

**TITLE 18**

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

**CHAPTER**

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3. SEWAGE.
4. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
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**CHAPTER 1**

**WATER**

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**18-101. Application and scope.** These rules and regulations are a part of all contracts for receiving water service from the municipality and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1963 Code, § 13-101)

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

(2) "Household" means any one (1) or more persons living together as a family group.

(3) "Service line" shall consist of the pipe line extending from any water main of the municipality to and including the water meter and meter box; provided that lines and/or meters installed for convenience of the customer to measure water that will not discharge into the municipality's sanitary sewer system will not be considered a service line.

(4) "Penalty date" shall mean the date ten (10) days after the due date of the bill, as established by the municipality except when some other date is provided by contract. The penalty date is the last date upon which water bills can be paid at net rates.

(5) "Single-family dwelling" means any single structure with auxiliary buildings, occupied by one household for residential purposes.

(6) "Multiple-family dwelling" means any structure designed for, or occupied by, more than one (1) and less than four (4) households with separate housekeeping and cooking facilities for each, for residential purposes.

(7) "Apartment building" means a single structure designed for, or occupied by four (4) or more households with separate housekeeping and cooking facilities for each, for residential purposes.

(8) "Unit" means a single household, with separate housekeeping and cooking facilities or single business.

(9) "Business" means any commercial or industrial establishment offering merchandise and/or services from a single outlet.

(10) "Tap and service fee" means the charge for providing service to a point back of the curb, assuming said curb line exists, and does not, in any manner, relate to materials and/or labor for providing said service. (1963 Code, § 13-102)

**18-103. Obtaining service.** A formal application for either original or additional service must be made and be approved by the municipality before

connection or meter installation orders will be issued and work performed. (1963 Code, § 13-103)

**18-104. Application and contract for service.** Each prospective customer desiring water service will be required to sign a standard form of contract before service is supplied. If, for any reason, a customer, after signing a contract for water service, does not take the service by reason of not occupying the premises or otherwise, he shall reimburse the municipality for the expense incurred by reason of its endeavor to furnish said service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the municipality to render the service applied for. If the service applied for cannot be supplied in accordance with these rules, regulations and general practice, the liability of the municipality to the applicant for such service shall be limited to the return of any deposit made by such applicant. (1963 Code, § 13-104)

**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 used. (1963 Code, § 13-105)

**18-106. Connection charges.** Service lines will be laid by the city from the water main to a point near the property line at the expense of the applicant for the service. The location of such lines shall be determined by the city.

Before a new service line will be laid by the city, the applicant shall pay a tap and service fee under such rate schedules as the city may from time to time adopt by resolution.<sup>1</sup> (1963 Code, § 13-106)

**18-107. Main extensions.** The extension of water mains and appurtenances shall be subject to approval by the mayor and council. Prospective customers and/or developers requesting mains and appurtenances, extensions to any area outside the corporate limits and/or any undeveloped area within the corporate limits will pay all costs of installation, except as provided, hereinafter, and be subject to standards and regulations adopted by the city. Upon completion of such extensions and their approval by the municipality, such water mains shall become the property of the municipality. The persons paying the cost of such mains shall execute any written instruments requested by the municipality to provide evidence of the municipality's title to such mains. The provisions of title 18, chapter 1, and its sections shall apply to all areas where the municipality provides service.

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<sup>1</sup>Resolutions are of record in the office of the city clerk.

For installations under this section, cement-lined cast iron pipe, Class 150 American Water Works Association Standard, Class 150 asbestos cement water pipe, or ductile iron pipe and any other pipe approved by the American Water Works Association, if recommended by the director of public works and approved by the mayor and councilmen will be used. Pipe not less than six (6) inches in diameter shall be used in any main installed, on public property or easements granted to the city, as an integral part of the city's public water system; provided that, under certain conditions, primarily in rural areas, approved by the director of public works, smaller lines may be used for distribution to a limited number of customers on existing public roads or for circulation of water in limited areas. No line with diameter of less than six (6) inches may be used where fire protection may be required.

The city reserves the option to provide lines and appurtenances with diameter greater than minimum standards required for service area; provided, that, the mayor and councilmen exercise the option, the city will assume cost of pipe and appurtenances in excess of minimum standards.

All lines and appurtenances shall be installed either by municipal forces or by other forces working directly under the supervision of the municipality.

Fire hydrants will be installed on all mains where accessible to fire fighting apparatus at a distance not to exceed seven hundred (700) feet between hydrants. (1963 Code, § 13-107)

**18-108. Limited service areas.** In rural areas where limited water service is provided, as authorized in § 18-107, the customer will pay all costs of materials and the city may provide labor cost for installation of line and appurtenances. The customer shall execute a rural water service contract as prepared and approved by the city manager. The customer will be required to pay tap and service fees and other appropriate charges as required by city policy or code. The city reserves the sole right of decision for such installation and to limit number of customers served by any water line or less than six (6) inches in diameter wherever it may be located.

The authority to make water main extensions contained in this section is permissive only and nothing contained herein shall be construed as permitting any person or persons to install mains or extensions to serve subdivisions or multiple lot developments, except as provided in § 18-107, or current subdivision regulations. (1963 Code, § 13-108)

**18-109. Variances from and effect of preceding rules as to extensions.** Whenever the governing body is of the opinion that it is to the best interest of the water system to construct a water main extension without requiring strict compliance with §§ 18-107 and 18-108, such extension may be constructed upon such terms and conditions as shall be approved by a majority of the members of the governing body. The authority to make water main extensions under §§ 18-107 and 18-108 is permissive only and nothing contained

therein shall be construed as requiring the municipality to make water main extensions or to furnish service to any person or persons. (1963 Code, § 13-109)

**18-110. Meters.** All meters shall be installed, tested, repaired, and removed by the municipality.

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 municipality. 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. (1963 Code, § 13-110)

**18-111. Meter tests.** The municipality 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 municipality 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 accordance with fees the municipality may from time to time adopt by resolution.<sup>1</sup> If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the municipality. (1963 Code, § 13-111)

**18-112. Schedule of rates.** All water furnished by the municipality shall be measured or estimated in gallons to the nearest multiple of 1,000 and shall be furnished under such rate schedules as the municipality may from time to time adopt by resolution.<sup>1</sup> (1963 Code, § 13-112)

**18-113. Multiple services through a single meter.** No customer shall supply water service to more than one business, single or multiple family

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dwelling from a single service line and meter; provided, that an apartment or business building containing four (4) or more households, offices or business units may, upon receiving written permission of the municipality, receive water service from a single meter registered in the name of the owner, manager or agent of the property. Multiple buildings and/or structures will not be served from a single meter, except as provided below.

Where the municipality allows more than one such single-family or multiple-family dwelling, or business to be served, through a single service line and meter, the amount of water used by all the offices, households, and/or business units served through a single service line and meter shall be allocated to each separate such unit served. The water charge, for each such unit thus served, shall be computed just as if each such unit had received through a separately metered service the amount of water so allocated to it, such computation to be made at the municipality's applicable water rate schedule, including the provisions as to minimum bills for the size meter ordinarily used to serve such unit. The separate charges for each unit 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.

Provided, however, that this provision relating to multiple services through a single meter shall not pertain to the sale of water where such sale is made to a Public Housing Authority and/or a non-profit organization sponsoring low rent or rent supplement housing projects. A single service line and water meter may be permitted for each separate Public Housing Authority project, and/or, each group or complex of buildings, sponsored by a non-profit organization for use by low income residents, approved, by the municipality. The service will be billed at the established rate. Any change in status of ownership to private or profit-making organization shall void privileges granted in this paragraph. (1963 Code, § 13-113)

**18-114. Billing.** Bills for residential service will be rendered monthly on billing dates and/or periods specified by the municipality.

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

Water bills must be paid on or before the penalty date shown thereon in order 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 penalty date.

In the event a bill is not paid on or before the penalty 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 penalty date. The municipality 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 any time on the date that service is actually discontinued.

Should the final date of payment of bill at the net rate fall on Saturday, 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 municipality if the envelope is date-stamped on or before the final date for payment of the net amount. (1963 Code, § 13-114)

**18-115. Discontinuance or refusal of service.** The governing body shall have the right to discontinue 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 customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service by the municipality 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. (1963 Code, § 13-115)

**18-116. Reconnection charges.** Whenever service has been discontinued as provided for above, a reconnection charge in accordance with fees the municipality may from time to time adopt by resolution<sup>1</sup> shall be collected by the city clerk before service is restored. (1963 Code, § 13-116)

**18-117. 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 municipality 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 municipality 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

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charges for such service. If the municipality 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 municipality 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. (1963 Code, § 13-117)

**18-118. Access to customer's premises.** The municipality'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 municipality, and for inspecting customer's plumbing and premises generally in order to secure compliance with these rules and regulations. (1963 Code, § 13-118)

**18-119. Inspections.** The municipality shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time. The municipality reserves the right to refuse service or 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 municipality.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the municipality liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made. (1963 Code, § 13-119)

**18-120. 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 municipality shall be and remain the property of the municipality. Each customer shall provide space for and exercise proper care to protect the property of the municipality on his premises. In the event of loss or damage to such property, arising from the neglect of a customer to properly care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1963 Code, § 13-120)

**18-121. Customer's responsibility for violations.** Where the municipality furnishes water 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. (1963 Code, § 13-121)

**18-122. Supply and resale of water.** All water shall be supplied within the municipality exclusively by the municipality 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 municipality. (1963 Code, § 13-122)

**18-123. Unauthorized use or interference with water supply.** No person shall turn on or turn off any of the municipality's stop cocks, valves, hydrants, spigots or fire plugs without permission or authority from the municipality. (1963 Code, § 13-123)

**18-124. 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 municipality.

All private fire hydrants shall be sealed by the municipality, 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 municipality a written notice of such occurrence. (1963 Code, § 13-124)

**18-125. Damages to property due to water pressure.** The municipality 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 municipality's water mains. (1963 Code, § 13-125)

**18-126. Liability for cutoff failures.** The municipality'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 municipality has failed to cut off such service.

(2) The municipality has attempted to cut off a service but such service has not been completely cut off.

(3) The municipality 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 municipality's main.

Except to the extent stated above, the municipality 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 municipality's cutoff. Also, the customer (and not the municipality) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1963 Code, § 13-126)

**18-127. Restricted use of water.** In times of emergencies or in times of water shortage, the municipality 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. (1963 Code, § 13-127)

**18-128. Interruption of service.** The municipality will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The municipality 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 system, the water supply may be shut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The municipality 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. (1963 Code, § 13-128)

**18-129. Fluoridation.** The director of the water-wastewater control department, working in cooperation with the state health department is hereby authorized to introduce fluoride in the city water system in accordance with current federal and state laws and, regulations. (1963 Code, § 13-129)

## CHAPTER 2

### SEWER USE REGULATIONS<sup>1</sup>

#### SECTION

- 18-201. General provisions.
- 18-202. General sewer use requirements.
- 18-203. Pretreatment of wastewater.
- 18-204. Individual wastewater discharge permits.
- 18-205. Individual wastewater discharge permit issuance.
- 18-206. Reporting requirements.
- 18-207. Compliance monitoring.
- 18-208. Confidential information.
- 18-209. Publication of users in significant noncompliance.
- 18-210. Administrative enforcement remedies.
- 18-211. Judicial enforcement remedies.
- 18-212. Affirmative defenses to discharge violations.
- 18-213. Fees.
- 18-214. Severability.

**18-201. General provisions.** (1) Purpose and policy. This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system of the City of Union City, Tennessee (hereinafter referred to as "the city") and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1972, as amended, and the General Pretreatment Regulations (40 CFR part 403).

The objectives of this chapter are:

- (a) To prevent the introduction of pollutants into the Publicly Owned Treatment Works (POTW) that will interfere with the operation of the system or contaminate any sludge resulting from the treatment of wastewater;
- (b) To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
- (c) To protect both POTW 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 wastewater and sludges from the POTW;

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<sup>1</sup>Appendix A to Ordinance #147-15, Dec. 2014 which replaced this chapter is of record in the office of the city recorder.

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

(f) To provide the City of Union City, Tennessee to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and an other federal or state laws to which the POTW is subject.

This chapter provides for the regulation of contributors to the POTW through the issuance of permits and through enforcement of general requirements, authorizes monitoring and enforcement activities, requires user reporting, assumes that capacity of existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This chapter shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the POTW.

(2) Administration. Except as otherwise provided herein; the control authority shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the control authority may be delegated by the control authority to a duly authorized representative of the city.

(3) Abbreviations. The following abbreviations, when used in this chapter, shall have the designated meanings:

BOD <sub>5</sub>	Biochemical Oxygen Demand--5 day
BMP	Best Management Practice
BMR	Baseline Monitoring Report
CFR	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
lb	Pounds
mg/L	milligrams per liter
NAICS	North American Industry Classification System
NH <sub>3</sub> -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
TSS	Total Suspended Solids
U.S.C.	United States Code

(4) Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(a) "Act" or "the Act." The Federal Water Pollution Control Act, enacted by Public Law 92-500, October 18, 1972, 33 U.S.C. 1251, et seq.; as amended.

