

TITLE 18

WATER AND SEWERS¹

CHAPTER

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CHAPTER 1

WATER AND SEWERS GENERALLY

SECTION

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18-101. Office of superintendent of water and wastewater created. There is hereby created the office of superintendent of the water and

¹Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

Service outside city limits: title 20.

For complete details relating to the water interconnection mutual agreement between Warren County Utilities District, West Warren-Viola Utilities District and the City of McMinnville see Ord. #1312, February 16, 1999, in the office of the city recorder. For complete details relating to water and sewer line extensions see Ord. #1488, April 12, 2005, as amended by Ord. #1333, Oct. 4, 1999, in the office of the city recorder.

wastewater department for the City of McMinnville, Tennessee, to be elected, beginning in 1970, by the board of mayor and aldermen at the first regular meeting in June, thenceforth to serve at the will of the board. The superintendent of the water and wastewater department, in addition to serving at the will of the board, shall also be subject to dismissal at any time for dereliction of duty, conflicts of interest, malfeasance, or any other actions giving rise to dismissal for cause. The superintendent of the water and wastewater department shall operate and be controlled by chapters 1 and 2 of this title. (1982 Code, § 13-201)

18-102. Deposit required. Any person, firm, partnership, establishment, or corporation applying for water and sewer services from the water and sewer system of the City of McMinnville, Tennessee, must first place on deposit with the city recorder an amount of money set forth below before the requested services can be furnished. Monies held by the recorder will be returned to the customer upon discontinuance of service, less amount required to satisfy, in full, the final billing at the place where service was discontinued and for which deposit was rendered. The provisions of this section do not apply to customers who are connected to the system prior to the effective date of this section; however, when such person moves to another location within the system, a deposit will be required before services will be connected at the new location. Amount of deposit required will be as follows:

Industrial or commercial. Any amount equal to a 30 day usage as determined by the city recorder and/or the water and sewer superintendent, based upon records of previous usage of the business or industry or a reasonable estimate based upon usage of other comparable industries or businesses. Apartments where utilities are furnished by the owner will be considered commercial.

Residential. An amount equal to a 60 day usage determined by the recorder and/or the water and sewer superintendent based upon records of previous usage or reasonable estimate of other comparable residents. (1982 Code, § 13-202)

18-103. Water rates. The following monthly water rates shall apply to all residential or industrial/commercial establishments:

Residential Water Rates

<u>Number of gallons</u>	<u>Rates inside city limits</u>	<u>Rates outside city limits</u>
All eligible customers	4.00 minimum	9.00 minimum
Plus all gallons 0 and above	.399 per 100	.549 per 100
	or any fractional part thereof	or any fractional part thereof

Industrial/Commercial Water Rates

<u>Number of gallons</u>	<u>Rates inside city limits</u>	<u>Rates outside city limits</u>
All eligible customers	4.00 minimum .434 per 100	9.00 minimum .572 per 100
Plus 1 to 50,000 gallons	or any fractional part thereof .391 per 100	or any fractional part thereof .485 per 100
Plus all over 50,000 gallons	or any fractional part thereof	or any fractional part thereof

(1982 Code, § 13-203, replaced by Ord. #1337, Dec. 1999; Ord. #1360, July 2000; Ord. #1375, March 2001; and Ord. #1429, Sept. 2002; amended by Ord. #1466, July 2003; and replaced by Ord. #1478, Feb. 2005, Ord. #1543, June 2007, Ord. #1569, June 2008, Ord. #1576, Oct. 2008, and Ord. #1590, July 2009)

18-104. Sewer rates. Sewer rates for residential and commercial establishments inside the city limits shall be one hundred seventeen percent (117%) of the water bill of all sewer users or of those persons who are eligible for sewer service and not using same. Unless special exception being granted after a written application is made for special exception and approved by the mayor and board of aldermen by a duly adopted resolution. Sewer rates for residential and commercial outside the City of McMinnville, Tennessee shall be one hundred thirty percent (130%) of the inside rate.

Residential Sewer Rates

<u>Number of gallons</u>	<u>Rates inside city limits</u>	<u>Rates outside city limits</u>
All eligible customers	4.00 minimum .468 per 100	9.00 minimum .607 per 100
Plus all gallons 0 and above	or any fractional part thereof	or any fractional part thereof

Industrial/Commercial Sewer Rates

<u>Number of gallons</u>	<u>Rates inside city limits</u>	<u>Rates outside city limits</u>
All eligible customers	4.00 minimum .509 per 100	9.00 minimum .660 per 100
Plus 1 to 50,000 gallons	.509 per 100	.660 per 100
Plus all over 50,000 gallons	.458 per 100	.594 per 100
	or any fractional part thereof	or any fractional part thereof

(1982 Code, § 13-204, replaced by Ord. #1337, Dec. 1999, amended by Ord. #1337A, Jan. 2000, replaced by Ord. #1360, July 2000; Ord. #1375, March 2001; Ord. #1429, Sept. 2002; amended by Ord. #1466, July 2003; and replaced by Ord. #1478, Feb. 2005, Ord. #1543, June 2007, Ord. #1569, June 2008, Ord. #1576, Oct. 2008, and Ord. #1590, July 2009)

18-105. Water tapping fees.

	<u>Fees inside city limits</u>	<u>Fees outside city limits</u>
5/8" x 3/4" service connection	\$ 900.00	\$1,050.00
1" service connection	1,150.00	1,300.00
1 1/2" service connection	1,650.00	1,800.00

Larger taps will be considered on an individual basis. (1982 Code, § 13-205, as replaced by Ord. #1337, Dec. 1999, Ord. #1360, July 2000, and Ord. #1569, June 2008)

18-106. Sewer tapping fees. The sewer tapping fee for residential or commercial taps shall be:

- (1) Gravity flow lines – seven hundred fifty dollars (\$750.00).
- (2) Force mains – eight hundred fifty dollars (\$850.00). (1982 Code, § 13-206, as replaced by Ord. #1337, Dec. 1999, Ord. #1360, July 2000, and Ord. #1569, June 2008)

18-107. Fire hydrant rentals. Fire hydrants shall be rented at a rate of \$50.00 per hydrant per year. (1982 Code, § 13-207)

18-108. Inspection fees.¹ The following inspection fees shall apply:

For issuing each permit	\$ 5.00
For each plumbing fixture, floor drain or trap (incl. water and drainage piping)	1.50
For each house sewer	2.50
For each house sewer having to be replaced or repaired	5.00
For each cesspool	10.00
For each septic tank and seepage pit or drainfield	10.00
For each water heater and/or vent	1.50

(1982 Code, § 13-208)

18-109. Billing; enforcing payment. The charges for water and sewer services shall be combined in one statement and the water and sewer system shall bill the beneficiaries of such services and require the payment of both charges as a unit, and enforce the payment of such charges by discontinuing the

¹Municipal code reference

Plumbing code: title 12, chapter 2.

water service if both charges are not paid when due or within such time as the system may require thereafter. (1982 Code, § 13-209)

18-110. Service charges. A service charge of \$5.00 will be charged when water service is discontinued due to lack of payment and a \$5.00 service charge will be added when service is re-instated. In the event water is re-instated after duty hours the service charge will be \$15.00. (1982 Code, § 13-210)

18-111. Waste hauler fees. A trip fee shall be charged for each disposal. Fees shall be based on the capacity of the vehicle waste tank and not the actual volume contained in the tank for each load. Trip fees shall be based as follows:

<u>Vehicle class</u>	<u>Vehicle capacity (gal.)</u>	<u>Proposed trip fee</u>
A	0 – 500	6.50
B	501 – 1000	13.00
C	1001 – 2000	26.00
D	2001 – 3000	39.00
E	3001 – 4000	52.00

