, or for the testing of backflow prevention devices. On request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding the piping system on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

(5) Corrections of violations. (a) 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 existing conditions and an appraisal of time required to complete the work, the amount of time shall be designated by the director, but in no case shall the time for correction exceed ninety (90) days.

(b) Where cross connections, auxiliary intakes, bypasses, or interconnections are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the director of the water system shall require that immediate corrective action be taken, to eliminate the threat to the public water system.

(c) Expeditious steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard is corrected immediately, subject to the right to a due process hearing upon timely request. The time allowed for preparation for a due process hearing shall be in relationship with the risk of hazard to the public; and may follow disconnection when the risk of public health and safety in the opinion of the director warrants disconnection prior to a due process hearing.

(d) The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and Tennessee Code Annotated, § 68-13-711, within the time limits set by the Director of the City of Hohenwald System, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the director shall give the customer legal notification that the water service is to be discontinued, and physically separate the public water system from the customer's on-site piping system 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 of public health and safety in the opinion of the director warrant disconnection prior to a due process hearing.

(6) Required protective device. (a) Where the nature of use of the water supplied a premises by the water system is such that it is deemed:

(i) Impractical to provide an effective air-gap separation;

(ii) The owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the director or his designated representative that the water use and protective features of the plumbing are such as to pose no threat to the safety or potability of the water;

(iii) The nature and mode of operation within a premises are such that frequent alterations are made to the plumbing; or

(iv) The nature of the premises is such that the use of the structure may change to a use wherein backflow prevention is required;

(v) There is a likelihood that protective measures may be subverted, altered, or disconnected; or

(vi) The plumbing from a private well enters the building served by the public water supply; then the director shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein.

(b) The protective devices shall be of the type approved by the Tennessee Department of Environment and Conservation and the director as to manufacture, model, size and application. The method of installation of backflow protective devices shall be approved by the director prior to installation and shall comply with the criteria set by the Tennessee Department of Environment and Conservation and with the installation criteria set forth in subsection (e) below. The installation shall be at the expense of the owner or occupant of the premises.

(c) Applications requiring backflow prevention devices include, but are not limited to, service and/or fire flow connections for most commercial and educational buildings, construction sites, all industrial,

institutional, and medical facilities, all fountains, lawn irrigation systems, swimming pools, softeners and other point of use treatment systems, and on all fire hydrant connections other than by the fire department in combating fires.

(i) Class 1, Class 2, and Class 3 fire protection systems generally shall require a double check detector assembly, except a reduced pressure backflow prevention device shall be required where:

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

(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.

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

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

(d) Plumbing for commercial and educational buildings wherein backflow prevention devices are not immediately required shall be designed to accommodate such devices in conformance with standards for such devices, including the required drains.

(e) Additionally, the director may require internal and/or additional backflow prevention devices wherein it is deemed necessary to protect potable water supplies within the premises.

(f) Installation criteria. Minimum acceptable criteria for the installation of reduced pressure zone type backflow prevention devices, double check valve assemblies, pressure vacuum breakers, or other devices requiring regular inspection and testing shall include the following:

(i) All devices shall be installed in accordance with the manufacturer's installation instructions, and shall possess all test cocks and fittings required for testing the device. All fittings shall permit direct connection to department test devices.

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

(iii) Reduced pressure backflow prevention devices shall be located a minimum of twelve inches (12") plus the nominal diameter of the device above the floor surface. Maximum height above the floor surface shall not exceed sixty inches (60").

(iv) Clearance of device from wall surfaces or other obstruction shall be a minimum of six inches (6").

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

(vi) Devices shall be positioned where discharge from relief port will not create undesirable conditions.

(vii) An approved air-gap shall separate the relief port from any drainage system.

(viii) An approved strainer, fitted with a test cock, shall be installed immediately upstream of the backflow device or shut-off valve before strainer.

(ix) Devices shall be located in an area free from submergence or flood potential.

(x) A gravity drainage system is required on all installations. Generally, below ground installations will not be permitted. On certain slopes where installations below ground level may be permitted, a single or multiple gravity drain system may be used provided that the single drain line is at least four (4) times the area of the relief port or that the multiple drain lines are at least two and one-half (2 1/2) times the area.