(b) "Approval authority." The Commissioner of the Tennessee Department of Environment and Conservation or his authorized representative.

(c) "Authorized" or "duly authorized" representative of the user:

(i) If the user is a corporation:

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

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

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

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

(iv) The individuals described in subsections (i) through (iii) 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.

(d) "Biological oxygen demand." 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).

(e) "Best Management Practices (BMPS)." Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-202(9) (Tennessee Rule 0400-40-14-.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.

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

(g) "Carbonaceous Biochemical Oxygen Demand (CBOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under the standard laboratory procedure defined at 40 CFR part 136, method 405.1 including the use of a nitrification inhibitor.

(h) "Categorical pretreatment standards" or "categorical standard." Limitations on pollutant discharges to POTW's promulgated by EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to specified process wastewaters of particular industrial categories defined at 40 CFR 403.6 and at 40 CFR chapter 1, subchapter N, parts 405 through 471.

(i) "Categorical industrial user." An industrial user subject to categorical pretreatment standards or categorical standard.

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

(k) "Chronic violation." Chronic violations of discharge limits, defined here as those 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 quarter basis exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.

(l) "City." The City of Union City, Tennessee.

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

(n) "Control authority." The City of Union City, Tennessee, or a duly authorized representative of the City of Union City, Tennessee.

(o) "Conventional pollutants." Wastewater characteristics including Carbonaceous Biochemical Oxygen Demand (CBOD), Biochemical Oxygen Demand (BOD<sub>5</sub>), Suspended Solids (TSS), fecal coliform bacteria, oil and grease, and pH as defined at 40 CFR 401.16; and Ammonia Nitrogen (NH<sub>3</sub>-N), Total Kjeldahl Nitrogen (TKN), and E. Coli bacteria.

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

(q) "Daily maximum limit." The maximum allowable discharge of a pollutant during a calendar day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where maximum daily limitations 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.

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

(s) "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.

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

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

(v) "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.

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

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

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

(z) "Indirect discharge." The discharge or the introduction of pollutants from any source regulated under section 307(b), (c), or (d) of the Act, into the POTW (including holding tank waste discharged into the POTW).

(aa) "Industrial User (IU)" or "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.

(bb) "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 wastewater flow rate and the duration of the sampling event.

(cc) "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.

(dd) "Interference." A discharge which, 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 POTW treatment plant or the POTW wastewater transportation system.

(ee) "Local limit." Specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Tennessee Rule 0400-40-14-.05(1)(a) and (2).

(ff) "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.

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

(hh) "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" during that month.

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

(jj) "National pretreatment standard" or "standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Federal Clean Water Act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to Tennessee Rule 0400-40-14-.05.

(kk) "National prohibited discharges." Prohibitions applicable to all nondomestic dischargers regarding the introduction of pollutants into POTW's set forth in 40 CFR 403.5.

(ll) "New source." (i) 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 promulgated under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section provided that:

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

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

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

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

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

(A) Begun, or caused to begin as part of a continuous on-site construction program any replacement, assembly or installation of facilities or equipment; or significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities that are necessary for the placement, assembly or installation of new source facilities or equipment; or

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

(mm) "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.

(nn) "North American Industrial 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.

(oo) "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.

(pp) "Person." Any and all persons, including individuals, partnerships, copartnerships, firms, companies, public and 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.

(qq) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution which is the measure of acidity or alkalinity of a solution, expressed in standard units (s.u.).

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

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

(tt) "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 the 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 0400-40-14-.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 0400-40-14-.06(5).

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

(vv) "Pretreatment standard" or "standards." Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

(ww) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act (33 U.S.C., section 1292) that is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of wastewater and any conveyances that convey wastewater to the POTW treatment plant. For the purposes of this chapter, POTW shall also include any devices or systems used in the collection, storage, and/or conveyance of wastewaters to the POTW from persons outside the corporate limits of the city who are, by contract or agreement with the city, users of the city POTW.

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

(yy) "Sanitary sewer." A sewer pipeline that carried 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.

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

(aaa) "Significant Industrial User (SIU)." Except as provided in subsections (iii) and (iv) of this section, a significant industrial user is:

(i) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter 1, subchapter N; and

(ii) Any other industrial user that:

(A) 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;

(B) 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

(C) 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, 0400-40-14-.08(6)(f).

(iii) The control authority may determine that an industrial user subject to categorical pretreatment standards under Tennessee Rule 0400-40-14-.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-contract cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

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

(B) The industrial user annually submits the certification statement(s) required in section 7.14 (Tennessee Rule 0400-40-14-.12(17)), together with any additional information necessary to support the certification statement; and

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

(iv) 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 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 0400-40-14-.08(6)(f), determine that such user is not a significant industrial user.

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

(i) Violations of wastewater discharge limits:

(A) Chronic violations;

(B) Technical Review Criteria (TRC) violations;

(C) Any other violation(s) of an individual wastewater discharge 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

(D) 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.

(ii) 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.

(iii) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports and periodic reports) within forty-five (45) days from the due date.

(iv) Failure to accurately report noncompliance.

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

(ccc) "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 40 CFR 403.8(f)(2)(vi)(B) and 403.8(f)(2)(vii).

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

(i) Description of discharge practices, including non-routine batch discharges;

(ii) Description of stored chemicals;

(iii) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a discharge prohibition under this chapter, or 40 CFR 403.5(b), with procedures for follow-up written notification within five (5) days;

(iv) 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.

(eee) "Slug load" or "slug discharge." Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in § 18-202 of this chapter. 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.

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

(ggg) "State." State of Tennessee.

(hhh) "Stormwater." Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

(iii) "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.

(jjj) "Technical Review Criteria (TRC) violation." Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of the 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 § 18-201(4) of this chapter multiplied by the applicable TRC (TRC = 1.4 for BOD<sub>5</sub>, TSS, COD, TKN, NH<sub>3</sub>-N, fats, oil and grease, and 1.2 for all other parameters except pH).

(kkk) "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.

(lll) "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 section 307(a) of the Act (40 CFR part 403, Appendix B).

(mmm) "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 user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

(nnn) "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.

(ooo) "Wastewater." The liquid and water-carried industrial or domestic wastes from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, together with

any ground, surface, and/or stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(ppp) "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 or any portion thereof. (Ord. #8-99, Nov. 1998, as replaced by Ord. #147-15, Dec. 2014)

**18-202. General sewer use requirements.** (1) Connection to public sewer. (a) Requirements for proper waste disposal:

(i) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner any wastewater on public or private property within the service area of the city.

(ii) This subsection is held in reserve.

(iii) 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.

(iv) Except as provided in § 18-202(1)(a)(v), the owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes abutting on any street, alley or right-of-way in which there is now located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within sixty (60) days after the date of official notice to do so, provided that said public sewer is within two hundred feet (200') of the owner's property.

(v) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit and any other applicable local, state or federal statutes and regulations.

(vi) Where a public sanitary sewer is not available under the provisions of § 18-202(1)(a)(iv), the building sewer shall be connected to a private subsurface sewage disposal system complying with the provisions of state law and regulations governing subsurface sewage disposal systems.

(b) Physical connection of building sewers to the POTW:

(i) No unauthorized person shall uncover, make any connections with or opening into, use, or disturb any public sewer

or appurtenance thereof without first obtaining a written permit from the control authority as required by this chapter.

(ii) All costs and expenses incident to the installation, connection, and inspection of building sewers 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 where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.

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

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

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

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

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

(D) Four inch (4") building sewers shall be laid on grade greater than one-quarter inch (1/4") per foot. Six inch (6") building sewers shall be laid on a grade greater than one-eighth inch (1/8") per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least three feet (3.0') per second.

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

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



(G) Cleanouts shall be located on building sewers as follows: one (1) no closer than eighteen inches (18") to the building and no more than five feet (5') outside of the building, one (1) at the connection onto the POTW and one (1) at each change of direction of the building sewer which is greater than forty-five degrees ( $45^\circ$ ). Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of four inch (4") nominal diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A branch "Y" (wye) and one-eighth ( $1/8$ ) bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4").

(H) Connections of building sewers to the POTW 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 sewers 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. All such connections shall be made gastight and watertight.

(I) The building sewer may be brought into the building below the basement floor when the building sewer can be constructed at the grade required in § 18-202(1)(b)(v)(D), from the building to the public sewer. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the public sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the user. In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by an approved means such as a grinder pump and discharged to the building sewer at the expense of the user.

(J) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench or other activities in the construction of the building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other

applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federation Manual of practice no. 9. Any deviation from the prescribed procedures and materials must be approved by the control authority before installation.

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

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

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

(c) Inspection of connections. (i) The connection of the building sewer to the public sewer and all building sewers from the building to the public sewer main line shall be inspected by the control authority or his duly authorized 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 public sewer. The connection shall be made under the supervision of the control authority or his duly authorized representative.

(d) Maintenance of building sewers. Each individual user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property to insure that the building sewer is watertight. This maintenance will include repair or replacement of the building sewer as deemed necessary by the control authority to meet the requirements of this chapter. If, upon smoke testing or visual inspection by the control authority, roof downspout connections, exterior foundation drains, area drains, basement drains, building sewer leaks, or other sources of rainwater, surface runoff, or groundwater entry into the POTW 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 completed 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 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 property owner 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.

(2) Prohibitions on storm drainage and groundwater. Stormwater, groundwater, rain water, street drainage, roof top drainage, basement drainage, subsurface drainage, or yard drainage, if unpolluted, shall not be discharged to the POTW.

(3) Unpolluted water. Unpolluted water, including, but no limited to cooling water or process water, shall not be discharged to the POTW unless such discharge is permitted by the user's wastewater discharge permit.

(4) Limitations of the use of garbage grinders. Waste from garbage grinders shall not be discharged into the POTW except where generated in preparation of food consumed on the premises. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the POTW sewer. Garbage grinders shall not be used for the grinding of plastic, paper products, inert materials, or garden refuse. This provision shall not apply to domestic residences.

(5) Limitation on point of discharge. No person shall discharge any substance directly into a manhole or other opening in a POTW sewer other than through an approved building sewer unless a temporary permit by the control authority has been issued. The control authority shall incorporate in such temporary permit such conditions as the city deems reasonably necessary to insure compliance with the provisions of this section and the user shall be required to pay applicable charges and fees thereof.

(6) Septic tank pumping, hauling, and discharge. No person owning vacuum or "cesspool" pump truck or other liquid waste transport truck shall discharge such sewage into the POTW, unless waste transport trucks have applied for and received a truck discharge operation permit from the control authority. All applicants for a truck discharge operation permit shall complete such forms as required by the control authority, pay appropriate fees, and agree in writing to abide by the provisions of this section and any special conditions or regulations established by the control authority. The owners of such vehicles

shall affix and display the permit number on the side of each vehicle used for such purposes. Such permits shall be valid for a period of one (1) year from date of issuance provided such permit shall be subject to revocation by the control authority for violation of any provision of this section or reasonable regulation established by the control authority. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste. The control authority shall designate the locations and times where such trucks may be discharged, and may refuse to accept any truckload of waste where it appears that the waste could interfere with the effective operation of the POTW treatment works or any sewer line or appurtenance thereto. The control authority shall incorporate in such truck discharge operation permit such conditions necessary to insure compliance with the provisions of this section and the charge (on a volume basis) for disposal of wastewater or sludge removed from septic tanks into the POTW.

(7) Other holding tank waste. No person shall discharge any other holding tank waste into the POTW unless he has been issued a permit by the control authority. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable charges or fees, and shall comply with the conditions of the permit issued by the control authority. Provided, however, no permit will be required to discharge domestic waste from a recreational vehicle holding tank provided such discharge is made into an approved facility designed to receive such waste.

(8) On-site wastewater disposal facilities. No person shall discharge untreated wastewater from on-site private sewage disposal facilities including, but not limited to sanitary pit privies, septic tanks, and cesspools to drainage ditches or the surface of the ground. All on-site private wastewater disposal facilities shall be properly operated and maintained by the owner of the property on which the facilities are located. Any new construction of on-site private wastewater disposal facilities shall be in accordance with state requirements.