(as added by Ord. #1576, Oct. 2008)

CHAPTER 2

ENFORCEMENT RESPONSE PLAN

SECTION

- 18-201. Introduction.
- 18-202. Definitions of terms relevant to enforcement.
- 18-203. Responsibilities of control authority personnel.
- 18-204. Determining time frames for enforcement actions and follow-up.
- 18-205. Applying the enforcement response guide.
- 18-206. Using the model enforcement response guide.
- 18-207. Description of terms.
- 18-208. Model enforcement response guide.
- 18-209. Administrative enforcement remedies.
- 18-210. Criminal violations.
- 18-211. Additional enforcement remedies.
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18-201. Introduction. One of the most important requirements of pretreatment program implementation for Publicly Owned Treatment Works (POTW) is an effective enforcement program to deal with Industrial User noncompliance. In July, 1990, Environmental Protection Agency amended the General Pretreatment Regulations requiring all POTW's, with approved pretreatment programs to develop enforcement response plans. An enforcement response plan specifies criteria by which POTW personnel can determine the enforcement action most appropriate to the nature of the violation.

The following enforcement response plan will enable the City of McMinnville to clearly establish enforcement responsibilities so that they can react decisively and consistently to specific instances of noncompliance. (1982 Code, § 13-301, as replaced by Ord. #1169, § 1, Sept. 1995)

18-202. Definitions of terms relevant to enforcement.

(1) "Absolve" - To excuse; to free from an obligation or the consequences of guilt or liability.

(2) "Administrative action (a fine or order)" - An enforcement action authorized by the Control Authority's legal authority which is taken without the involvement of a court.

(3) "Administrative fine" - A punitive monetary charge unrelated to actual treatment costs which is assessed by the Control Authority rather than a court.

(4) "Administrative order" - A document which orders the violator to perform a specific act or refrain from an act. For example, the order may require users to attend a show cause meeting, cease and desist discharging, or undertake activities pursuant to a compliance schedule.

- (5) "Admissible evidence" - Evidence which can be presented in court.
- (6) "Affidavit" - A sworn statement in writing under oath before an authorized magistrate or officer.
- (7) "Approval authority" - EPA or States with an EPA approved pretreatment program. The Approval Authority is responsible for approval and oversight of Control Authority pretreatment programs, including an evaluation of the effectiveness of local enforcement.
- (8) "Arbitrary" or "capricious allegation" - An assertion that a decision or action taken by the Control Authority was unreasonable or not founded upon sound judgement.
- (9) "Burden of proof" - The duty of proving a disputed assertion or charge in court.
- (10) "Cease and desist order" - An administrative order directing an industrial user to immediately halt illegal or unauthorized discharges.
- (11) "Chain-of-custody" - A written record of sample possessions for all persons who handle (collect, transport, analyze, dispose of) a sample, including names, dates, times and procedures followed.
- (12) "Civil litigation"- A lawsuit filed in a civil court. If the court rules that the defendant industrial user violated the law the court may impose civil penalties, injunctions or other equitable remedies and/or cost recovery.
- (13) "Civil penalty" - A punitive monetary award granted by a court to the Control Authority against a noncompliant industrial user.
- (14) "Compliance order" - An administrative order directing a noncompliant industry to achieve or restore compliance by a date specified in the order.
- (15) "Compliance schedule" - A schedule of required activities (also called milestones) necessary for an industrial user to achieve compliance with all pretreatment program requirements.
- (16) "Consent decree" - A court supervised settlement agreement, the violation of which may be considered contempt of court.
- (17) "Consent order" - An administrative order embodying a legally enforceable agreement between the Control Authority and the noncompliant industrial user to compliance status.
- (18) "Control authority" - The entity directly administering and enforcing pretreatment standards and requirements against industrial users. For purposes of this manual, the Control Authority is an approved local POTW program.
- (19) "Criminal intent" - A state of mind which is a necessary element of all crimes. Criminal intent may be general (intent to perform an act) or specific (intent to break a law).
- (20) "Criminal negligence" - Negligence of such a character, or occurring under-such circumstances, as to be punishable as a crime (such as a flagrant and reckless disregard of the safety of others or willful indifference to the injury likely to follow).

(21) "Criminal prosecution" - A criminal charge brought by the Control Authority against an accused violator. The alleged criminal action may be a misdemeanor or a felony and is defined as willful, negligent, knowing, and/or intentional violations. A court trial-by-jury is generally required and upon conviction, punishment may include a monetary penalty, imprisonment, or both.

(22) "Defendant" - The party against whom relief or recovery is sought.

(23) "Deposition" - A discovery device by which one party addresses verbal questions to the other party or to a witness for the other party. Depositions are conducted under oath outside the courtroom, usually in the office of an attorney. A transcript is made of the deposition which may be used as evidence at trial.

(24) "Deterrent value" - A threat of reprisal which is sufficient to discourage the industrial user from future violations.

(25) "Discovery" - A variety of pretrial devices used by one party to obtain relevant facts and information about the case from the other party.

(26) "Double jeopardy" - The prohibition against a second prosecution after a trial for the same offense.

(27) "Enabling legislation" - A state law or charter which creates and empowers a Control Authority.

(28) "Felony" - A crime punishable by imprisonment for greater than one year (depending on State law).

(29) "Fees" - A schedule of charges imposed to recover treatment costs (not punitive in nature).

(30) "Fine" - A punitive monetary charge for a violation of the law. Often used synonymously with "penalty", although the term "fine" generally implies the use of administrative rather than civil (judicial) procedures.

(31) "Good faith effort" or "Progress" - Prompt and vigorous pollution control measures undertaken by the discharger which shows that extraordinary efforts (not a "business-as-usual" approach) have been made to achieve compliance.

(32) "Grand jury" - A body of citizens whose duties consist of determining whether probable cause exists that a crime has been committed, and whether an indictment should be returned against a named defendant.

(33) "Inadmissible" - Evidence not allowed to be presented in court.

(34) "Indictment" - A written accusation of criminal conduct by a grand jury.

(35) "Injunction," "Injunctive relief" - A court order which restrains or compels action by the industrial user.

(36) "Interrogatories" - A discovery device consisting of written questions submitted by one party to the other party or witness.

(37) "Judicial action" or "Case" - An enforcement action that involves a court. (The action may either be civil or criminal in nature).

(38) "Jurisdiction" - The extent of authority of governmental entity's power to make and enforce laws.

(39) "Legal authority" - The source of a Control Authority's jurisdiction and regulatory powers.

(40) "Libel suit" - A suit against a person who is responsible for a written statement that allegedly conveys an unjustly unfavorable impression of another person.

(41) "Litigation" - An enforcement action brought in a judicial (court) forum.

(42) "Misdemeanor" - A crime punishable by imprisonment of less than one year (depending on State law).

(43) "Notice of violation" (NOV) - A Control Authority document notifying an industrial user that it has violated pretreatment standards and requirements. Generally used when the violation is relatively minor and the Control Authority expects the violation to be corrected within a short period of time.

(44) "NPDES" (National Pollutant Discharge Elimination System) - A permit system for the direct discharge of pollutants into U.S. waterways.

(45) "Penalty" - A monetary or other punitive measure, usually associated with a court action. For purposes of this chapter, the term is used synonymously with fine.

(46) "Plaintiff" - A person or organization seeking remedy from a court. For purposes of this chapter, the plaintiff is the Control Authority.