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

(xii) High volume fire pumps shall be equipped with a suction lining control to modulate the pump if the suction pressure approaches 10 psi. Ideally, such pumps should draw from an in-house reservoir fed by several supply lines. If any of the supply lines have a source other than the public water supply, all supply lines must have air-gap discharges into the reservoir.

(g) Personnel of the Hohenwald Water and Sewer Department shall have the right to inspect and test the device on an annual basis or whenever deemed necessary by the director. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

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

the premises to make all repairs indicated promptly, and to keep any protective device working properly. The expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel, acceptable to the director. The failure to maintain a backflow prevention device in proper working order shall be grounds for discontinuance of water service to premises.

Likewise the removal, bypassing, or altering of a protective device or the installation thereof so as to render a device ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the director.

(i) Testing of devices. Devices shall be tested at least annually by a person possessing valid certification from the Tennessee Department of Environment and Conservation, Division of Drinking Water (or its successor) for the testing of such devices. Records of all tests shall be provided to the Hohenwald Water and Sewer Department. Personnel of the Hohenwald Water and Sewer Department shall have the right to inspect and test the devices whenever deemed necessary by the director. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

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

WATER UNSAFE FOR DRINKING

(b) The minimum acceptable sign shall have black letters at least one inch (1") high located on a red background.

(c) Color-coding of pipelines in accordance with Occupational Safety and Health Act guidelines may be required in locations where, in the judgment of the director, such color-coding is necessary to identify and protect the potable water system.

(8) Provision applicable. The requirements contained herein shall apply to all premises served by the Hohenwald public water system whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. This "cross connection" ordinance shall be rigidly enforced since it is essential for the protection of the water distribution system against the entrance of contamination. Any person aggrieved by the action of the director is entitled to a due process hearing upon timely request. (Ord. #566, May 2003)

18-505. Statement required. Any person whose premises are supplied with water from the public water supply, 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 stored therein is circulated through a piping system, shall file with the director a statement of the nonexistence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connections, auxiliary intake, by-pass, or inter-connection will be permitted upon the premises. (Ord. #566, May 2003)

18-506. Fees. (1) No fee shall be charged for the initial or annual test of a backflow prevention device by the water and sewer department's cross connection control officer provided the device tests satisfactorily and there are not deficiencies in the installation. In the event that a backflow prevention device fails the initial or annual test, or there are deficiencies in the installation either from failure to conform to the installation criteria specified within this chapter or from deterioration, then the cross connection control officer shall issue a written notice of failure/deficiency. There shall be no fee for reinspection by the cross connection control officer, provided the failure/deficiency is corrected within thirty (30) days of the written notice.

(2) Whenever a failure/deficiency mentioned in subsection (1) is not corrected within thirty (30) days of written notification, a fee shall be charged for retesting by the cross connection control officer. The amount of this fee shall be set and adjusted as necessary by the city council based upon the recommendations of the director of the water and sewer department to reflect the cost of providing cross-connection control. Unless adjusted by the city council, the amount of this fee shall be twenty-five dollars (\$25.00).

(3) The fee shall be assessed each time a device is retested by the department subsequent to failure/deficiency after the initial thirty (30) day period mentioned in subsection (1). Where repeated reinspection and/or retesting are required to correct violations or deficiencies, the fee shall be assessed each time the inspection/test is repeated. (Ord. #566, May 2003)

18-507. Penalty; discontinuance of water supply. (1) Penalty. Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and subject to a fine of up to five hundred dollars (\$500.00) on the first offense and one thousand dollars (\$1,000.00) for each offense thereafter within any five (5) year period.

(2) Independent of and in addition to fines and penalties, the director may discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass or inter-connection, and service shall not be restored until such cross connection, auxiliary intake, by-pass or inter-connection, has been discontinued. (Ord. #566, May 2003)

CHAPTER 6

WATER CONSERVATION GUIDELINES

SECTION

- 18-601. Conditions.
- 18-602. Water watch.
- 18-603. Water warning--Tier I.
- 18-604. Water warning--Tier II.
- 18-605. Water emergency.
- 18-606. Base allocation.
- 18-607. Water appeal board.
- 18-608. Appeal and adjustment of the base allocation.
- 18-609. Premium rate for imprudent consumption.
- 18-610. Adjustment of premium rate charges.
- 18-611. Penalties.
- 18-612. Municipal infraction.
- 18-613. Reduction in flow of water to any person.