(9) 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 they are subject to categorical pretreatment standards or any other federal, 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 POTW) 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 CFR 261.21;

(ii) Wastewater having a pH less than 5.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW;

(iii) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no cases solids greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers from slaughter houses; ashes or cinders from sawmills; sand, spent lime, stone or marble dust from stone work facilities; 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 from any industry or agricultural facility; towels, rags, or sanitary wipes from health care facilities;

(iv) Pollutants, including oxygen-demanding pollutants (BOD<sub>5</sub>, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

(v) Wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four degrees Fahrenheit (104° F; (forty degrees Celsius) [40° C]);

(vi) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference with the POTW or pass through;

(vii) 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;

(viii) Trucked or hauled pollutants, except at discharge points designated by the control authority in accordance with § 18-202(6) of this chapter;

(ix) Noxious or malodorous liquids, gases, or solids, or other non-domestic wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(x) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's NPDES permit;

(xi) 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) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the control authority;

(xiii) Sludges, screening, or other residues from the pretreatment of industrial wastes;

(xiv) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;

(xv) Detergents, surface-active agents, or other substances that might cause excessive foaming in the POTW;

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

(xvii) Any fats, oils, or grease of animal or vegetable origin and waste food and sand that cause an upset, interference, or the POTW to violate its NPDES permit in concentrations greater than specified at Table 1: Industrial Wastewater Specific Pollutant Limitations and the table insert Threshold Limitations on Wastewater Strength Exceedances that may be subject to surcharge refer to the specific guidelines for control at § 18-202(10).

(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:

(i) Advise the user(s) of the impact of the contribution on the POTW; and

(ii) Develop effluent limitations for such user(s) 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.

(10) 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 the ordinance comprising 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 Union City 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 the ordinance comprising 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 the 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 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 (3) 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.

(11) National categorical pretreatment standards. Users must comply with the categorical pretreatment standards found at 40 CFR chapter 1, subchapter N, parts 405-471 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 § 18-202(11)(e) and (f) as allowed at 40 CFR 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 individual industrial users as allowed at 40 CFR 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 0400-40-14-.06(5).

(d) A CIU may obtain a net/gross adjustment to a categorical pretreatment standard in accordance with the following subsections of this section as allowed at 40 CFR 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 subsection (ii) of this section are met.

(ii) Criteria. (A) Either:

(1) The applicable categorical pretreatment standards contained in 40 CFR chapter 1, subchapter N specifically provide that they shall be applied on a net basis; or

(2) 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 the absence of pollutants in the intake waters.

(B) 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 may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section.

(C) 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 city 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 § 18-202(11)(e)(i)(A) through (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;

(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 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 effluent 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 (11)(e)(i)(C) of this section. 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 subsection (11)(e)(i)(A) of this section so 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 discharge permit terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to

§ 18-202(16). The industrial user must also be in compliance with § 18-212(3) regarding the prohibition of bypass.

(f) The control authority may convert the mass limits of the categorical pretreatment standards of 40 CFR parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users. The conversion is at the discretion of the control authority. When converting such limits, the control authority will use the concentrations listed in the applicable subparts of 40 CFR parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by § 18-202(16) of this chapter (see 40 CFR 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 CFR 403.6(e)(7)).

(g) Once included in its permit, the industrial user must comply with the equivalent limitations developed in this § 18-202(11) 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 limit for calculating maximum monthly average, or 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.

(12) Modification of national pretreatment standards. If the POTW 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 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 CFR 403.7(a)(3)(ii)--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 CFR 403.7 are fulfilled and approval is obtained from the approval authority.

(13) 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.

(14) Local limits. (a) The control authority is authorized to establish local limits pursuant to Tennessee Rule 0400-40-14-.05(3).

(b) Specific pollutant limitations. Pollutant limits are established to protect against pass through and interference. For a list of the specific pollutants and respective concentrations refer to Appendix A (latest revision), Table 1: Industrial Wastewater Specific Pollutant Limitations. No person shall discharge wastewater containing in excess of the limits for each pollutant unless:

(i) An exception has been granted by the control authority to the user; or

(ii) The wastewater discharge permit of the user provides as a special permit condition a higher interim concentration level in conjunction with a requirement that the user construct a pretreatment facility or institute changes in operation and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in Table 1: Industrial Wastewater Specific Pollutant Limits (refer to Appendix A) within a fixed period of time.

Analyses for all pollutants listed at Table 1: Industrial Wastewater Specific Pollutant Limits (refer to Appendix A) shall be conducted in accordance with the requirements of 40 CFR part 136 or equivalent methods approved by the United States Environmental Protection Agency.

(c) Criteria to protect the POTW treatment plant influent. The city shall monitor the treatment works influent for each parameter listed in Appendix A (latest revision), Table 2: Criteria to Protect the Treatment Plant Influent. Analyses for all pollutants listed at Table 2: Criteria to Protect the Treatment Plant Influent (refer to Appendix A) shall be conducted in accordance with the requirements of 40 CFR part 136 or equivalent methods approved by the United States Environmental Protection Agency. Industrial users shall be subject to the reporting and monitoring requirements set forth in §§ 18-206 and 18-207 of this chapter as to these parameters. In the event that the influent at the treatment works reaches or exceeds the levels established by Table 2: Criteria to Protect the Treatment Plant Influent (refer to Appendix A), the control authority shall initiate technical studies to determine the cause of the influent violation and shall recommend to the city such remedial measures as are necessary, including, but not limited to recommending the establishment of new or revised pretreatment levels for these pollutants. The control authority shall also recommend changes to any of these criteria in the event the POTW effluent standards are modified or

in the event that there are changes in any applicable law or regulation affecting same or in the event changes are needed to more effectively operate the POTW.

(d) Conventional pollutants. (i) BOD<sub>5</sub>, TSS, and NH<sub>3</sub>-N. The POTW treatment plant was designed to accommodate specific waste load concentrations and mass amounts of biochemical oxygen demand (BOD<sub>5</sub>), Total Suspended Solids (TSS) and Ammonia Nitrogen (NH<sub>3</sub>-N). If an industrial user discharges concentrations of these pollutants in excess of the Threshold Limitations on Wastewater Strength at Table 1: Industrial Wastewater Specific Pollutant Limitations, added operation and maintenance costs will be incurred by the POTW. Therefore, any industrial user who discharges concentrations in excess of the Threshold Limitations on Wastewater Strength at Table 1: Industrial Wastewater Specific Pollutant Limitations listed at Appendix A of the ordinance comprising this chapter for any conventional pollutants such as BOD<sub>5</sub>, TSS and/or NH<sub>3</sub>-N will be subject to a surcharge. The formula for this surcharge is listed in § 18-213(4) of this chapter. The city also reserves the right to, at any time, place specific mass or concentration limits for BOD<sub>5</sub>, TSS and/or NH<sub>3</sub>-N on the industrial user if the industrial 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.

"Free" and "emulsified" oil and grease shall be differentiated based on the following procedure. One (1) aliquot of sample shall be extracted with hexane using EPA Method 1664, with the exception that the sample shall not be acidified prior to the extraction. The result of this analysis will be considered "free" oil and grease. A second aliquot of sample shall be prepared by adding sulfuric acid and heating until emulsion breaks. The sample shall then be extracted with hexane using EPA Method 1664. The result of the analysis will be considered the arithmetic difference between "total" and "free" oil and grease.

If a user discharges concentrations of "free" oil and grease in excess of the Threshold Limitations on Wastewater Strength at Table 1: Industrial Wastewater Specific Pollutant Limitations at Appendix A of the ordinance comprising this chapter for "free" oil and grease, added operation and maintenance costs will be incurred by the POTW. Therefore, any user who discharges concentrations in excess of the Threshold Limitations on

Wastewater Strength at Table 1: Industrial Wastewater Specific Pollutant Limitations at Appendix A for "free" oil and grease will be subject to a surcharge. The formula for this surcharge is listed at § 18-213(4) of this chapter. The city also reserves the right to, at any time, place specific mass or concentration limits for "free" 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.

(15) City's right of revision. The city reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent standards or requirements on discharges to the POTW system if deemed necessary consistent with the purpose of this chapter.

(16) 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.

(17) 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 the ordinance comprising 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 the location of the 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 (refer to 40 CFR 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 civil penalties, administrative 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. #8-99, Nov. 1998, as replaced by Ord. #147-15, Dec. 2014)

**18-203. 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 § 18-202 of this chapter within the time limitations specified by EPA, the state, or control authority, 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 for 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 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 waste streams from industrial waste streams, 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 may be issued solely for flow equalization.

(c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the control authority, they are necessary for the proper handling of wastewater containing excessive amounts of grease, oil, and/or sand; except that such interceptors shall not be required for residential users. All interception units shall be a type and capacity approved by the control authority, shall comply with § 18-202(10) of this chapter, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with § 18-202(10) 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 § 18-206(6) of this chapter; and

(d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to inspection and maintenance of storage areas, handling, and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic pollutants, including solvents, and/or measures and equipment for emergency response. (Ord. #8-99, Nov. 1998, as replaced by Ord. #147-15, Dec. 2014)

**18-204. Individual wastewater discharge permits.** (1) Wastewater analysis. When requested by the control authority, a user may submit information on the nature and characteristics of its wastewater within fifteen (15) days of the request. The control authority is authorized to prepare a form for this purpose and may periodically require users to update this information.

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

- (a) For connection of residential, commercial, and institutional users to the POTW; and
- (b) 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. 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 at the time the application is filed as set out in the city's schedule of charges and fees.

(2) Individual wastewater discharge permit requirement. (a) No significant industrial user shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the control authority, except that a significant industrial user that has filed a timely application pursuant to § 18-204(3) of this chapter may continue to discharge for the time period specified therein.

(b) The control authority may require other users to obtain individual wastewater discharge 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 shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in §§ 18-209 through 18-212 of this chapter. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

(3) Individual wastewater discharge permitting: existing connections. Any non-permitted user required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of the ordinance comprising 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 in accordance with § 18-204(5) of this chapter, and shall not cause or allow discharges to the POTW to continue after forty-five (45) days of the effective date of the ordinance comprising this chapter except in accordance with an individual wastewater discharge permit issued by the control authority.

(4) Individual wastewater discharge permitting: new connections. Any user required to obtain an individual wastewater discharge 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, in accordance with § 18-204(5) of

this chapter, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

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

(a) Identifying information:

(i) The name, address, and location of the facility, including the name of the operator and owner.

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

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

(c) Description of operations. (i) 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) carried out by such user. This description shall include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.

(ii) 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.

(iii) Number of employees, number of shifts and hours per shift, contact per shift (if applicable), and proposed or actual hours of operation.

(iv) Type and amount of raw materials processed (average and maximum per day).

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

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

(d) Time and duration of discharges.

(e) The location for monitoring all wastes covered by this permit.

(f) Information showing the measured average daily, maximum daily 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 in § 18-202(11)(c) (Tennessee Rule 0400-40-14-.06(5)).

(g) Measurement of pollutants. (i) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.

(ii) 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 § 18-202 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 section 304(g) of the Act and contained in 40 CFR part 136, as amended.

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

(iv) The sample shall be fully representative of daily operations and shall be analyzed in accordance with procedures set out in § 18-206(10) of this chapter. 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.

(v) Sampling must be performed in accordance with procedures set out in § 18-206(11) of this chapter.

(vi) 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.

(h) 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 § 18-206(4)(b) of this chapter and Tennessee Rule 0400-40-14-.12(5)(b).

(i) Statement of duly authorized representative(s).

(j) 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) Application signatories and certifications. (a) All wastewater discharge permit applications, user reports and certification statements must be signed by an authorized representative of the user and contain the certification statement found in § 18-206(14)(a) of this chapter.

(b) If the designation of an 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 an authorized representative.

(7) Individual wastewater discharge 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 a user's category, the control authority may submit a category determination request to the approval authority as set out in Tennessee Rule 0400-40-14-.06(1). After evaluation and acceptance of the data furnished, the control authority will determine whether to issue an individual wastewater discharge permit. The control authority may deny any application for an individual wastewater discharge permit. (Ord. #8-99, Nov. 1998, as replaced by Ord. #147-15, Dec. 2014)

**18-205. Individual wastewater discharge permit issuance.**

(1) Individual wastewater discharge permit duration. An individual wastewater discharge permit shall be issued for specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the control authority. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

(2) Individual wastewater discharge permit contents. An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the control authority 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 shall be expressly subject to all provisions of this chapter and all other applicable regulation, charges, and fees established by the city.

(a) Individual wastewater discharge permits shall contain:

(i) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date.

(ii) A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with § 18-205(4) of this chapter, 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, sampling frequency, 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 in accordance with § 18-206(4)(b) of this chapter.

(vi) A 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 applicable 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 (§ 18-206(4)(b)) shall be included as a condition in the user's permit.

(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 § 18-202(16) of this chapter.

(xi) Requirements to immediately report noncompliance to the control authority, and to immediately resample for any parameter(s) out of compliance in accordance with 40 CFR 403.12(12)(g).

(b) Individual wastewater discharge 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 POTW;

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

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

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

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

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

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

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

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

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

(g) Revisions of a grant variance from categorical pretreatment standards pursuant to Tennessee Rule 0400-40-14-.13;

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

(i) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with § 18-205(4) of this chapter.

(4) Individual wastewater discharge permit transfer. Individual wastewater discharge permits are issued to a specific user for a specific operation. An individual wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without prior notice and approval from the control authority, and provision of a copy of the existing control mechanism (individual wastewater discharge 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; and
- (d) Submits a duly authorized sign.