(47) "Plea bargain" - An agreement between a prosecuting attorney and a criminal defendant whereby the defendant pleads guilty to a lesser charge and/or a reduction of sentence in exchange for cooperation in investigating or prosecuting the crime (e.g., waiving a trial).

(48) "Priority pollutants" - A list of 126 pollutants established by EPA and considered hazardous to the environment and to humans.

(49) "Proprietary information"- Information about a commercial chemical, product, or process which is considered to be confidential business information or a trade secret by an industrial user because if divulged, the information could be put the industrial user at an unfair competitive disadvantage with competitors in the same industry.

(50) "Publicly owned treatment works or POTW" - A system of conveyances and treatment for sewage and industrial wastes. Also refers to the governmental officials responsible for operation and maintenance of the collection system or treatment plant and the administration of the pretreatment program.

(51) "Reportable noncompliance" - Criteria for identifying when a Control Authority should be reported in the NPDES Quarterly Noncompliance Report for failure to implement its approved pretreatment program.

(52) "Request for admission" - A discovery device where a written statement of fact concerning the case is submitted to the adverse party and which that party is required to affirm or deny. Those statements that are

admitted will be treated by the court as having been established and need not be proved at trial.

(53) "Request for production" - A discovery device which requests the opposing party to produce some document or thing which may tend to resolve an issue in dispute in the case.

(54) "Search warrant" - A document issued by a magistrate or judge which authorized government entry into private premises to either observe compliance with applicable laws or collect evidence of noncompliance.

(55) "Self monitoring" - Sampling and analysis of wastewater performed by the industrial user.

(56) "Show cause order" - An administrative order directing a noncompliant user to appear before the Control Authority, explain its noncompliance, and show cause why more severe enforcement actions against the user should not go forward.

(57) "Significant noncompliance" - Criteria used by Control and Approval Authorities to identify important violations and/or patterns of noncompliance. This criteria is used to establish enforcement priorities and comply with special reporting requirements.

(58) "Standard of strict liability" - Liability which attaches without regard to the user's "negligence" or "intent" to violate. Noncompliant industrial users will be found liable for pretreatment violation if the Control Authority proves that a violation occurred.

(59) "Statue of limitations" - A law which prescribes the period within which an enforcement action may be pursued by the Control Authority.

(60) "Stipulation" - A voluntary agreement between opposing parties as to facts or issues in controversy.

(61) "Surcharge" - The charge for treating excessive pollutant loadings.

(62) "Termination of service" - A physical blockage of the sewer connection to a noncompliant user or issuance of a formal notice of termination to the industrial user.

(63) "Testimony" - A solemn declaration made by a witness under oath in response to interrogation by a lawyer or public official which is used as evidence.

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

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

(b) Any other industrial user that: discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the WWF (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the WWF's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(65) "Significant noncompliance." Per 1200-4-14-.08(6)(b)8.

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

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required.

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

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the WWF's exercise of its emergency authority under section 205(1)(b)(i)(D) of the new Industrial Commercial Wastewater Regulations, Emergency Order, to halt or prevent such a discharge.

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

(f) Failure to provide, within forty-five (45) days after their due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(g) Failure to accurately report noncompliance.

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

(i) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed limits by more than 0.5 s.u. more than eight (8) times in four (4) hours. (1982 Code, § 13-302, as replaced by Ord. #1169, § 1, Sept. 1995, and amended by Ord. #1587, April 2009)

18-203. Responsibilities of control authority personnel.

(1) Inspectors/field personnel. Inspectors/field personnel have the authority to conduct compliance sampling and inspections, screen compliance monitoring data, detect noncompliance, inform the pretreatment coordinator of

violations and immediately respond to noncompliance with informal warnings. NOV's or other similar citations.

(2) Pretreatment coordinator. The pretreatment coordinator is responsible for ensuring implementation of the Control Authority's pretreatment program requirements. Consequently, the pretreatment coordinator is also responsible for issuing NOV's and administrative orders, assessing fines, and publishing the list of significant violators.

(3) POTW director/superintendent. The wastewater treatment plant Superintendent is responsible for compliance with the terms and conditions of the POTW's NPDES permit and for the overall operation and maintenance of the POTW, including employee safety, protection of the collection system and the treatment plant, effluent quality, and sludge use and disposal. Given these responsibilities, the Superintendent will have authority to issue administrative orders, terminate service, conduct show cause hearings, and initiate judicial proceedings.

(4) Control authority attorney. The Control Authority attorney advises technical and managerial personnel on enforcement matters and orchestrates the judicial responses deemed necessary by the Superintendent. Consequently, the attorney should be consulted on all matters requiring the interpretation of the sewer use resolution and the enforcement response plan. Many Control Authorities have attorneys prepare model NOV's and administrative orders which may (with simple modifications) be easily issued by technical staff. In addition, many Control Authorities also routinely copy the attorney with administrative orders and fine assessments since further responses against the user may involve judicial action. (1982 Code, § 13-302, as replaced by Ord. #1169, § 1, Sept. 1995)

18-204. Determining time frames for enforcement actions and follow-up. In order for an enforcement action to be effective, it must be timely. For an action to be timely, the violation must be detected and responded to promptly after its occurrence. Therefore, review of compliance reports (for both effluent violations and timeliness) shall be a high priority at the time of their submission. The Control Authority staff shall review industrial user reports within five (5) days of receipt. Violations observed by Control Authority field personnel may receive even swifter attention.

No more than thirty (30) days shall be allowed to elapse between the detection of the violation(s) and the initiation of an enforcement response. If the appropriate response is an informal warning or an NOV, the response time may be much shorter. For example, a NOV should be sent to the noncompliant user within a week of the violation's detection.

After its initial enforcement response, the Control Authority shall closely track the industrial user's progress toward compliance. For example, the Control Authority should not wait several weeks to determine whether a compliance schedule milestone has been met or to verify that a report which was

to be submitted within ten (10) days of receiving a NOV was in fact submitted. Instead, the Control Authority shall make this determination on or about the milestone date. One method to ensure that user compliance is closely tracked is to increase the frequency of user self-monitoring. For instance, an administrative order may increase self-monitoring from once per quarter to once a month. Similarly, the Control Authority is own inspections of the user's facility may be increased until consistent compliance is demonstrated. These follow-up compliance activities shall begin no later than thirty (30) to forty five (45) days after initial enforcement response is taken. When follow-up activities indicate that the violation persists or that satisfactory progress is not being made, the Control Authority shall escalate its enforcement response.

These follow-up enforcement actions shall be taken within sixty (60) to ninety (90) days of the initial enforcement action. The model enforcement response guide presents time frames in which enforcement actions shall be taken. (1982 Code, § 13-304, as replaced by Ord. #1169, § 1, Sept. 1995)

18-205. Applying the enforcement response guide. A comprehensive enforcement response guide designates several alternative enforcement options for each type (or pattern) of noncompliance. The Control Authority personnel who detect noncompliance need only select an appropriate response from the short list of enforcement options indicated. There are a number of factors to consider when selecting a response from among these options:

- * Good faith of the user.
- * Compliance history of the user.
- * Previous success of enforcement actions taken against the particular user (e.g., if NOV's have not previously succeeded in returning the user to compliance, an administrative order is the more appropriate response).
- * Violation's effect on the receiving waters.
- * Violation's effect on the POTW

Since the remedies designated are all considered appropriate, the Control Authority must weigh each of the above factors in deciding whether to use a more or less stringent response.

The Control Authority shall consistently follow the response guide. To do otherwise sends a signal to industrial users and the public that the Control Authority is not acting in a predictable manner and may subject the Control Authority to charges of arbitrary enforcement decision making, thereby jeopardizing future enforcement.