18-601. Conditions. (1) Water watch. A water watch may be declared when a water shortage or equipment failure poses potential threat to the ability of the water system to meet the needs of its customers currently or in the foreseeable future. Indicators of the need to impose a water watch include:

- (a) System operating at seventy-five percent (75%) of pumping capacity;
- (b) Moderate decrease in the pumping water level of wells; or
- (c) Moderate decrease in recovery rate of water level in our current wells.

(2) Water warning. A Tier I or Tier II water warning may be declared when a water shortage or equipment failure poses a serious threat to the ability of the water to meet the needs of its customers currently or in the foreseeable future. Indicators of the need to impose a Tier I water warning include:

- (a) System operating at eighty-five percent (85%) of pumping capacity;
- (b) Significant decrease in the pumping water level of wells; or
- (c) Significant decrease in recovery rate of water level in wells.

Indicators of the need to impose a Tier II water warning include severe system emergencies such as a chemical spill or major system failure.

(3) Water emergency. A water emergency may be declared when a water shortage or equipment failure poses a severe and immediate threat to the ability of the water system to meet the needs of its customers. Indicators of the need to impose water emergency include:

- (a) System operating at ninety-five percent (95%) of pumping capacity;
 - (b) Serious decrease in the pumping water level of wells; or
 - (c) Serious decrease in recovery rate of water level in wells.
- (Ord. #594, Aug. 2005)

18-602. Water watch. Under a water watch, all customers of the water utility are encouraged to limit or curtail all nonessential uses of water in order to conserve water resources during the time or shortage or equipment failure. Customers may be encouraged to comply with the following voluntary standards:

- (1) No watering of lawns, shrubs, or gardens between the hours of 8:00 A.M. and 8:00 P.M.
- (2) No water should be used to fill private swimming pools, children's wading pools, reflecting pools, or any other outdoor pool or pond.
- (3) No water should be used to wash streets, parking lots, driveways, sidewalks, or building exteriors.
- (4) No water should be used for nonessential cleaning of commercial and industrial equipment, machinery, and interior spaces.
- (5) Water should be served at restaurants only upon the request of the customer. (Ord. #594, Aug. 2005)

18-603. Water warning--Tier I. (1) Under a Tier I water warning, no person shall use potable processed water of the municipal water service in any manner contrary to the following:

- (a) Outdoor watering or irrigation of lawns is prohibited.
- (b) Outdoor watering of any kind is prohibited between the hours of 8:00 A.M. and 8:00 P.M. daily.
- (c) Water or irrigation of flower and vegetable gardens, trees and shrubs less than four (4) years old, and new seeding or sod is permitted once per week with an application not to exceed one inch (1").
- (d) Car washing is prohibited except in commercial establishments that provide that service.
- (e) No water shall be used to fill private swimming pools, children's wading pools, reflecting pools, or any other outdoor pool or pond.
- (f) No water shall be used to wash streets, parking lots, driveways, sidewalks or building exteriors.
- (g) No water shall be used for nonessential cleaning of commercial and industrial equipment, machinery and interior spaces.
- (h) Water shall be served at restaurants only upon the request of the customer.

(i) Use of water-consuming comfort air conditioning equipment which consumes in excess of five percent (5%) of the water circulating in such equipment is prohibited.

(j) Tank load water sales may be curtailed or eliminated.

(2) Water reclaimed or recycled after some primary use, such as water that has been used for washing or cooling, may be used without restriction. Additionally, water derived from the atmosphere by air conditioners or collected from rain or snow, may be used without restriction. (Ord. #594, Aug. 2005)

18-604. Water warning--Tier II. Under a Tier II warning, no person shall use potable processed water of the municipal water system in a manner contrary to the following:

(1) All outside water use, except for domestic, sanitation, and fire, is prohibited.

(2) All commercial and industrial use of water not essential in providing products or services is prohibited.

(3) Irrigation or agricultural crops is prohibited.

(4) Recreational and leisure water use, including lawn and golf course watering and other incidental or recreational use, is prohibited.