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

(5) Individual wastewater discharge permit revocation. The control authority may revoke an individual wastewater discharge 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 § 18-206(5) of this chapter;
- (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 advanced notice of the transfer of business ownership of a permitted facility; and
- (m) Violation of pretreatment standard or requirement, or any terms of the individual wastewater discharge permit of this chapter.

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

(6) Individual wastewater discharge permit reissuance. A user with an expiring individual wastewater discharge permit shall apply for a permit reissuance by submitting a complete permit application in accordance with § 18-204(5) of this chapter, a minimum of ninety (90) days prior to the expiration of the user's existing individual wastewater discharge 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 and/or requirements as identified in § 18-202 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 change(s) 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 subsection (a) of this section, 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 subsection (a) of this section 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 the ordinance comprising this chapter and local limits, including Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in § 18-202(14) of this chapter. 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 issuance, inspection and sampling, and enforcement, 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 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 giving the control authority 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. #8-99, Nov. 1998, as amended by Ord. #119-13, Jan. 2013, and replaced by Ord. #147-15, Dec. 2014)

**18-206. Reporting requirements.** (1) Baseline monitoring requirements. (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 0400-40-14-.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 subsection (b), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the control authority a report which contains the information listed in subsection (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Users described in subsection (a), above, shall submit the information set forth below:

(i) All information required in §§ 18-204(5)(a)(i), 18-204(5)(b), 18-204(5)(c)(i), and 18-204(5)(f) of this chapter.

(ii) Measurement of pollutants:

(A) The user shall provide the information required in §§ 18-204(5)(g)(i) through 18-204(5)(g)(iv);

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

(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 0400-40-14-.06(5) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Tennessee Rule 0400-40-14-.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 § 18-206(10);

(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;

(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 § 18-201(4)(c) 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 § 18-206(2) of this chapter.

(v) Signature and report certification. All baseline monitoring reports must be certified in accordance with § 18-206(14)(a) of this chapter and signed by an authorized representative defined in § 18-201(4)(c) of this chapter.

(2) Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by § 18-206(1)(b)(iv) of this chapter:

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

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

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

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

(3) Reports on compliance with categorical pretreatment standards 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 control authority a report containing the information described in §§ 18-204(5)(f), 18-204(5)(g), and 18-206(1)(b)(ii) of this chapter. For users subject to equivalent mass or concentration limits established in accordance with the procedures in § 18-202(11), 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 § 18-206(14)(a) of this chapter. All sampling will be done in conformance with § 18-206(11).

(4) Periodic compliance reports. All SIUs and Non-Significant Industrial User's (NSCIUs) are required to submit periodic compliance reports.

(a) All SIUs and NSCIUs 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 city may authorize a SIU or NSCIU subject to a categorical pretreatment standard (upon the approval authority's approval) to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user (Tennessee Rule 0400-40-14-.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 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 industrial wastewater discharge permit, but in no case longer than five (5) years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit (see § 18-204(5)(h) of this chapter).

(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 a monitoring waiver must be signed in accordance with § 18-201(4)(c) of this chapter, and include the certification statement in § 18-206(14)(a) of this chapter (Tennessee Rule 0400-40-14-.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 CFR 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 shall be maintained by the control authority for three (3) years after 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 certify on each report with the statement in § 18-206(14)(b)

of this chapter, 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 wived 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 § 18-206(4)(a), 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 standards.

(c) All periodic compliance reports must be signed and certified in accordance with § 18-206(14)(a) of this chapter and 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 sample location more frequently than required by the control authority, using the procedures prescribed in § 18-206(11) of this chapter, the results of this monitoring shall be included in the report for the corresponding reporting period.

(5) Reports of changed conditions. Each user must notify the control authority of any significant changes in 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 necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 18-204(5) of this chapter.

(b) The control authority may issue an individual wastewater discharge permit under § 18-205(6) of this chapter or modify an existing wastewater discharge permit under § 18-205(3) of this chapter 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 nonroutine, episodic nature, a non-customary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the control authority of the incident. This notification shall include the location of the

discharge, type of waste, concentration and volume, and corrective actions taken by the user. The control authority may request a sample be collected for analysis at the time 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 personal 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 subsection (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 not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the control authority as the control authority may require.

(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. Resampling by the industrial user is not required if the city performs sampling at the user's facility at least once a month, or if the city performs sampling at the user's facility between the time when the initial sampling was conducted and the time when the user or the city receives the results of this sampling, or if the city has performed the sampling and analysis in lieu of the industrial user. If sampling performed by the city indicates a violation, the city may opt to notify the user of the violation and require the user to perform the repeat sampling and analysis (40 CFR 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 POTW, the EPA Regional Water Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If

the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this subsection needs to be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under § 18-206(5) of this chapter. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of subsections (1), (3) and (4) of this section.

(b) Dischargers are exempt from the requirements of subsection (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 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-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 section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the control authority, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(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, an IWDP permit issued, or any applicable federal or state law.

(10) Analytical requirements. All pollutant analyses, including sample techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR part 136



does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the 40 CFR part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the control authority or other parties approved by the EPA.

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

(a) Except as indicated in subsections (b) and (c) below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the control authority. Where time-proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organic and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits (40 CFR 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 90-day compliance reports required in subsections (1) and (3) (Tennessee Rule 0400-40-14-.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 sampling data are available, the control authority may authorize a lower minimum. For reports required by subsection (4) (Tennessee Rule 0400-40-14-.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 reports. Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed using the United States 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 the 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. 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 city, or where the user has been specifically notified of a longer retention period by the control authority or approval 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 § 18-204; users submitting baseline monitoring reports under subsection (1) (40 CFR 403.12(l)); users submitting reports on compliance with categorical pretreatment standard deadlines under subsection (3) (40 CFR 403.12(d)); users submitting periodic compliance reports required by subsections (4)(a) through (4)(c) (40 CFR 403.12(e) and (h)); and users submitting an initial request to forego sampling of a pollutant on the bases of subsection (4)(b)(iv) (CFR 403.12(e)(2)(iii)). The following certification statement must be signed by an authorized representative as defined in § 18-201(4)(c) of this chapter:

"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 §§ 18-201(4)(aaa)(iii) and 18-204(6)(c) (40 CFR 403.3(v)(2)) must annually submit the following

certification statement signed in accordance with the signatory requirements in § 18-201(4)(c) (40 CFR 403.120(1)). 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 CFR part \_\_\_\_\_, I certify that, to the best of my knowledge and belief, the period from \_\_\_\_\_, \_\_\_\_\_, to \_\_\_\_\_, \_\_\_\_\_, (month, days, year(s)):

- (i) The facility described at \_\_\_\_\_ (facility name) met the definition of non-significant categorical industrial user as described in § 18-201(4)(aaa)(iii);
- (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) of this section 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 CFR Part(s) \_\_\_\_\_, (specify applicable National Pretreatment Standard part(s)), I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ (list pollutant(s)) in the wastewaters due to the activities at the facility since filing of the last periodic report under subsection (4)(a)." (Ord. #8-99, Nov. 1998, as replaced by Ord. #147-15, Dec. 2014)

**18-207. Compliance monitoring.** (1) Right of entry: inspection and testing. 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 order issued hereunder. Users shall allow the control authority 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.

(a) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the control authority, approval authority, and/or EPA shall be permitted to enter for the purposes of performing specific responsibilities (40 CFR 403.12).

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

(c) 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 his own expense. All devices used to measure wastewater flow and quality shall be calibrated annually (unless otherwise specified) to ensure their desired 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 authority's requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such a manner to enable the control authority to perform independent monitoring activities.

(d) 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.

(e) Unreasonable delays in allowing the control authority access to the user's premises shall be a violation of this chapter. (as added by Ord. #147-15, Dec. 2014)

**18-208. Confidential information.** Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits and monitoring programs, and from the control authority's inspection and sampling activities, shall be available to

the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the control authority, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction. (as added by Ord. #147-15, Dec. 2014)

**18-209. Publication of users in significant noncompliance.** The control authority shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates subsections (3), (4) or (8) of this section) is in significant noncompliance if its violation meets one (1) or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period on a rolling quarterly basis exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in § 18-201(4);

(2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by § 18-201(4) multiplied by the applicable criteria (TRC=1.4 for BOD<sub>5</sub>, TSS, fats, oils and grease, NH<sub>3</sub>-N and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirement as defined by § 18-201(4) (daily maximum, long-term average, instantaneous limit, or narrative standard) that control authority determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

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

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

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

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s), which may include a violation a of best management practices, which the control authority determines will adversely affect the operation or implementation of the local pretreatment program. (as added by Ord. #147-15, Dec. 2014)

**18-210. Administrative enforcement remedies.** All administrative enforcement actions taken against a significant industrial user, including procedures, order, 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 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 of such 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 authority of 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 control authority may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to subsections (4) and (5) of this section 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 order issued hereunder, or any other pretreatment standard or requirement, to appear before the control authority and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user as defined in § 18-201(4) and required by § 18-204(6). 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 order. 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 order issued hereunder, or any other pretreatment standard or requirement, the control authority 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, 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 system(s), and management practices designed to minimize the amount of pollutant(s) discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(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 order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the control authority may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (a) Immediately comply with all requirements; and/or
- (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance

of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(6) Administrative penalties. (a) Notwithstanding any other section of this chapter, any significant industrial user who is found to have violated any provision of this chapter, or permits and orders issued hereunder, shall be subject to a civil penalty of up to ten thousand dollars (\$10,000.00) per violation. Such penalties shall be assessed on a per violation, per day basis in accordance with the provisions of Tennessee Code Annotated, §§ 69-3-125, 69-3-126, 69-3-128 and 69-3-129 and 40 CFR 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 shall utilize such other collection remedies as available to collect other service charges.

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

(c) Users desiring to dispute the assessment of such penalties must file a written request for the city to reconsider the penalty within ten (10) days of being notified of the penalty. Where the city believes a request has merit, the control authority shall convene a hearing on the matter within fifteen (15) days of receiving the request from the user.

(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. (a) The city may suspend the wastewater treatment service and/or individual wastewater discharge permit of a user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

(b) Any user notified of a suspension of the wastewater treatment service and/or the individual wastewater discharge permit 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 city shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The city may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the city that the period of endangerment has passed, unless the termination proceedings set forth in subsection (8) of this section are initiated against the user.



(c) A user which is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit to the city a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence within five (5) days after notification of suspension of service or prior to the date of the hearing described in subsection (3).

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

(8) Termination of discharge. In addition to the provisions in § 18-205(5) of this chapter, any user who violates the following conditions is subject to discharge termination:

(a) Violation(s) of individual wastewater discharge permit conditions;

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

(d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling;

(e) Violation of pretreatment standards in § 18-202 of this chapter.

Such user(s) will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under subsection (3) of this section why the proposed action should not be taken. Exercise of this option by the control authority shall not be bar to, or a prerequisite for, taking any other action against the user. (as added by Ord. #147-15, Dec. 2014)

**18-211. Judicial enforcement remedies.** If any user discharges sewage, industrial wastes, or other wastes into the POTW contrary to the provisions of this chapter or any order or individual wastewater discharge permit issued hereunder, the city through the city attorney, may commence an action for appropriate legal and/or equitable relief in the Chancery Court for Obion County. Any judicial proceedings and relief shall be in accordance with the provisions of Tennessee Code Annotated, § 69-3-127.

(1) Injunctive relief. Whenever a user has violated or continues to violate the provisions of this chapter or individual wastewater discharge permit, order issued hereunder, or any other pretreatment standard or requirement, the city, through the city attorney, may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the specific performance of the individual wastewater discharge permit or other requirement imposed by this chapter on activities of the user. The city 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 or any permit or order issued hereunder, or any pretreatment standard or requirement shall be liable to the city for a civil penalty of up to ten thousand dollars (\$10,000.00), plus actual damages incurred by the POTW per violation, per day for as long as the violation continues. In addition to the above described penalty and damages provided herein, the city may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the user(s) found to have violated this chapter or the orders, rules, regulations and permits issued hereunder.

(b) The city shall petition the court to impose, assess and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances, including, but not limited to the extent of the harm caused by the violation, the magnitude and duration, the economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires. 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. Pursuant to Tennessee Code Annotated, § 69-3-115(4)(c), violators will be prosecuted for a Class E Felony and punished by a penalty of not more than twenty-five thousand dollars (\$25,000.00) or incarceration, or both.

(4) Remedies nonexclusive. The remedies provided in this chapter are not exclusive. The control authority may take any, all, or any combination of these actions against a noncompliance user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the city may take other action against any user when the circumstances are warranted. Further, the city is empowered to take more than one (1) enforcement action against any noncompliant user. (as added by Ord. #147-15, Dec. 2014)

**18-212. 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 workmanlike 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 (5) 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;

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

(c) An industrial user which complies with the notification provisions of this section in a timely manner shall have affirmative defense to any enforcement action brought by the city for noncompliance with this chapter, or an order or individual wastewater discharge permit issued hereunder to the 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 industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(e) Industrial 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) The industrial user 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 affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 18-202(9)(a) of this chapter or the specific prohibitions in § 18-202(9)(b) 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.<sup>1</sup>

(3) Bypass. (a) For the purposes of this section:

(i) Bypass means the intentional diversion of waste streams 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 bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) Bypass not violating applicable pretreatment standards or requirements. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of subsections (c) and (d) of this section.