The following pages present a model enforcement response guide for the Control Authority. This guide identifies types of violations, indicates initial and follow-up responses and designates personnel and time frames for these responses. (1982 Code, § 13-305, as replaced by Ord. #1169, § 1, Sept. 1995)

18-206. Using the model enforcement response guide. The enforcement guide is used as follows:

- (1) Locate the type of noncompliance in the first column and identify the most accurate description of the violation.
- (2) Assess the appropriateness of the recommended response(s) in column two. First offenders or users demonstrating good faith efforts may merit a more lenient response. Similarly, repeat offenders or those demonstrating negligence may require a more stringent response.
- (3) Apply the enforcement response to the industrial user. Specify corrective action or other responses required of the industrial user, if any. Column three indicates personnel to take each response and the time frame in which that response shall be taken.
- (4) Follow-up with escalated enforcement action if the industrial user's response is not received or violation continues.

The Control Authority should remember to maintain all supporting documentation regarding the violation and its enforcement actions in the industrial user's file. (1982 Code, § 13-306, as replaced by Ord. #1169, § 1, Sept. 1995)

18-207. Description of terms. Terms and abbreviations used in the model guide are defined below.

"AO"	Administrative order
"Civil litigation"	Civil litigation against the industrial user seeking equitable relief, monetary penalties and actual damages.
"Criminal prosecution"	Pursuing punitive measures against an individual and/or organization through a court of law.
"Fine"	Monetary penalty assessed by control authority officials. Fines should be assessed by the pretreatment coordinator or the POTW superintendent.
"I"	Inspector
"IU"	Industrial user
"Meeting"	Informal compliance meeting with the IU to resolve recurring non-compliance.
"NOV"	Notice of violation

"PC"	Pretreatment Coordinator
"S"	Superintendent
"SV"	Significant violation
"Show cause"	Formal meeting requiring the IU to appear and demonstrate why the control authority should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules. (1982 Code, § 13-307, as replaced by Ord. #1169, § 1, Sept. 1995)

18-208. Model enforcement response guide.

Unauthorized Discharges (no permit)			
Noncompliance	Nature of the Violation	Enforcement Responses	Personnel
1. Unpermitted discharge	IU unaware of requirement; no harm to POTW/ environment	Phone call; NOV with application form	PC
	IU unaware of requirement; harm to POTW	- AO with \$500.00 fine - Civil Action	PC S
	Failure to apply continues after notice by the POTW	- Civil Action - Criminal Investigation - Terminate Service	S S S
2. Nonpermitted discharge (failure to renew)	IU has not submitted application within ten (10) days of due date	- Phone call; NOV	PC
Discharge Limit Violation			
1. Exceedance of local or federal standard (permit limited)	Isolated, not significant	- Phone call; NOV	I, PC
	Isolated, significant (no harm)	AO to develop spill prevention plan and \$500.00 fine	PC
	Isolated, harm to POTW or environment	AO with \$1,000 fine - Show cause order - Civil action	PC, S PC, S S
	Recurring, no harm to POTW/environment	AO with \$750.00 fine	PC
	Recurring; significant (harm)	- AO with \$1,000.00 fine - Show cause order - Civil action - Terminate service	PC PC, S S S

Monitoring and Reporting Violations			
Noncompliance	Nature of the Violation	Enforcement Responses	Personnel
1. Reporting violation	Report is improperly signed or certified	- Phone call; NOV	PC
	Report is improperly signed or certified after notice by POTW	- AO - Show cause order	PC PC, S
	Isolated, not significant (e.g., 5 days late)	Phone call; NOV	I, PC
	Significant (e.g., report 30 days or more late)	AO to submit with \$200.00 fine per additional day	PC
	Reports are always late or no reports at all	- AO with \$1,000 fine - Show cause order - Civil action	PC PC, S S
	Failure to report spill or changed discharge (no harm)	- NOV	PC
	Failure to report spill or changed discharge (results in harm)	- AO with \$1,000 fine - Civil action	PC S
	Repeated failure to report spills	- Show cause order - Terminate service	PC, S S
	Falsification	- Criminal investigation - Terminate service	S S
2. Failure to monitor correctly	Failure to monitor all pollutants as required by permit	- NOV or AO	PC
	Recurring failure to monitor	- AO with \$1,000 fine - Civil action	PC S

3. Improper sampling	Evidence of intent	- Criminal investigation - Terminate service	S S
4. Failure to install monitoring equipment	Delay of less than 30 days	- NOV	PC
	Delay of 30 days or more	AO to install monitoring equipment with \$500.00 fine for each additional day	PC
	Recurring, violation of AO	- Civil action - Criminal investigation - Terminate service	PC S S
5. Compliance schedules	Missed milestone by less than 30 days, or will not affect final milestone	NOV or AO with \$300.00 fine	PC
	Missed milestone by more than 30 days, or will affect final milestone (good cause for delay)	AO with \$500.00 fine	PC
	Missed milestone by more than 30 days, or will affect final milestone (no good cause for delay)	AO with \$1,000 fine - Show cause order - Civil action - Terminate service	PC, S PC, S S S
	Recurring violation or violation of schedule in AO	- Civil action - Criminal investigation - Terminate service	S S S
Other permit violations			
1. Wastestreams are diluted in lieu of treatment	Initial violation	AO with \$1,000 fine	PC
	Recurring	- Show cause order - Terminate service	PC, S S

2. Failure to mitigate noncompliance or halt production	Does not result in harm	- NOV	PC
	Does result in harm	- AO with \$1,000.00 fine - Civil action	PC S
3. Failure to properly operate and maintain pretreatment facility	Does not result in harm	- NOV	PC
	Does result in harm	- AO with \$1,000.00 fine - Civil action	PC S
Violations detected during site visits			
Noncompliance	Nature of violations	Enforcement Responses	Personnel
1. Entry denial	Entry denied or consent withdrawn; copies of records denied	Obtain warrant and return to IU	I
2. Illegal discharge	No harm to POTW or environment	AO with \$500.00 fine	PC
	Discharge causes harm or evidence of intent/negligence	- AO with \$1,000.00 fine - Civil action - Criminal investigation	PC, S S S
	Recurring, violation of AO	- Terminate service	S
3. Improper sampling	Unintentional sampling at incorrect location	- NOV	I, PC
	Unintentional using incorrect sample type	- NOV	I, PC
	Unintentional using incorrect sample collection techniques	- NOV	I, PC
4. Inadequate recordkeeping	Inspector finds files incomplete to missing (no evidence of intent)	- NOV	I, PC
	Recurring, or evidence of intent	AO with \$1,000.00 fine	PC

5. Failure to report additional monitoring	Inspection finds additional files (no evidence of intent)	NOV	I, PC
	Recurring or evidence of intent	AO with \$1,000.00 fine	PC
Timeframe for responses			
A. All violations will be identified and documented within five (5) days of receiving compliance information.			
B. Initial enforcement responses, [involving contact with the industrial user and requesting information on corrective or preventative action(s)] will occur within fifteen (15) days of violation detection.			
C. Follow up actions for continuing or reoccurring violations will be taken within sixty (60) days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.			
D. Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.			
E. All violations meeting the criteria for significant noncompliance will be addressed with an enforceable order within thirty (30) days of the identification of significant noncompliance. (1982 Code, § 13-308, as replaced by Ord. #1169, §, Sept. 1995)			

18-209. Administrative enforcement remedies¹.

(1) Notification of violation. Whenever the superintendent finds that any industrial user has violated or is violating City of McMinnville's Sewer Use Ordinance, or a wastewater permit or order issued hereunder, the superintendent or his agent may serve upon said user written notice of the violation. Within ten (10) days from the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

(2) Consent orders. The Superintendent is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as administrative orders.