(5) Water use not necessary for the preservation of life or the general welfare of the community is prohibited. (Ord. #594, Aug. 2005)

18-605. Water emergency. Under a water emergency, Tier I water warning use restrictions will be in effect and, in addition, each customer will be afforded a monthly allocation of water. (Ord. #594, Aug. 2005)

18-606. Base allocation. The base allocation of water for residential use shall be three thousand (3,000) gallons per household per billing period. For commercial, industrial, or institutional use, the base allocation shall be established by resolution as a percentage of the average water use during the previous year. (Ord. #594, Aug. 2005)

18-607. Water appeal board. A water appeal board shall be appointed during any water warning or water emergency. The water appeal board shall consist of the mayor, city council and their duly appointed personnel. The water board shall hear appeals of any action taken pursuant to a water warning or water emergency. (Ord. #594, Aug. 2005)

18-608. Appeal and adjustment of the base allocation. Any person may file an appeal with the water appeal board to adjust the base allocation amount. The water appeal board may grant an adjustment to the appellant based upon the following criteria:

(1) For single-family residential use, the base allocation may be increased by one thousand (1,000) gallons per person per billing period for all

individuals residing at the appellant's residence for a period of more than thirty (30) days.

(2) For commercial, industrial, institutional or other residential uses, the base allocation may be increased based on factors appropriate to the individual customer, such as usage, production, service and occupancy data provided by the customer. (Ord. #594, Aug. 2005)

18-609. Premium rate for imprudent consumption. In addition to the water rates duly enacted by the mayor and city council, all persons shall pay a premium rate of one dollar (\$1.00) per one hundred (100) gallons of water consumed in excess of the base allocation. (Ord. #594, Aug. 2005)

18-610. Adjustment of premium rate charges. Any person may file for adjustment of the premium rate charges for imprudent water consumption with the water appeal board. The water appeal board may grant an adjustment of the premium rate charges in accordance with the following criteria:

(1) Adjustments may be granted for over consumption due to mechanical failures such as broken or leaky pipes or fixtures but not for over consumption due to human carelessness.

(2) The applicant shall furnish proof that the mechanical failure was repaired promptly. This should be in the form of a licensed plumber's invoice or statement or a materials receipt.

(3) The adjustment shall be granted only for the billing period prior to the correction of the failure.

(4) For those accounts granted an adjustment of the premium rate charges, the minimum adjusted rate shall be forty percent (40%) of the actual bill, which shall include the premium rate charges and sales tax. (Ord. #594, Aug. 2005)

18-611. Penalties. (1) The following penalties shall apply for violations of water warning use restrictions imposed under this chapter.

(a) First violation. For a first violation, the utility shall issue a written notice of violation to the water user violating the water use restrictions imposed during a water warning or water emergency.

(b) Second violation. For a second violation within a twelve (12) month period, a one (1) month surcharge shall be imposed in an amount equal to fifty percent (50%) of the previous month's water bill.

(c) Subsequent violations. For any subsequent violations within a twelve (12) month period, a one (1) month surcharge shall be imposed in an amount equal to fifty percent (50%) of the previous month's water bill and, in addition, the utility shall interrupt water service to that customer at the premises at which the violation occurred. Service shall not be restored until the customer has paid the reconnection fee and has

provided reasonable assurance that future violations of water warning or water emergency use restrictions will not occur.

(2) Any customer charged with a violation of the water warning or water emergency use restrictions may request a hearing before the water appeal board. The water appeal board may conclude that a violation did not occur or that the circumstances under which the violation occurred warrant a complete or partial mitigation of the penalty. (Ord. #594, Aug. 2005)

18-612. Municipal infraction. A second or subsequent violation of the water warning or water emergency use restrictions by any person within a twelve (12) month period constitutes a municipal infraction. Any person who, in making application to the water appeal board for adjustment of the base allocation or premium charges, intentionally provides false or incorrect statements or information commits a municipal infraction; which constitutes the right for fines not to exceed five hundred dollars (\$500.00). (Ord. #594, Aug. 2005)

18-613. Reduction in flow of water to any person. The superintendent is authorized, after giving notice and opportunity for hearing before the water appeal board, to reduce the flow of water to any person determined to be using water in any manner not in accordance with this chapter during a water warning or water emergency. (Ord. #594, Aug. 2005)

CHAPTER 7

WATER AND SEWER USER RATES

SECTION

18-701. Water and sewer user rates and fees.

18-701. Water and sewer user rates and fees. Water and sewer rate fees and all amendments are available in the city recorder's office.