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

(ii) A user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the control authority within twenty-four (24) hours from the time the user becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The 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.

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<sup>1</sup>The affirmative defense outlined in this section does not apply to the specific prohibitions in § 18-202(9)(b)(i), (iii), and (xiv) of this chapter.

(d) Prohibition of bypass. (i) Bypass is prohibited, and the control authority may take enforcement action against the user for a bypass, unless:

(A) The bypass was unavoidable to prevent loss of life, personal injury, or sever property damage;

(B) There was no feasible alternative to the bypass, 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 bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(C) The users properly notified the control authority as required by subsection (c) above.

(ii) The control authority may approve an anticipated bypass, after considering its effects, if the control authority determines that it will meet the three conditions listed in subsection (d)(i) of this section. (as added by Ord. #147-15, Dec. 2014)

**18-213. Fees.** (1) Purpose. It is the purpose of this section to provide for the recovery of costs from users of the city's POTW system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the city's schedule of charges and fees.

(2) Pretreatment charges and fees. The city 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 a user's discharge, and reviewing monitoring reports and certification statements by users;

(c) Fees for reviewing accidental discharge procedures and construction plans and specifications for construction;

(d) Fees for filing appeals;

(e) Fees to recover administrative and legal costs (not included in § 18-213(2)(b)) associated with the enforcement activity taken by the control authority to address industrial user noncompliance;

(f) Fees for inspection of building sewer connections;

(g) Charges to users for recovery of costs associated with normal operation, maintenance, administration, amortization of debt and depreciation of the POTW; and

(h) 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 and penalties chargeable by the city.

(3) Fair user charge system. User fees for discharge of wastewater to the POTW shall be based on the fair user charge system approved by the State of Tennessee for use by the city. The fair user charge fee schedule shall be updated annually to reflect changes in the actual cost of maintaining and operating the POTW, and the depreciation of facilities and debt amortization. The fair user charge fee schedule shall be based on an equitable distribution of the costs of "accounting and collecting" and "administration and general" to all customers connected to the POTW and to each lot, parcel of land or premises which may now or hereinafter be located within two hundred feet (200') of a sanitary sewer owned by the city; and an equitable distribution of the costs of operating expenses, debt amortization and depreciation to all customers connected to the POTW based on water usages as determined by water meters owned by the city. The users obtaining water from a source or sources other than through a meter of the city, which water is discharged into the POTW, shall install without cost to the city, a meter or meters to measure the quantity of water received from any such source or sources, and shall pay the same fees as provided in this section. No meter shall be installed or used for such purpose without the approval of the control authority.

Whenever water for industrial, commercial, or air conditioning purposes, is used and is not discharged into the POTW but, through agreement with the POTW, is discharged in some other manner, including discharge into the city's storm sewer system, the quantity of water so used and not discharged into the POTW, shall be excluded in determining the user fee to said user. However, the quantity of water so used and not discharged into the POTW must be measured by a device or meter approved by the control authority and installed by the user without cost to the city. The current fair user charge fee schedule and the method used in calculating the fee schedule shall at all times be maintained on file by the control authority for inspection by the public.

(4) Surcharge fee. If a significant industrial user discharges in excess of the threshold limitations on wastewater strength set for the pollutants BOD<sub>5</sub>, TSS, NH<sub>3</sub>-N, and/or free oil and grease at Appendix A Table 1, additional operation and maintenance costs will be incurred by the city. Therefore, any significant industrial user who discharges in excess of the threshold limitations for any of these pollutants will be subject to a surcharge. The formula for this surcharge is listed below. Surcharges shall be in addition to normal user fees.

$$\left[ \begin{array}{c} \text{Base Sewer Bill} \\ \text{for} \\ \text{Monthly Usage} \end{array} \right] \times \frac{\begin{array}{c} \text{Actual Monthly Average of} \\ \text{Parameter Concentration} \\ \text{(mg/L)} \end{array}}{\begin{array}{c} \text{Threshold Limitation on} \\ \text{Wastewater Strength Monthly} \\ \text{Average Concentration (mg/l)} \end{array}} - \begin{array}{c} \text{Base Sewer Bill} \\ \text{for} \\ \text{Monthly Usage} \end{array}$$

The city also reserves the right to, at any time, place limits which may not be exceeded on the significant industrial user's discharge if the significant industrial user's discharge of the excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit.

As an alternate to this formula, the city may calculate surcharge fees based on actual costs caused by the discharge of excessive strength conventional pollutants. (as added by Ord. #147-15, Dec. 2014)

**18-214. Severability.** If any provision, paragraph, word, section, or chapter of the ordinance comprising this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect. (as added by Ord. #147-15, Dec. 2014)

## CHAPTER 3

### SEWAGE<sup>1</sup>

#### SECTION

18-301. When sanitary sewage disposal facilities are required.

18-302. Responsibility for installation and maintenance of facilities.

18-303. When a connection to the sanitary sewer is required.

18-304. When a septic tank or sanitary pit privy is required.

18-305. Use of other than prescribed facilities.

**18-301. When sanitary sewage disposal facilities are required.**

Any building or structure wherein people live, are employed, or congregate must be equipped with such sanitary facilities for sewage disposal as are prescribed by this chapter. (1963 Code, § 8-201)

**18-302. Responsibility for installation and maintenance of facilities.**

The owner of any property required by this chapter to have sanitary facilities for sewage disposal shall be responsible for the proper installation of such facilities. The occupant or person having immediate use and control of such property shall be responsible for maintaining the facilities in a sanitary and usable condition unless by contractual arrangement between the parties the owner expressly agrees to retain such responsibility. (1963 Code, § 8-202)

**18-303. When a connection to the sanitary sewer is required.**

Any building or structure requiring sanitary facilities for sewage disposal and located within two hundred (200) feet of a sanitary sewer line shall be required to have such facilities connected to such sewer line with the following exception. Any such premises using a septic tank at the time this provision became effective may continue to use it until it requires repair or cleaning or, in the judgment of the health officer is otherwise found to be unfit for use. This exception shall not, however, exempt such property owner or tenant from the sewer service charge even though his property is not connected to the sewer line. (1963 Code, § 8-203)

**18-304. When a septic tank or sanitary pit privy is required.**

Any building or structure requiring sanitary facilities for sewage disposal and not located within two hundred (200) feet of a sanitary sewer line shall be required to utilize either a septic tank or a sanitary pit privy constructed in accordance with state health department specifications and approved by the health officer.

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<sup>1</sup>Municipal code reference

Plumbing regulations: title 12.



No such facility shall be installed without a permit from the health officer. The health officer shall not issue a permit for a particular installation if the lot size, soil composition, lay of the land, or other unusual circumstance makes its installation and use unfeasible or inadequate for the protection of the public. (1963 Code, § 8-204)

**18-305. Use of other than prescribed facilities.** It shall be unlawful for any person within the police jurisdiction of the city to dispose of any sewerage in other than a sanitary sewer, septic tank, or sanitary pit privy as authorized under the provisions of this chapter. (1963 Code, § 8-205)

## CHAPTER 4

### CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.<sup>1</sup>

#### SECTION

- 18-401. Definitions.
- 18-402. Compliance.
- 18-403. Regulated.
- 18-404. Approval required.
- 18-405. Backflow prevention device installed and maintained at customer's expense.
- 18-406. Location of approved backflow prevention device.
- 18-407. New installations.
- 18-408. Existing premises.
- 18-409. Installation, alteration or change of backflow prevention devices must be approved.
- 18-410. Alteration, repair, testing or change to existing backflow prevention device.
- 18-411. Inspections.
- 18-412. Right of entry.
- 18-413. Compliance procedures.
- 18-414. Installation requirements of backflow prevention assembly.
- 18-415. Potable water supply.
- 18-416. Statement of nonexistence of unapproved or unauthorized cross connections.
- 18-417. Fines and penalties.
- 18-418. Application of this chapter.

**18-401. 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 approval air-gap separation shall be at least twice the inside diameter of the water supply line, but in no case less than two inches (2"). Where a discharge line serves as receiver, the air-gap shall be at least twice the diameter of the discharge line, but not less than two inches (2").

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<sup>1</sup>Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

(2) "Atmospheric vacuum breaker" shall mean a device, which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in the water system.

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

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

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

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

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

(8) "Cross connection" shall mean any physical connection or potential connection whereby the public water system is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other waste or liquid of unknown or unsafe quality, which may be capable of imparting contamination to the public water system as a result of backflow or backsiphonage. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, through which or because of which backflow could occur, are considered to be cross connection.

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

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

(11) "Fire protection systems" shall be classified in six different classes in accordance with AWWA Manual M14--Third Edition 2004. The six (6) classes are as follows.

Class 1. shall be those with direct connections from public water mains only ; no pumps, tanks or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to the atmosphere, dry wells or other safe outlets.

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

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

Class 4. shall be those with direct connection from the public water supply mains, similar to Class 1 and Class 2, with an auxiliary water supply dedicated to fire department use and available to premises, such as an auxiliary supply located within seventeen hundred feet (1700') of the pumper connection.

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

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

(12) "Interconnection" shall mean any system of piping or arrangements whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device, which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water system.

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

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

(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 Union City Water Treatment Department water system, which furnishes potable water to the public for general use and which is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

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

(18) "Director" shall mean the Director of the Union City Water Treatment Department or his duly authorized deputy, agent or representative.

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

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

(b) The customer system shall include those parts of the facilities beyond the termination of the utility system distribution system that are utilized in conveying domestic water to points of use. (Ord. #23-88, April 1988, as replaced by Ord. #23-05, May 2005, and Ord. #72-09, Sept. 2008)

**18-402. Compliance.** The Union City Water Treatment Department shall be responsible for the protection of the public water system from contamination or pollution due to the backflow of contaminants through the water service connection. The Union City Water Treatment Department shall comply with Tennessee Code Annotated, § 68-221-711 as well as the Rules and Regulations for Public Water Systems and Drinking Water Quality, legally adopted in accordance with this code, which pertain to cross connection, auxiliary intakes, bypasses and interconnections; and shall establish an effective, on-going program to control these desirable water uses. (Ord. #23-88, April 1988, as replaced by Ord. #23-05, May 2005, and Ord. #72-09, Sept. 2008)

**18-403. Regulated.** No water service connection to any premises shall be installed or maintained by the Union City Water Treatment Department unless the water supply system is protected as required by state laws and this chapter. Service of water to any premises shall be discontinued by the Union City Water Treatment Department if a backflow prevention device required by this chapter is not installed, tested, and/or maintained; or if it is found that a backflow prevention device has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service shall not be restored until such

conditions or defects are corrected. (Ord. #23-88, April 1988, as replaced by Ord. #23-05, May 2005, and Ord. #72-09, Sept. 2008)

**18-404. Approval required.** It shall be unlawful for any person to cause a cross connection to be made or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation, and the operation of such cross connection is at all times under the direction of the Union City Water Treatment Department. (Ord. #23-88, April 1988, as replaced by Ord. #23-05, May 2005, and Ord. #72-09, Sept. 2008)

**18-405. Backflow prevention device installed and maintained at customer's expense.** If, in the judgment of the director or his designated agent, an approved backflow prevention device is required at the water service connection to a customer's premises, or at any point(s) within the premises, to protect the potable water supply, the director shall compel the installation, testing and maintenance of the required backflow prevention device(s) at the customer's expense. (Ord. #23-88, April 1988, as replaced by Ord. #23-05, May 2005, and Ord. #72-09, Sept. 2008)

**18-406. Location of approved backflow prevention device.** An approved backflow prevention device shall be installed on each water service line to a customer's premises at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line. (Ord. #23-88, April 1988, as replaced by Ord. #23-05, May 2005, and Ord. #72-09, Sept. 2008)

**18-407. New installations.** For new installations, the director or his designated agent shall inspect the site and/or review plans in order to assess the degree of hazard and to determine the type of backflow prevention device, if any, that will be required, and to notify owners in writing of the required device and installation criteria. All required devices shall be installed and operational prior to the initiation of water service. (Ord. #23-88, April 1988, as replaced by Ord. #23-05, May 2005, and Ord. #72-09, Sept. 2008)

**18-408. Existing premises.** For existing premises, personnel from the Union City Water Treatment Department shall conduct inspections and evaluations, and shall require correction of violations in accordance with the provisions of this chapter. (Ord. #23-88, April 1988, as replaced by Ord. #23-05, May 2005, and Ord. #72-09, Sept. 2008)

**18-409. Installation, alteration or change of backflow prevention devices must be approved.** No installation, alteration, or change shall be made to any backflow prevention device connected to the public water supply for

water service, fire protection or any other purpose without first contacting the Union City Water Treatment Department for approval. (Ord. #23-88, April 1988, as replaced by Ord. #23-05, May 2005, and Ord. #72-09, Sept. 2008)

**18-410. Alteration, repair, testing or change to existing backflow prevention device.** No alteration, repair, testing or change shall be made of any existing backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first securing the appropriate approval from the Union City Water Treatment Department. (Ord. #23-88, April 1988, as replaced by Ord. #23-05, May 2005, and Ord. #72-09, Sept. 2008)

**18-411. Inspections.** The director or his designated agent shall inspect all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and re-inspections shall be based on potential health hazards involved, and shall be established by the Union City Water Treatment Department in accordance with guidelines acceptable to the Tennessee Department of Environment and Conservation. (Ord. #23-88, April 1988, as replaced by Ord. #23-05, May 2005, and Ord. #72-09, Sept. 2008)

**18-412. Right of entry.** The director or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Union City Water Treatment Department public water system for the purpose of inspecting the piping system therein for cross connection, auxiliary intakes, bypasses or interconnections, or for the testing of backflow prevention devices. Upon request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding the piping system(s) on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connection, and shall be grounds for disconnection of water service. (Ord. #23-88, April 1988, as replaced by Ord. #23-05, May 2005, and Ord. #72-09, Sept. 2008)

**18-413. Compliance procedures.** (1) Any person found to have cross-connections, auxiliary intakes, bypasses or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of the existing conditions and an appraisal of the time required to complete the work, the director or his representative shall assign an appropriate amount of time, but in no case shall the time for corrective measures exceed ninety (90) days.