(3) Show cause hearing. (a) The Superintendent may order any industrial user which causes or contributes to violation of City of McMinnville's Sewer Use Ordinance or order or wastewater permit issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing 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 service on any principal executive, general partner or corporate officer. In the event a duly notified industrial user does not appear as noticed, immediate enforcement action may be pursued.

(b) At any hearing held, testimony taken must be under oath and either audio recorded or stenographically. The transcript, so recorded, will be made available to any party of the hearing, and any member of the public upon payment of the usual charges thereof.

(4) Compliance order. When the Superintendent finds that an industrial user has violated or continues to violate City of McMinnville's Sewer Use Ordinance or a permit or order issued thereunder, he may issue an order to the industrial user responsible for the discharge directing that, following a

¹See Ord. #1169 (Sept. 1995) of record in the office of the recorder for an example NOV; Cease and Desist Order; Consent Order; Compliance Order; and Show Cause Order.

specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(5) Cease and desist orders. When the Superintendent finds that an industrial user has violated or continues to violate City of McMinnville's Sewer Use Ordinance or those contained in any permit issued hereunder, the Superintendent may issue an order to cease and desist, all such violations, and direct those persons in noncompliance to:

- (a) Comply forthwith;
- (b) Comply in accordance with a compliance time schedule set forth in the order;
- (c) 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.

(6) Administrative penalties. Any user who is found to have violated any provisions of City of McMinnville's Sewer Use Ordinance, or the orders and permits issued hereunder, shall be fined in an amount not to exceed one thousand dollars (\$1,000.00) per 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 Superintendent shall have such other collection remedies as he has to collect other service charges.

(7) Emergency suspensions. (a) The Superintendent may suspend the wastewater treatment service and/or wastewater permit whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing any of the following conditions:

- (i) An imminent or substantial endangerment to the health or welfare of persons, or the environment.
- (ii) An interference or pass through.
- (iii) A violation of any condition of the POTW's NPDES permit.

(b) Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. A hearing will be held within fifteen (15) days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure of the person to comply voluntarily with the suspension order, the Superintendent shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Superintendent shall reinstate the wastewater permit

and/or the wastewater treatment, service upon proof of the elimination of the noncomplying discharge.

(c) An industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Superintendent prior to the date of the hearing described in paragraph (b) above.

(8) Termination of permit. Any user who violates the following conditions of the City of McMinnville Sewer User Ordinance or a wastewater discharge permit or order, or any applicable or State and Federal law, is subject to permit termination:

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

(b) Failure to report significant changes in operations, or wastewater constituents and characteristics;

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

(d) Intentional violation of permit conditions.

(9) Judicial remedies. If any person discharges sewage, industrial wastes, or other wastes into the wastewater disposal system contrary to the provisions of the City of McMinnville Sewer Use Ordinance or any order or permit issued hereunder, the Superintendent, through the City attorney, may commence an action for appropriate legal and/or equitable relief in the Chancery Court for Warren County.

(10) Injunctive relief. Whenever an industrial user has violated or continues to violate the provisions of the City of McMinnville Sewer Use Ordinance or an order or permit issued hereunder, the Superintendent, 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 activities on the part of the industrial user.

In the event the Superintendent chooses to correct the violation himself, the cost of such correction may be added to the next scheduled sewer service charge payable by the person(s) causing the violation. The Superintendent shall have such remedies to collect these fees as it has to collect other sewer service charges.

(11) Civil penalties. (a) Any industrial user who has violated or continues to violate City of McMinnville's Sewer Use ordinance or any order or permit issued hereunder, shall be liable to the Superintendent for a civil penalty of not more than one thousand dollars (\$1,000.00) plus actual damages incurred by the POTW per violation per day for as long as the violation(s) continues. In addition to the above described penalty and damages, the Superintendent may recover reasonable attorney's fees, court costs, and other expenses including his enforcement activities, special sampling and monitoring expenses.

(b) The Superintendent 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 harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and, any other factor as justice requires. (1982 Code, § 13-310, as replaced by Ord. #1169, § 1, Sept. 1995)

18-210. Criminal violations. (1) Violations generally. (a) Any industrial user who willfully or negligently violates any provision of City of McMinnville Sewer Use Ordinance, or any orders, or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$1,000.00 per violation, per day, or imprisonment for not more than one (1) year or both.

(b) In the event of a second conviction, the user shall be punishable by a fine not to exceed three thousand dollars (\$3,000.00) per violation, per day, or imprisonment for not more than three (3) years or both.

(2) Falsifying information. (a) Any industrial user who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to City of McMinnville Sewer Use ordinance, or Wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under City of McMinnville's Sewer Use Ordinance shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than one (1) year, or both.

(b) In the event of a second conviction, the user shall be punishable by a fine not to exceed three thousand dollars (\$3,000.00) per violation, per day, or imprisonment for not more than three (3) years, or both. (1982 Code, § 13-310, as replaced by Ord. #1169, § 1, Sept. 1995)

18-211. Additional enforcement remedies. (1) Additional enforcement remedies. The Superintendent shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those industrial users which are found to be in significant violation, as defined in this plan, with any provisions of the City of McMinnville Sewer Use Ordinance or any order or permit issued hereunder during the period since the previous publication.

(2) Performance bonds. The Superintendent may decline to reissue a permit to any industrial user which has failed to comply with the provisions of the City of McMinnville Sewer Use ordinance or any order or previous permit issued hereunder unless such user first files with it a satisfactory bond, payable

to the POTW, in the sum not to exceed a value determined by the Superintendent to be necessary to achieve consistent compliance.

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

(4) Water supply severance. Whenever an industrial user has violated or continues to violate the provisions of City of McMinnville's Sewer Use Ordinance or an order or permit issue hereunder, water service to the industrial user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated consistent compliance.

(5) Informant rewards. The Superintendent is authorized to pay up to \$500.00 for information leading to the discovery of noncompliance by an industrial user. In the event that the information provided results in an administrative fine or civil penalty, levied against the user, the Superintendent is authorized to disperse up to ten percent (10%) of the collected fine or penalty to the informant. (1982 Code, § 13-311, as replaced by Ord. #1169, § 1, Sept. 1995)

18-212. Affirmative defenses. (1) Operating upsets. (a) Any industrial 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 preventive maintenance, or careless or improper operation, shall inform the Superintendent thereof immediately upon first awareness of the upset. Where such information is given orally, a written report thereof shall be filed by the user within five (5) days.

The report shall contain:

(i) A description of the upset, its cause(s) and impact on the discharger's compliance status;

(ii) 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;

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

(b) An industrial user which timely complies with the notification provisions of this section shall have an affirmative defense to any enforcement action brought by the Superintendent for any noncompliance with the City of McMinnville Sewer Use Ordinance, or an order or permit issued hereunder by the user, which arises out of violations alleged to have occurred during the period of the documented

and verified upset. (1982 Code, § 13-312, as replaced by Ord. #1169, § 1, Sept. 1995)

CHAPTER 3

GENERAL WASTEWATER REGULATIONS

SECTION

- 18-301. Purpose and policy.
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- 18-311. [Deleted.]
- 18-312. [Deleted.]
- 18-313. [Deleted.]
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18-301. Purpose and policy. This chapter sets forth uniform requirements for users of the City of McMinnville, Tennessee, wastewater treatment system and enables the city to comply with the Federal Clean Water Act and the state Water Quality Control Act and rules adopted pursuant to these acts. The objectives of this chapter are:

- (1) To protect public health;
- (2) To prevent the introduction of pollutants into the municipal wastewater treatment facility, which will interfere with the system operation;
- (3) To prevent the introduction of pollutants into the wastewater treatment facility that will pass through the facility, inadequately treated, into the receiving waters, or otherwise be incompatible with the treatment facility;
- (4) To protect facility personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (5) To promote reuse and recycling of industrial wastewater and sludge from the facility;
- (6) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the facility; and
- (7) To enable the city to comply with its National Pollution Discharge Elimination System (NPDES) permit conditions, sludge and biosolid use and disposal requirement, and any other federal or state industrial pretreatment rules to which the facility is subject.