(2) Where cross-connections, auxiliary intakes, bypasses or interconnections are found that constitute an extreme hazard, with the immediate possibility of contaminating the public water system, the Union City Water Treatment Department as to manufacturer, model, size and application.

The method of installation of backflow prevention devices shall be approved by the Union City Water Treatment Department shall require that immediate corrective action be taken to eliminate the threat to the public water system. Expeditious steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard is immediately corrected, subject to the right to a due process hearing upon timely request. The time allowed for the preparation for a due process hearing shall be relative to the risk of hazard to the public health and may follow disconnection when the risk to the public health and safety, in the opinion of the director, warrants disconnection prior to a due process hearing.

(3) The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter, within the time limits established by the director or his representative, 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 written notification that water service is to be discontinued, and shall physically separate the public water system from the customer's on-site piping in such a manner that the two (2) systems cannot again be connected by an unauthorized person, subject to the right of a due process hearing upon timely request. The due process hearing may follow disconnection when the risk to the public health and safety, in the opinion of the director, warrants disconnection prior to a due process hearing. (as added by Ord. #72-09, Sept. 2008)

**18-414. Installation requirements of backflow prevention assembly.** (1) An approved backflow prevention assembly shall be installed downstream of the meter on each service line to a customer's premises at or near the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line, when any of the following conditions exist:

- (a) Impractical to provide an effective air-gap separation;
- (b) The owner/occupant of the premises cannot or is not willing to demonstrate to the Union City Water Treatment Department that the water use and protective features of the plumbing are such as to pose no threat to the safety or potability of the water;
- (c) The nature and mode of operation within a premises are such that frequent alterations are made to the plumbing;
- (d) There is likelihood that protective measures may be subverted, altered or disconnected;
- (e) The nature of the premises is such that the use of the structure may change to a use wherein backflow prevention is required;
- (f) The plumbing from a private well or other water source enters the premises served by the public water system.

(2) The protective devices shall be of the reduced pressure zone type (except in the case of certain fire protection systems) approved by the Tennessee



Department of Environment and Conservation and the Union City Water Treatment Department, as to manufacturer, model, size and application. The method of installation of backflow prevention devices shall be approved by the Union City Water Treatment Department prior to installation and shall comply with the criteria set forth in this chapter. The installation and maintenance of backflow prevention devices shall be at the expense of the owner or occupant of the premises.

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

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

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

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

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

(B) Premises which have unusually complex piping systems;

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

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

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

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

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

(a) All required devices shall be installed in accordance with the provisions of this chapter, by a person possessing a valid backflow testing certification from the Tennessee Department of Environment and

Conservation, Division of Water Supply, acceptable to the director. A current copy of the tester's certification shall be on file with the Union City Water Treatment Department. Only licensed sprinkler contractors may install, repair or test backflow prevention devices on fire protection systems.

(b) All devices shall be installed in accordance with the manufacturer's instructions and shall possess appropriate test cocks, fittings and caps required for the testing of the device. All fittings shall be of brass construction, unless otherwise approved by the Union City Water Treatment Department, and shall permit direct connection to department test equipment.

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

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

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

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

- (i) The floor;
- (ii) The top of opening(s) in the enclosure; or
- (iii) Maximum flood level, whichever is higher.

Maximum height above the floor surface shall not exceed sixty inches (60").

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

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

(i) An approved air-gap shall separate the relief port from any drainage system. An approved air-gap shall be at least twice the inside diameter of the supply line, but never less than two inches (2").

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

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

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

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

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

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

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

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

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

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

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

(p) The Union City Water Treatment Department shall require the occupant of the premises to keep any backflow prevention devices working properly, and to make all indicated repairs promptly. Repairs shall be made by qualified personnel, possessing valid backflow testing certification from the Tennessee Department of Environment and Conservation, Division of Water Supply, acceptable to the director. A current copy of the tester's certification shall be on file with the Union City Water Treatment Department. Expense of such repairs shall be borne by the owner or occupant of the premises. The failure to maintain a backflow prevention device in proper working condition shall be grounds for discontinuance of water service to a premises. Likewise the removal, bypassing or alteration of a backflow prevention device or the installation thereof, so as to render a device ineffective shall constitute a violation of this chapter and shall be grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the Union City Water Treatment Department.

(6) Devices shall be tested at least annually by a qualified person possessing a valid certification from the Tennessee Department of Environment and Conservation, Division of Water Supply for the testing of such devices. A current copy of the person's certification and a record of the test results will be on file with the Union City Water Treatment Department. The customer will be notified of the test results and a written report will be available to the customer upon request. Water service shall not be disrupted to test a device without the knowledge of the occupant of the premises. The testing will be done at the customer's expense. (as added by Ord. #72-09, Sept. 2008)

**18-415. Potable water supply.** The potable water supply made available to a premises served by the public water system shall be protected from contamination as specified in the provision of this chapter. Any water pipe or outlet which could be used for potable or domestic purposes and which is not supplied by the potable water system must be labeled in a conspicuous manner such as:

#### WATER UNSAFE FOR DRINKING

The minimum acceptable sign shall have black letters at least one inch (1") high located on a red background. Color-coding of pipelines, in accordance with the Occupational Safety and Health Act (OSHA) guidelines, shall be required in locations where in the judgment of the Union City Water Treatment Department, such coding is necessary to identify and protect the potable water supply. (as added by Ord. #72-09, Sept. 2008)

**18-416. Statement of nonexistence of unapproved or unauthorized cross-connections.** Any person whose premises are supplied with water from the public water system, and who also has on the same premises a well or other separate source of water supply, or who stores water in an uncovered or unsanitary storage reservoir from which the water is circulated through a piping system, shall file with the Union City Water Treatment Department a statement of the nonexistence of unapproved or unauthorized cross-connections auxiliary intakes, bypasses or interconnections. Such statement shall contain an agreement that no cross-connections, auxiliary intakes, bypasses or interconnections will be permitted upon the premises. Such statement shall also include the location of all additional water sources utilized on the premise and how they are used. Maximum backflow protection shall be required on all public water sources supplied to the premises. (as added by Ord. #72-09, Sept. 2008)

**18-417. Fines and penalties.** (1) Any person who neglects or refuses to comply with any of the provisions of this chapter may be deemed guilty of a misdemeanor and subject to a fine.

(2) Independent of and in addition to any fines or penalties imposed, the director may discontinue the public water supply service to any premises upon which there is found to be a cross connection, auxiliary intake, bypass or interconnection; and service shall not be restored until such cross connection, auxiliary intake, bypass or interconnection has been eliminated. (as added by Ord. #72-09, Sept. 2008)

**18-418. Application of this chapter.** The requirements contained in this chapter shall apply to all premises served by the Union City Water Treatment Department and are hereby made part of the conditions required to be met for the Union City Water Treatment Department to provide water services to any premises. The provisions of this chapter shall be rigidly enforced since it is essential for the protection of the public water distribution system against the entrance of contamination. Any person aggrieved by the action of this chapter is entitled to a due process hearing upon timely request. (as added by Ord. #72-09, Sept. 2008)

**CHAPTER 5**

**STORMWATER ORDINANCE**

**SECTION**

- 18-501. General provisions.
- 18-502. Definitions.
- 18-503. Land disturbance permits.
- 18-504. Stormwater system design and management standards.
- 18-505. Post construction.
- 18-506. Waivers from post construction stormwater management requirements.
- 18-507. Existing locations and developments.
- 18-508. Illicit discharges.
- 18-509. Enforcement.
- 18-510. Penalties.
- 18-511. Appeals.
- 18-512. Placement of leaves, grass clippings, and other yard waste within the city's storm sewerage system.

**18-501. General provisions.** (1) Purpose. It is the purpose of this ordinance to:

(a) Protect, maintain, and enhance the environment of the City of Union City and the public health, safety and the general welfare of the citizens of the city, by controlling discharges of pollutants to the city's stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, rivers, streams, ponds, and wetlands;

(b) Enable the City of Union City to comply with the National Pollution Discharge Elimination System (NPDES) General Permit for Discharges from Small Separate Storm Systems, Permit No. TNS000000 and applicable regulations at 40 CFR § 122.26 for stormwater discharges; and

(c) Allow the City of Union City to exercise the powers granted at Tennessee Code Annotated, § 68-221-1105, which provides that, among other powers municipalities have with respect to stormwater facilities, is the power by ordinance or resolution to:

(i) Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the municipality, whether or not owned and operated by the municipality;

(ii) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;

(iii) Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;

(iv) Review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments;

(v) Issue permits for stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities;

(vi) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;

(vii) Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and

(viii) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private.

(2) Administering entity. The Union City Department of Planning and Codes Enforcement shall administer the provisions of this ordinance. (as added by Ord. #19-05, Dec. 2004, and replaced by Ord. #52-07, Jan. 2007)

**18-502. Definitions.** For the purpose of this section, the following definitions shall apply: Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined at the latest edition of Webster's Dictionary.

(1) "As built plans" means drawings depicting conditions as they were actually constructed.

(2) "Best Management Practices (BMPs)" are physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by the City of Union City, and that have been incorporated by reference into this ordinance as if fully set out therein.

(3) "Channel" means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

(4) "Community water" means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the City of Union City.

(5) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(6) "Design storm event" means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility.

(7) "Discharge" means dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

(8) "Easement" means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality or other legal entity has in the land of another.

(9) "Erosion" means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.

(10) "Erosion and sediment control plan" means a written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

(11) "Hotspot (priority area)" means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

(12) "Illicit connections" means illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.

(13) "Illicit discharge" means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted in § 18-503(3).

(14) "Land disturbing activity" means any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

(15) "Maintenance" means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.

(16) "Maintenance agreement" means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

(17) "Municipal separate storm sewer system (MS4)" means the conveyances owned or operated by the municipality for the collection and



transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.

(18) "National Pollutant Discharge Elimination System (NPDES) permit" means a permit issued pursuant to 33 U.S.C. 1342.

(19) "Off-site facility" means a structural BMP located outside the subject property boundary described at the permit application for land development activity.

(20) "On-site facility" means a structural BMP located within the subject property boundary described at the permit application for land development activity.

(21) "Peak flow" means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

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

(23) "Priority area" means "hot spot" as defined in subsection (11) above.

(24) "Runoff" means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate storm sewer system.

(25) "Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

(26) "Sedimentation" means soil particles suspended in stormwater that can settle in stream beds and disrupt the natural flow of the stream.

(27) "Soils report" means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils scientist, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

(28) "Stabilization" means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

(29) "Stormwater" means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.

(30) "Stormwater management" means the programs to maintain quality and quantity of stormwater runoff to pre-development levels.

(31) "Stormwater management facilities" means the drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.

(32) "Stormwater management plan" means the set of drawings and other documents that comprise all the information and specifications for the

programs, drainage systems, structures, BMPS, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.

(33) "Stormwater runoff" means flow on the surface of the ground, resulting from precipitation.

(34) "Structural BMPs" means devices that are constructed to provide control of stormwater runoff.

(35) "Surface water" includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.

(36) "Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

(37) "Watershed" means all the land area that contributes runoff to a particular point along a waterway. (as added by Ord. #19-05, Dec. 2004, and replaced by Ord. #52-07, Jan. 2007)

**18-503. Land disturbance permits.** (1) Applicability. (a) Every person will be required to obtain a land disturbance permit from the City of Union City Department of Planning and Codes Enforcement in the following cases:

(i) Land disturbing activity disturbs one (1) or more acres of land;

(ii) Land disturbing activity of less than one (1) acre of land if such activity is part of a larger common plan of development that affects one (1) or more acres of land;

(iii) Land disturbing activity of less than one (1) acre of land if, in the discretion of the City of Union City Department of Planning and Codes Enforcement, such activity poses a unique threat to water, or public health or safety; or

(iv) The creation and use of borrow pits.