In meeting these objectives, this chapter provides that all persons in the service area of the City of McMinnville must have adequate wastewater

treatment either in the form of a connection to the municipal wastewater treatment system or, where the system is not available, an appropriate private disposal system. This chapter shall apply to all users inside or outside the city who are, by implied contract or written agreement with the city, dischargers of applicable wastewater to the wastewater treatment facility. Chapter 4 provides for the issuance of permits to system users, for monitoring, compliance, and enforcement activities; establishes administrative review procedures for industrial users or other users whose discharge can interfere with or cause violations to occur at the wastewater treatment facility. Chapter 4 details permitting requirements including the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein. (1982 Code, § 13-401, as replaced by Ord. #1169, § 1, Sept. 1995, and Ord. #1587, April 2009)

18-302. Administrative. Except as otherwise provided herein, the director of the water and wastewater department shall serve as the local administrative officer of the city and shall administer, implement, and enforce the provisions of this chapter. The water and wastewater committee shall make up the local hearing authority. (1982 Code, § 13-402, as replaced by Ord. #1169, § 1, Sept. 1995, and Ord. #1587, April 2009)

18-303. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(1) "Administrator." The administrator or the United States Environmental Protection Agency.

(2) "Act or the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended and found in 33 USC § 1251, et seq.

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

(4) "Authorized or duly authorized representative of industrial user."

(a) If the user is a corporation:

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

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

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

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

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

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

(5) "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-309 of this chapter. BMPs also include treatment requirement, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

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

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

(8) "Categorical standards." The National Categorical Pretreatment Standards or pretreatment standard as found in 40 CFR chapter I, subchapter N, parts 405-471.

(9) "City." The Board of Mayor and Aldermen, City of McMinnville, Tennessee.

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

(11) "Compatible pollutant." Shall mean BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or may in the

future be specified and controlled in the city's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

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

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

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

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

(16) "Daily maximum." The arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day. The daily maximum for pH is the highest value tested during a twenty-four (24) hour calendar day.

(17) "Daily maximum limit." The maximum allowable discharge limit of a pollutant during a calendar day. Where the limit is expressed in units of mass, the limit is the maximum amount of total mass of the pollutant that can be discharged during the calendar day. Where the limit is expressed in concentration, it is the arithmetic average of all concentration measurements taken during the calendar day.

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

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

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

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

(22) "Grab sample." A sample which is taken from a waste stream on a one (1) time basis with no regard to the flow in the waste stream and is collected over a period of time not to exceed fifteen (15) minutes. Grab sampling procedure: Where composite sampling is not an appropriate sampling technique, a grab sample(s) shall be taken to obtain influent and effluent operational data. Collection of influent grab samples should precede collection of effluent samples

by approximately one (1) detention period. The detention period is to be based on a twenty-four (24) hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year. Grab samples will be required, for example, where the parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical or physical interactions which take place after sample collection and affect the results.

(23) "Grease interceptor." An interceptor whose rated flow is fifty (50) gpm (gallons per minute) or less and is generally located inside the building.

(24) "Grease trap." An interceptor whose rated flow is fifty (50) gpm or more and is located outside the building.

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

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

(27) "Indirect discharge." The introduction of pollutants into the WWF from any non-domestic source.

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

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

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

(31) "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.

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

(33) "Local administrative officer." The chief administrative officer of the local hearing authority.

(34) "Local hearing authority." The board of mayor and aldermen or such person or persons appointed by the board to administer and enforce the provisions of this chapter and conduct hearings pursuant to section 205.

(35) "National categorical pretreatment standard or pretreatment standard." Any regulation containing pollutant discharge limits promulgated by

the EPA in accordance with section 307(b) and (c) of the Act (33 USC § 1347) which applies to a specific category of industrial users.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(47) "Pretreatment standards or standards." A prohibited discharge standard, categorical pretreatment standard and local limit.

(48) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act (33 USC § 1292) which is owned in this instance by the municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also

includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. See WWF, Wastewater Facility, found in definition number 63, below.

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

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

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

(b) Any other industrial user that: discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the WWF (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the WWF's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(51) "Significant noncompliance." Per 1200-4-14-.08(6)(b)8.

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

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required.

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

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the WWF's exercise of its emergency authority under section 205(1)(b)(i)(D), emergency order, to halt or prevent such a discharge.

(e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control

mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(f) Failure to provide, within forty-five (45) days after their due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(g) Failure to accurately report noncompliance.

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

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

(52) "Slug." Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the WWF's regulations, local limits, or permit conditions.

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

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

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

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

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

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

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

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

(61) "User." The owner, tenant or occupant of any lot or parcel of land connected to a sanitary sewer, or for which a sanitary sewer line is available if

a municipality levies a sewer charge on the basis of such availability, Tennessee Code Annotated, § 68-221-201.

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

(63) "Wastewater facility." Any or all of the following: the collection/transmission system, treatment plant, and the reuse or disposal system, which is owned by any person. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a WWF treatment plant. The term also means the municipality as defined in section 502(4) of the Federal Clean Water Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. WWF was formally known as a POTW, or publicly owned treatment works.

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

(65) "1200-4-14." Chapter 1200-4-14 of the Rules and Regulations of the State of Tennessee, Pretreatment Requirements. (1982 Code, § 13-403, as replaced by Ord. #1169, Sept. 1995, and Ord. #1587, April 2009)

18-304. Proper waste disposal required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the city, any human or animal excrement, garbage, or other objectionable waste.

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

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

(4) Except as provided in (6) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper private or public sewer in accordance with the provisions of this chapter. Where public sewer is available property owners shall within sixty (60) days after date of official notice to do so, connect to the public sewer. Service is

considered "available" when a public sewer main is located in an easement, right-of-way, road or public access way which abuts the property.

(5) Where a public sanitary sewer is not available under the provisions of (4) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-305 of this chapter.

(6) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided that he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations. (1982 Code, § 13-404, as replaced by Ord. #1169, Sept. 1995, and Ord. #1587, April 2009)

18-305. Private domestic wastewater disposal. (1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of § 18-404(4), the building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of the applicable local and state regulations.

(b) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. When it becomes necessary to clean septic tanks, the sludge may be disposed of only according to applicable federal and state regulations.

(c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice from the city to do so.

(2) Requirements. (a) The type, capacity, location and layout of a private sewerage disposal system shall comply with all local or state regulations. Before commencement of construction of a private sewerage disposal system, the owner shall first obtain a written approval from the county health department. The application for such approval shall be made on a form furnished by the county health department which the applicant shall supplement with any plans or specifications that the department has requested.

(b) Approval for a private sewerage disposal system shall not become effective until the installation is completed to the satisfaction of the local and state authorities, who shall be allowed to inspect the work at any stage of construction.

(c) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Tennessee Department of Environment and Conservation, and the county health department. No septic tank or cesspool shall be permitted to discharge to waters of Tennessee.