(2) Withholding of building permit. No building permit shall be issued until the applicant has obtained a land disturbance permit where the same is required by this ordinance.

(3) Exemptions. The following activities are exempt from the requirement to obtain a land disturbance permit:

(a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

(b) Existing nursery and agricultural operations conducted as a permitted main or accessory use.

(c) Any logging or agricultural activity that is consistent with an approved farm conservation plan or a timber management plan prepared or approved by the Natural Resources Conservation Service, U.S. Department of Agriculture or the Tennessee Division of Forestry.

(d) Additions or modifications to existing single family structures.

(4) Application for a land disturbance permit. (a) Each application for a land disturbance permit shall be made on a form provided by the City of Union City Department of Planning and Codes Enforcement and shall include the following:

(i) Name of applicant;

(ii) Business or residence address of applicant;

(iii) Name, address and telephone number of the owner of the property of record in the office of the assessor of property;

(iv) Address of subject property including the deed book and page number and the tax map number and tax map parcel number of the subject property;

(v) Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan;

(vi) A statement indicating the nature, extent and purpose of the land disturbing activity including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity;

(vii) Where the subject property includes a sinkhole, the applicant shall obtain from the Tennessee Department of Environment and Conservation appropriate permits; and

(viii) The applicant shall obtain from any other state or federal agency any other appropriate environment permits that pertain to the subject property. However, the inclusion of those permits in the application shall not foreclose the City of Union City Department of Planning and Codes Enforcement from imposing additional development requirements and conditions, commensurate with this ordinance, on the development of property covered by those permits.

(b) Each application shall be accompanied by:

(i) A stormwater management plan as described in § 18-504(4), providing for stormwater management during the land disturbing activity and after the activity has been completed;

(ii) A sediment and erosion control plan as described in § 18-504(5);

(iii) Each application for a land disturbance permit shall be accompanied by payment of land disturbance permit and other stormwater management fees, which shall be set by resolution or ordinance.

(5) Review and approval of application. (a) The City of Union City Department of Planning and Codes Enforcement will review each

application for a land disturbance permit to determine its conformance with the provisions of this ordinance. Within thirty (30) days after receiving an application, the City of Union City Department of Planning and Codes Enforcement shall provide one of the following responses in writing:

- (i) Approval of the permit application;
- (ii) Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance, and issue the permit subject to these conditions; or
- (iii) Denial of the permit application, indicating the reason(s) for the denial.

(b) If the City of Union City Department of Planning and Codes Enforcement has granted conditional approval of the permit, the applicant shall submit a revised stormwater management plan and/or sediment and erosion control plan that conforms to the conditions established by the City of Union City Department of Planning and Codes Enforcement. However, the applicant shall be allowed to proceed with his land disturbing activity so long as it conforms to conditions established by the City of Union City Department of Planning and Codes Enforcement.

(6) Permit duration. Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within one hundred eighty (180) calendar days of issuance, or is not complete within eighteen (18) months from the date of the commencement of construction.

(7) Notice of construction. The applicant must notify the City of Union City Department of Planning and Codes Enforcement ten (10) working days in advance of the commencement of construction. Regular inspections of the stormwater management system construction shall be conducted by the City of Union City Department of Planning and Codes Enforcement. All inspections shall be documented and written reports prepared that contain the following information:

- (a) The date and location of the inspection;
  - (b) Whether construction is in compliance with the approved stormwater management plan;
  - (c) Variations from the approved construction specifications;
- and
- (d) Any violations of the land disturbance permit that exist.

(8) Performance bonds. (a) The City of Union City Department of Planning and Codes Enforcement may, at its discretion, require the submittal of a performance security or performance bond prior to issuance of a land disturbance permit in order to ensure that the stormwater practices are installed by the permit holder as required by

the approved stormwater management plan. The amount of the installation performance security or performance bond shall be the total estimated construction cost of the structural BMPs approved under the permit plus a certain percentage of the total estimated costs. The performance security shall contain forfeiture provisions for failure to complete work stipulated at the stormwater management plan. The applicant for a land disturbance permit shall, at the request of the City of Union City Department of Planning and Codes Enforcement, provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment or rejection by the City of Union City Department of Planning and Codes Enforcement. Alternatively the City of Union City Department of Planning and Codes Enforcement shall have the right to calculate the cost of construction cost estimates.

(b) Where required by the City of Union City Department of Planning and Codes Enforcement, the performance security or performance bond shall be released in full only upon submission of as-built plans and written notification by a registered professional engineer licensed to practice in Tennessee that the structural BMPs have been installed in accordance with the approved stormwater management plan and other applicable provisions of this ordinance. The City of Union City Department of Planning and Codes Enforcement will make a final inspection of the structural BMPs to ensure that they are in compliance with the approved stormwater management plan and the provisions of this ordinance. Provisions for a partial pro-rata release of any required performance security or performance bond based on the completion of various development stages can be made at the discretion of the City of Union City Department of Planning and Codes Enforcement. (as added by Ord. #19-05, Dec. 2004, and replaced by Ord. #52-07, Jan. 2007)

**18-504. Stormwater system design and management standards.**

(1) Stormwater management program handbook. (a) The City of Union City adopts as its stormwater management program handbook the following document, which is incorporated by reference into this ordinance as if fully set out herein:

(i) "Stormwater Management Program Handbook for the City of Union City," dated November 2004, revised January 2006 prepared by J. R. Watford & Company, Consulting Engineers, Inc.

(b) This stormwater management program handbook includes a list of acceptable BMPs including the specific design performance criteria and operation and maintenance requirements for each stormwater practice. The handbook may be updated and expanded from time to time, at the discretion of the Mayor and Council of the City of Union City, upon the recommendation of the City of Union City

Department of Planning and Codes Enforcement, based on improvements in engineering, science, monitoring and/or local maintenance experience. Stormwater management facilities that are designed, constructed and maintained in accordance with the BMP criteria included at the stormwater management handbook will be presumed to meet the minimum water quality performance standards.

(2) General performance criteria for stormwater management. Unless judged by the City of Union City Department of Planning and Codes Enforcement to be exempt, the following performance criteria shall be addressed for stormwater management at all sites:

(a) All site designs shall control the peak flow rates of stormwater discharge associated with design storms stipulated at this ordinance or in the stormwater management handbook and reduce the generation of post construction peak stormwater runoff rates to pre-construction levels. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.

(b) To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed at the stormwater management program handbook.

(c) Stormwater discharges to critical areas with sensitive resources may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.

(d) Stormwater discharges from "hot spots" may require the application of specific structural BMPs and pollution prevention practices.

(e) Prior to or during the site design process, applicants for land disturbance permits shall consult with the City of Union City Department of Planning and Codes Enforcement to determine if they are subject to additional stormwater design requirements.

(f) The calculations for determining peak flows as found at the stormwater management program handbook shall be used for sizing all stormwater facilities.

(3) Minimum control requirements. (a) Stormwater designs shall meet the multi-stage storm frequency storage requirements listed at the stormwater management program handbook.

(b) If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the City of Union City Department of Planning and Codes Enforcement may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

(4) Stormwater management plan requirements. The stormwater management plan shall include sufficient information to allow the City of Union City Department of Planning and Codes Enforcement to evaluate the environmental characteristics of the proposed site of land disturbance, the potential present and future impacts of all proposed development of the site on water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the proposed site of land disturbance. To accomplish this goal the stormwater management plan shall include the following unless a waiver from post construction stormwater management as required by this ordinance is granted by the City of Union City Department of Planning and Codes Enforcement and then subsection (f) may be omitted:

(a) Topographic base map. A one inch equals twenty feet (1" = 20') topographic base map of the proposed site of land disturbance which extends a minimum of fifty feet (50') beyond the limits of the proposed land disturbance and indicates:

(i) Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, and elevation of the nearest upstream and downstream drainage structures;

(ii) Current land use including all existing structures, locations of utilities, roads, and easements;

(iii) All other existing significant natural and artificial features;

(iv) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, drainage patterns, locations of utilities, roads and easements, the limits of clearing and grading;

(v) Proposed structural BMPs; and

(vi) The location of a permanent elevation benchmark at the proposed site.

(b) A written description of the site plan and justification of proposed changes in natural conditions may also be required.

(c) Calculations. Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms stipulated at the stormwater management program handbook. These calculations must demonstrate that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this ordinance and the guidelines at the stormwater management program handbook. Such calculations shall include:

(i) A description of the design storm frequency, duration, and intensity where applicable;

(ii) Time of concentration;

- (iii) Soil curve numbers or runoff coefficients including assumed soil moisture conditions;
- (iv) Peak runoff rates and total runoff volumes for each watershed area;
- (v) Infiltration rates, where applicable;
- (vi) Culvert, storm sewer, ditch and/or other stormwater conveyance capacities;
- (vii) Flow velocities;
- (viii) Data indicating the calculated increase in rate and volume of runoff for the design storms referenced at the stormwater management program handbook; and
- (ix) Documentation of sources for all computation methods and field test results.

(d) Soils information. If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.

(e) Maintenance and repair plan. The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

(f) Landscaping plan. The applicant must prepare a detailed plan for management of vegetation at the site after construction is finished describing the vegetative stabilization and management techniques to be used at the site after construction is completed and including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

(g) Maintenance easements. The applicant must ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed. These easements must be binding on the current property owner and all subsequent owners of the property and must be properly recorded in the land record.

(h) Maintenance agreement. (i) The owner of property to be served by an on-site stormwater management facility must execute an inspection and maintenance agreement that shall operate as a



deed restriction binding on the current property owner and all subsequent property owners.

(ii) The maintenance agreement shall:

(A) Assign responsibility for the maintenance and repair of the on-site stormwater management facility to the owner of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.

(B) Provide for a periodic inspection by the property owner for the purpose of documenting maintenance and repair needs to the on-site stormwater management facility and ensure compliance with the purpose and requirements of this ordinance. The property owner will submit a written report of the inspection to the City of Union City Department of Planning and Codes Enforcement. It shall also grant permission to the City of Union City Department of Planning and Codes Enforcement to enter the property at reasonable times and to inspect the on-site stormwater management facility to ensure that it is being properly maintained.

(C) Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter and other debris, the cutting of grass, grass cuttings and vegetation removal, and the replacement of landscape vegetation in detention and retention basins, and maintenance and repair of inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owner shall be responsible for additional maintenance and repair needs consistent with the needs and standards stipulated at the stormwater management program handbook.

(D) Provide that maintenance needs of the on-site stormwater management facility must be addressed in a timely manner, on a schedule to be determined by the City of Union City Department of Planning and Codes Enforcement.

(E) Provide that if the on-site stormwater management facility is not maintained or repaired within the prescribed schedule, the City of Union City Department of Planning and Codes Enforcement shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the City of Union City Department of Planning

and Codes Enforcement's cost of performing the maintenance shall be a lien against the property.

(ii) The City of Union City shall have the discretion to accept the dedication of any existing or future on-site stormwater management facility, provided such facility meets the requirements of this ordinance, and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any on-site stormwater management facility accepted by the City of Union City must also meet the City of Union City's construction standards and any other standards and specifications that apply to the particular on-site stormwater management facility in question.

(i) Sediment and erosion control plans. The applicant must prepare a sediment and erosion control plan for all proposed land disturbance activities that complies with the requirements at § 18-504(5).

(5) Sediment and erosion control plan requirements. The sediment and erosion control plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from the proposed land disturbing activity and shall explain and illustrate the measures that are to be taken to control these potential problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. The plan shall conform to the requirements at the stormwater management program handbook, and shall include at least the following:

(a) A brief description of the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.

(b) Drawings and maps which depict the following:

(i) Topography with contour intervals of five feet (5') or less depicting present conditions and proposed contours resulting from land disturbing activity.

(ii) All existing drainage ways, including intermittent and wet-weather, and any designated floodways or flood plains.

(iii) A general description of existing land cover. Individual trees and shrubs do not need to be identified.

(iv) Stands of existing trees as they are to be preserved upon project completion, depicting their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the map and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be

submitted separately. The drawings and maps must include the sequence of implementation for tree protection measures.

(v) Approximate limits of proposed clearing, grading and filling.

(vi) Approximate flows of existing stormwater leaving any portion of the site.

(vii) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.

(viii) Location, size and layout of proposed stormwater and sedimentation control improvements.

(ix) Proposed drainage network.

(x) Proposed drainage structure or waterway sizes.

(xi) Approximate flows estimated to leave site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration and/or sheeting into buffers, are going to be used to prevent the scouring of waterways and drainage areas off-site.

(xii) The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plan as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural BMPs.

(xiii) Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.