(d) No statement contained in this chapter shall be construed to interfere with any additional or future requirements that may be imposed by the city and the county health department. (1982 Code, § 13-405, as replaced by Ord. #1169, Sept. 1995, and Ord. #1587, April 2009)

18-306. Connection to public sewers. (1) Application for service.

(a) There shall be two (2) classifications of service:

(i) Residential; and

(ii) Service to commercial, industrial and other nonresidential establishments.

In either case, the owner or his agent shall make application for connection on a special form furnished by the city. Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. Details regarding commercial and industrial permits include but are not limited to those required by this ordinance. Service connection fees for establishing new sewer service are paid to the city. Industrial user discharge permit fees may also apply. The receipt by the city of a prospective customer's application for connection shall not obligate the city to render the connection. If the service applied for cannot be supplied in accordance with this chapter and the city's rules and regulations and general practice, or state and federal requirement, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service.

(b) Users shall notify the city of any proposed new introduction of wastewater constituents or any proposed change in the volume or character of the wastewater being discharged to the system a minimum of sixty (60) days prior to the change. The city may deny or limit this new introduction or change based upon the information submitted in the notification.

(2) Prohibited connections. No person shall make connections of roof downspouts, sump pumps, basement wall seepage or floor seepage, exterior foundation drains, area way 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. Any such connections which already exist on the effective date of the ordinance comprising this chapter shall be completely and permanently disconnected within sixty (60) days of the effective day of the ordinance comprising this chapter. The owners of any building sewer having such connections, leaks or defects shall bear all of the costs incidental to removal of such sources. Pipes, sumps and pumps for such sources of ground water shall be separate from the sanitary sewer.

(3) Physical connection to public sewer. (a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof. The city shall make all connections to the public sewer upon the property owner first submitting a connection application to the city.

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

The applicant is responsible for excavation and installation of the building sewer which is located on private property. The city will inspect the installation prior to backfilling and make the connection to the public sewer.

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

(c) A separate and independent building sewer shall be provided for every single family unit or commercial building; unless the sewer has been sized for multiple units; 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. Where property is subdivided and buildings use a common building sewer are now located on separate properties, the building sewers must be separated within sixty (60) days.

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

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

(i) The minimum size of a building sewer shall be as follows: Conventional sewer system - four inches (4").

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

(iii) Building sewers shall be laid on the following grades: Four inch (4") sewers - 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 two feet (2') per second.

(iv) Building sewers shall be installed in uniform alignment at uniform slopes.

(v) Building sewers shall be constructed only of polyvinyl chloride pipe schedule 40 or better. Joints shall be solvent welded or compression gaskets designed for the type of pipe used. No other joints shall be acceptable.

(vi) Cleanouts shall be provided to allow cleaning in the direction of flow. A cleanout shall be located five feet (5') outside of the building, as it crosses the property line and one (1) at each change of direction of the building sewer which is greater than forty-five (45) degrees. Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of six inch (6") nominal diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed and protected from damage. A "Y" (wye) and one-eighth (1/8) bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4"). Blockages on the property owner's side of the property line cleanout are the responsibility of the property owner.

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

(viii) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved pump system according to § 18-307 and discharged to the building sewer at the expense of the owner.

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

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

(f) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property

disturbed in the course of the work shall be restored in a manner satisfactory to the city.

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

(h) Inspection connections. (i) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected before the underground portion is covered, by the superintendent or his authorized representative.

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

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

(5) Sewer extensions. All expansion or extension of the public sewer constructed by property owners or developers must follow policies and procedures developed by the city. In the absence of policies and procedures the expansion or extension of the public sewer must be approved in writing by the superintendent or manager of the wastewater collection system.

All plans and construction must follow the latest edition of Tennessee Design Criteria for Sewerage Works, located at <http://www.state.tn.us/environment/wpc/publications/>. Contractors must provide the superintendent or manager with as-built drawing and documentation that all mandrel, pressure and vacuum tests as specified in design criteria were acceptable prior to use of the lines. Contractor's one (1) year warranty period begins with occupancy or first permanent use of the lines. Contractors are responsible for all maintenance and repairs during the warranty period and final inspections as specified by the superintendent or manager. The superintendent or manager must give written approval to the contractor to acknowledge transfer of ownership to the city. Failure to construct or repair lines to acceptable standards could result in denial or discontinuation of sewer service. (1982 Code, § 13-406, as replaced by Ord. #1169, Sept. 1995, and Ord. #1587, April 2009)

18-307. Grinder pump wastewater systems. When connection of building sewers to the public sewer by gravity flow lines is impossible due to elevation differences or other encumbrances, a Grinder Pump (GP) system may be installed subject to the regulations of the city.

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

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

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

(4) Ownership and agreement. Homeowners or developers shall provide the city with ownership of the equipment and an agreement for access to perform necessary maintenance or repair. Access by the city to the GP system must be guaranteed to operate, maintain, repair, restore service, and remove sludge. Access manholes, ports, and electrical disconnects must not be locked, obstructed or blocked by landscaping or construction.

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

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

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

(d) Prohibited uses of the GP system:

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

(ii) Disposal of toxic household substances.

(iii) Use of garbage grinders or disposers.

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

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

(6) Additional charges. The city shall be responsible for maintenance of the GP equipment. Customer assumes a monthly fixed maintenance charge as determined by the city per pump unit which will be added to customer's water bill. (1982 Code, § 13-407, as replaced by Ord. #1169, Sept. 1995, and Ord. #1587, April 2009)

18-308. Regulation of holding tank waste disposal or trucked in waste. (1) No person, firm, association or corporation shall haul in or truck in to the WWF any type of domestic, commercial or industrial waste unless such person, firm, association, or corporation obtains a written approval from the city to perform such acts or services.

Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the superintendent when the conditions of this chapter have been met and providing the superintendent is

satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

(2) Fees. For each permit issued under the provisions of this chapter the applicant shall agree in writing by the provisions of this section and pay an annual service charge to the city to be set as specified in § 18-407 of this chapter. Any such permit granted shall be for a specified period of time, and shall continue in full force and effect from the time issued until the expiration date, unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted in three inch (3") permanent letters on each side of each motor vehicle used in the conduct of the business permitted hereunder.

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

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

(5) Trucked in waste. This part includes waste from trucks, railcars, barges, etc., or temporally pumped waste, all of which are prohibited without a permit issued by the superintendent. This approval may require testing, flow monitoring and record keeping. (Ord. #1169, Sept. 1995, as replaced by Ord. #1587, April 2009)

18-309. Discharge regulations. (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation and performance of the WWF. These general prohibitions apply to all such users of a WWF whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. Violations of these general and specific prohibitions or the provisions of this section may result in the issuance of an industrial pretreatment permit, surcharges, discontinuance of water and/or sewer service and other fines and provisions of §§ 18-310 or 18-405. A user may not contribute the following substances to any WWF:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the WWF or to the operation of the WWF. Prohibited flammable materials including, but not limited to, wastestreams with a closed cup flash point of less than one hundred forty degrees (140°) F or sixty degrees (60°) C using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

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

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

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

(e) Any wastewater having a temperature which will inhibit biological activity in the WWF treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the WWF which exceeds forty degrees (40°) C (one hundred four degrees (104°) F) unless approved by the State of Tennessee.

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

(g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the WWF in a quantity that may cause acute worker health and safety problems.

(h) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans, including wastewater plant and collection system operators, or animals, create a toxic effect in the receiving waters of the WWF, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall

include but not be limited to any pollutant identified pursuant to section 307(a) of the Act.

(i) Any trucked or hauled pollutants except at discharge points designated by the WWF.