(xiv) Specific details for the construction of rock pads, wash down pads, and settling basins for controlling erosion; road access locations; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the City of Union City Department of Planning and Codes Enforcement. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom or shovel to the satisfaction of the City of Union City Department of

Planning and Codes Enforcement. Failure to remove the sediment, soil or debris shall be deemed a violation of this ordinance.

(xv) Proposed structures; location and identification of any proposed additional buildings, structures or development on the site.

(xvi) A description of on-site measures to be taken to recharge surface water into the ground water system through infiltration. (as added by Ord. #19-05, Dec. 2004, and replaced by Ord. #52-07, Jan. 2007)

**18-505. Post construction.** (1) As-built plans. All applicants are required to submit actual as-built plans for any structural BMPs located on-site after final construction is completed. The plan must depict the as-constructed condition for all stormwater management facilities. A final inspection by the City of Union City Department of Planning and Codes Enforcement is required before any performance security or performance bond will be released. The City of Union City Department of Planning and Codes Enforcement shall have the discretion to adopt provisions for a partial pro-rata release of any performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMPs have been made and accepted by the City of Union City Department of Planning and Codes Enforcement.

(2) Landscaping and stabilization requirements. Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be revegetated according to a schedule approved by the City of Union City Department of Planning and Codes Enforcement. The following criteria shall apply to revegetation efforts:

(a) Reseeding must be undertaken with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.

(b) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.

(c) Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.

(3) Inspection of stormwater management facilities. Periodic inspections of facilities shall be performed as provided for at § 18-504(4)(h)(ii)(B).

(4) Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least three (3) years. These records shall be made available to the City of Union City Department of Planning and Codes Enforcement during inspection of the facility and at other reasonable times upon request.

(5) Failure to meet or maintain design or maintenance standards. If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater management facilities under this ordinance, the City of Union City Department of Planning and Codes Enforcement, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the stormwater management facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the City of Union City Department of Planning and Codes Enforcement shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the City of Union City Department of Planning and Codes Enforcement may take necessary corrective action. The cost of any action by the City of Union City Department of Planning and Codes Enforcement under this section shall be charged to the responsible party. (as added by Ord. #19-05, Dec. 2004, and replaced by Ord. #52-07, Jan. 2007)

**18-506. Waivers from post construction stormwater management requirements.** (1) General. Every applicant for a land disturbance permit shall provide for post construction stormwater management as required by this ordinance, unless a written request is filed with and approved by the City of Union City Department of Planning and Codes Enforcement to waive this requirement.

(2) Conditions for waiver. The post construction stormwater management required by this ordinance may be waived in whole or in part by the Union City Department of Planning and Codes Enforcement upon written request by the applicant for a land disturbance permit, provided that at least one (1) of the following conditions applies:

(a) It can be demonstrated that the waiver of post construction stormwater management requirements for the proposed land disturbance activity is not likely to impair attainment of the objectives of this ordinance;

(b) Alternative minimum requirements for on-site post construction management of stormwater discharges have been established in a stormwater management plant that has been approved

by the City of Union City Department of Planning and Codes Enforcement; or

(c) Provisions are made to manage post construction stormwater discharges by an off-site facility. The off-site facility must be in place and designed to provide the level of stormwater control that is equal to or greater than the level of stormwater control which would be afforded by structural BMPs located on-site after final construction is completed. Further, the off-site facility must be operated and maintained by an entity that is legally obligated to continue the operation and maintenance of the facility.

(3) Downstream damage prohibited. In order to receive a waiver from the post construction stormwater management required by this ordinance, the applicant for a land disturbance permit must demonstrate to the satisfaction of the City of Union City Department of Planning and Codes Enforcement that the waiver will not lead to any of the following conditions downstream:

(a) Deterioration of existing culverts, bridges, dams, and other structures;

(b) Degradation of biological functions of habitat;

(c) Accelerated streambank or streambed erosion or siltation;  
and

(d) Increased threat of flood damage to public health, life or property.

(4) Land disturbance permit not to be issued until waiver request is decided. In the event that the applicant for a land disturbance permit requests a waiver from post construction stormwater management as required by this ordinance, the City of Union City Department of Planning and Codes Enforcement shall not issue the land disturbance permit until the waiver is either granted or denied. If the requested waiver is denied by the City of Union City Department of Planning and Codes Enforcement, the stormwater management plan shall be revised to include the post construction stormwater management as required by this ordinance and resubmitted for approval. (as added by Ord. #19-05, Dec. 2004, and replaced by Ord. #52-07, Jan. 2007)

**18-507. Existing locations and developments.** (1) Requirements for all existing locations and developments. The following requirements shall apply to all locations and developments at which land disturbing activities have occurred previous to the enactment of this ordinance:

(a) Denuded areas must be vegetated or covered under the standards and guidelines stipulated at § 18-505(2) and on a schedule acceptable to the City of Union City Department of Planning and Codes Enforcement.

(b) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.

(c) Drainage ways shall be properly covered in vegetation or secured with rip-rap or other channel lining to prevent erosion.

(d) Rubbish shall be cleared from drainage ways.

(e) Stormwater runoff shall be controlled to the extent reasonable to prevent pollution of local waters.

(2) Requirements for existing problem locations. The City of Union City Department of Planning and Codes Enforcement shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problems affecting such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance.

(3) Inspection of existing facilities. The City of Union City Department of Planning and Codes Enforcement may, to the extent authorized by state and federal law, establish inspection programs to verify that all stormwater management facilities built before the adoption of this ordinance are functioning within design limits stipulated at this ordinance. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the NPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems issued to the City of Union City; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPS.

(4) Corrections of problems subject to appeal. Corrective measures imposed by the City of Union City Department of Planning and Codes Enforcement under this section are subject to appeal as described in § 18-511. (as added by Ord. #19-05, Dec. 2004, and replaced by Ord. #52-07, Jan. 2007)

**18-508. Illicit discharges.** (1) Scope. This section shall apply to all water generated on developed or undeveloped land entering the City of Union City's separate storm sewer system.

(2) Prohibition of illicit discharges. No person shall introduce or cause to be introduced into the City of Union City municipal separate storm sewer system any discharge that is not composed entirely of stormwater. The commencement, conduct or continuance of any non-stormwater discharge to the City of Union City municipal separate storm sewer system is prohibited except as described as follows:

- (a) Uncontaminated discharges from the following sources:
- (i) Water line flushing or other potable water sources;
  - (ii) Landscape irrigation or lawn watering with potable water;
  - (iii) Diverted stream flows;
  - (iv) Rising groundwater;
  - (v) Groundwater infiltration to storm drains;
  - (vi) Pumped groundwater;
  - (vii) Foundation or footing drains;
  - (viii) Crawl space pumps;
  - (ix) Air conditioning condensation;
  - (x) Springs;
  - (xi) Non-commercial washing of vehicles;
  - (xii) Natural riparian habitat or wet-land flows;
  - (xiii) Swimming pools (if dechlorinated to contain less than one (1) part per million of free residual chlorine);
  - (xiv) Fire fighting activities; and
  - (xv) Any other uncontaminated water source.

(b) Discharges stipulated in writing by the City of Union City Department of Planning and Codes Enforcement as being necessary to protect public health and safety.

(c) Dye testing is an allowable discharge if the City of Union City Department of Planning and Codes Enforcement has so stipulated in writing.

(3) Prohibition of illicit connections. (a) The construction, use, maintenance or continued existence of illicit connections to the City of Union City municipal separate storm sewer system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(4) Reduction of stormwater pollutants by the use of best management practices. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the City of Union City municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

(5) Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into the City of Union City municipal



separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the City of Union City Department of Planning and Codes Enforcement in person or by telephone or facsimile communication no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the City of Union City Department of Planning and Codes Enforcement within three (3) business days after the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. (as added by Ord. #19-05, Dec. 2004, and replaced by Ord. #52-07, Jan. 2007)

**18-509. Enforcement.** (1) Enforcement authority. The city manager of the City of Union City or his designees shall have the authority to issue notices of violation and citations, and to impose the civil penalties provided at this section.

(2) Notification of violation. (a) Written notice. Whenever the city manager of the City of Union City finds that any person discharging stormwater has violated or is violating this ordinance or a permit to conduct land disturbance or order issued hereunder, the city manager may serve upon such person written notice of the violation. Within ten (10) days 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 to the city manager. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(b) Consent orders. The city manager of the City of Union City is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also stipulated at the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to § 18-509(2)(d) and (e).

(c) Show cause hearing. The city manager of the City of Union City may order any person who violates this ordinance or the requirements at a land disturbance permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action,

and a request that the violator 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.

(d) **Compliance order.** When the city manager of the City of Union City finds that any person has violated or continues to violate this ordinance or the requirements at a land disturbance permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures and/or devices be installed or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.

(e) **Cease and desist orders.** When the city manager of the City of Union City finds that any person has violated or continues to violate this ordinance or the requirements at a land disturbance permit or order issued hereunder, the city manager may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(i) Comply forthwith; or

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

(3) **Conflicting standards.** Whenever there is a conflict between any standard contained at this ordinance and in the Stormwater Management Program Handbook adopted by the City of Union City under this ordinance, the strictest standard shall prevail. (as added by Ord. #19-05, Dec. 2004, and replaced by Ord. #52-07, Jan. 2007)

**18-510. Penalties.** (1) **Violations.** Any person who shall commit any act declared unlawful under this ordinance, who violates any provision of this ordinance, who violates the provisions of any permit issued pursuant to this ordinance, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the City of Union City, shall be guilty of a civil offense.

(2) **Penalties.** Under the authority provided at Tennessee Code Annotated, § 68-221-1106, the City of Union City declares that any person violating the provisions of this ordinance may be assessed a civil penalty by the City of Union City of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.

(3) **Measuring civil penalties.** In assessing a civil penalty, the city manager of the City of Union City may consider:

- (a) The harm done to the public health of the environment;
  - (b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
  - (c) The economic benefit gained by the violator;
  - (d) The amount of effort put forth by the violator to remedy this violation;
  - (e) Any unusual or extraordinary enforcement costs incurred by the City of Union City;
  - (f) The amount of penalty established by ordinance or resolution for specific categories of violations; and
  - (g) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.
- (4) Recovery of damages and costs. In addition to the civil penalty described at § 18-510(2), the City of Union City may recover:
- (a) All damages proximately caused by the violator to the City of Union City, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this ordinance, or any other actual damages caused by the violation.
  - (b) The costs of the maintenance performed by the City of Union City of stormwater management facilities when the user of such facilities fails to maintain them as required at this ordinance.
- (5) Other remedies. The City of Union City may bring legal action to enjoin the continuing violation of this ordinance, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.
- (6) Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted. (as added by Ord. #19-05, Dec. 2004, and replaced by Ord. #52-07, Jan. 2007)

**18-511. Appeals.** Pursuant to the requirements of Tennessee Code Annotated, § 68-221-1106(d), any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this ordinance may appeal said penalty or damage assessment to the mayor and council of the City of Union City.

(1) Appeals to be in writing. The appeal shall be in writing and filed with the city manager within fifteen (15) days after the civil penalty and/or damage assessment is served in any manner authorized by law.

(2) Public hearing. Upon receipt of an appeal, the mayor and council of the City of Union City shall hold a public hearing withing thirty (30) days. Ten (10) days prior notice of the time, date, and location of said hearing shall be published in a daily newspaper of general circulation. Ten (10) days notice by registered mail shall also be provided to the aggrieved party, such notice to be

sent to the address provided by the aggrieved party at the time of appeal. The decision of the mayor and council of the City of Union City shall be final.

(3) Appealing decisions of the mayor and council of the City of Union City. Any alleged violator may appeal a decision of the mayor and council of the City of Union City pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8. (as added by Ord. #19-05, Dec. 2004, and replaced by Ord. #52-07, Jan. 2007)

**18-512. Placement of leaves, grass clippings, and other yard waste within the city's storm sewerage system.** (1) Definitions. For the purposes of interpreting and enforcing this section, the following definitions shall apply:

(a) "Storm sewerage system" shall mean any drainage ditch, street, gutter, culvert, drainage tile or pipe, or stormwater detention pond which is owned by the City of Union City or, any privately owned facilities which deposit stormwater into the drainage ditches, streets, gutters, culverts, drainage tiles or pipes, or stormwater detention ponds of the City of Union City.

(b) "Yard wastes" shall mean trees, tree limbs, leaves, brush, weeds, grass clippings, landscape pruning, garden plants, and other natural materials.

(2) Placement of leaves, grass clippings, and other yard wastes in the city's storm sewage system prohibited. It shall be unlawful for any person to place leaves, grass clippings or other yard wastes into any part of the storm sewerage system owned by the City of Union City, or into any privately owned storm sewerage system which drains or deposits into the city's sewerage system.

(3) Penalty for violation. All persons found to be in violation of any provision of this section shall be subject to a fine in the municipal court of the City of Union City not to exceed fifty dollars (\$50.00) plus any and all applicable court costs. (as added by Ord. #54-07, Feb. 2007)