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

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

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

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

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

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

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

(q) Detergents, surfactants, surface-acting agents or other substances which may cause excessive foaming at the WWF or pass through of foam.

(r) Wastewater causing, alone or in conjunction with other sources, the WWF to fail toxicity tests.

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

Department of Environment and Conservation, to a storm sewer or natural outlet.

(2) Local limits. In addition to the general and specific prohibitions listed in this section, users permitted according to chapter 4 may be subject to numeric and best management practices as additional restrictions to their wastewater discharge in order to protect the WWF from interference or protect the receiving waters from pass through contamination.

(3) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the set of standards provided in Table A Plant Protection Criteria, unless specifically allowed by their discharge permit according to chapter 4 of this title. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

Table A Plant Protection Criteria

Parameter	Maximum concentration (mg/l)
Arsenic	.013
Benzene	.018
Cadmium	.002
Carbon tetrachloride	.15
Chloroform	.223
Chromium (total)	.375
Copper	.16
Cyanide	.10
Ethybenzene	.04
Lead	.046
Mercury	.0002
Methylene chloride	.096
Molybdenum	.028
Naphthalene	.012
Nickel	.138
Phenol, total	.454
Selenium	.022
Silver	.029
Tetrachloroethylene	.139
Toluene	.375
Total phthalate	.169
Trichloroethylene	.10

Parameter	Maximum concentration (mg/l)
1,1,1-Trichloroethane	.25
1,2 Transdichloroethylene	.007
Zinc	.30

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

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

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

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

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

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

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

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

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

(f) Solvents prohibited. The use of degreasing or line cleaning products containing petroleum based solvents is prohibited. The use of other products for the purpose of keeping FOG dissolved or suspended until it has traveled into the collection system of the city is prohibited.

(g) The superintendent may use industrial wastewater discharge permits under 202 to regulate the discharge of fat, oil and grease. (Ord. #1169, Sept. 1995, as replaced by Ord. #1587, April 2009)

18-310. Enforcement and abatement. Violators of these wastewater regulations may be cited to city court, general sessions court, chancery court, or other court of competent jurisdiction face fines, have sewer service terminated or the city may seek further remedies as needed to protect the collection system, treatment plant, receiving stream and public health including the issuance of

discharge permits according to chapter 4. Repeated or continuous violation of this chapter is declared to be a public nuisance and may result in legal action against the property owner and/or occupant and the service line disconnected from sewer main. Upon notice by the superintendent that a violation has or is occurring, the user shall immediately take steps to stop or correct the violation. The city may take any or all the following remedies:

(1) Cite the user to city or general sessions court, where each day of violation shall constitute a separate offense.

(2) In an emergency situation where the superintendent has determined that immediate action is needed to protect the public health, safety or welfare, a public water supply or the facilities of the sewerage system, the superintendent may discontinue water service or disconnect sewer service.

(3) File a lawsuit in chancery court or any other court of competent jurisdiction seeking damages against the user, and further seeking an injunction prohibiting further violations by user.

(4) Seek further remedies as needed to protect the public health, safety or welfare, the public water supply or the facilities of the sewerage system. (Ord. #1169, Sept. 1995, as replaced by Ord. #1587, April 2009)

18-311. [Deleted.] (Ord. #1169, Sept. 1995, as deleted by Ord. #1587, April 2009)

18-312. [Deleted.] (Ord. #1169, Sept. 1995, as deleted by Ord. #1587, April 2009)

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18-358. [Deleted.] (Ord. #1169, Sept. 1995, as deleted by Ord. #1587, April 2009)

18-359. [Deleted.] (as added by Ord. #1555, Feb. 2008, and deleted by Ord. #1587, April 2009)

CHAPTER 4**INDUSTRIAL/COMMERCIAL WASTEWATER REGULATIONS****SECTION**

- 18-401. Industrial pretreatment.
- 18-402. Discharge permits.
- 18-403. Industrial user additional requirements.
- 18-404. Reporting requirements.
- 18-405. Enforcement and abatement, complaints and orders.
- 18-406. Enforcement response guide table.
- 18-407. Fees and billing.
- 18-408. Validity.

18-401. Industrial pretreatment. In order to comply with Federal Industrial Pretreatment Rules 40 CFR 403 and Tennessee Pretreatment Rules 1200-4-14 and to fulfill the purpose and policy of this chapter the following regulations are adopted.

(1) User discharge restrictions. All system users must follow the general and specific discharge regulations specified in § 18-309 of this title.

(2) Users wishing to discharge pollutants at higher concentrations than Table A Plant Protection Criteria of § 18-309, or those dischargers who are classified as significant industrial users will be required to meet the requirements of this chapter. Users who discharge waste which falls under the criteria specified in this chapter and who fail to or refuse to follow the provisions shall face termination of service and/or enforcement action specified in § 18-305.

(3) Discharge regulation. Discharges to the sewer system shall be regulated through use of a permitting system. The permitting system may include any or all of the following activities: completion of survey/application forms, issuance of permits, oversight of users monitoring and permit compliance, use of compliance schedules, inspections of industrial processes, wastewater processing, and chemical storage, public notice of permit system changes and public notice of users found in significant noncompliance.

(4) Discharge permits shall limit concentrations of discharge pollutants to those levels that are established as Local Limits, Table B or other applicable state and federal pretreatment rules which may take effect after the passage of the ordinance comprising this chapter.

Table B - Local Limits

Pollutant	Monthly average* maximum concentration (mg/l)	Daily maximum concentration (mg/l)
Arsenic	.39	.58
Benzene	.54	.81
Cadmium	.054	.081
Carbon tetrachloride	4.48	6.72
Chloroform	6.15	9.22
Chromium (total)	11.1	16.65
Copper	3.8	5.7
Cyanide	2.9	4.35
Ethybenzene	1.18	1.77
Lead	1.21	1.81
Mercury	.0024	.0036
Methylene chloride	2.78	4.17
Molybdenum	.68	1.02
Napthalene	.31	.46
Nickel	4.13	6.19
Phenol, total	9.93	14.89
Selenium	.57	.85
Silver	.87	1.3
Tetrachloroethylene	4.14	6.21
Toluene	8.67	13.0
Total phthalate	4.13	6.19
Trichlorethlene	2.98	4.47
1,1,1-Trichoroethane	7.48	11.22
1,2	.20	.30
Transdichloroethylene		
Zinc	3.28	4.92

*Based on twenty-four (24) hour flow proportional composite samples unless specified otherwise.

(5) Surcharge limits and maximum concentrations. Dischargers of high strength waste may be subject to surcharges based on the following surcharge limits. Maximum concentrations may also be established for some users.

Table C - Surcharge and Maximum Limits

Parameter concentration	Surcharge limit	Maximum
BOD	300 mg/l	400 mg/l
Total suspended solids	300 mg/l	400 mg/l

(6) Protection of treatment plant influent. The pretreatment coordinator shall monitor the treatment works influent for each parameter in § 18-309 Table A - Plant Protection Criteria. Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the WWF reaches or exceeds the levels established by Table A or subsequent criteria calculated as a result of changes in pass through limits issued by the Tennessee Department of Environment and Conservation, the pretreatment coordinator shall initiate technical studies to determine the cause of the influent violation and shall recommend to the city the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised local limits, best management practices, or other criteria used to protect the WWF. The pretreatment coordinator shall also recommend changes to any of these criteria in the event that: the WWF effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the WWF.

(7) User inventory. The superintendent will maintain an up-to-date inventory of users whose waste does or may fall into the requirements of this chapter, and will notify the users of their status.

(8) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the pretreatment coordinator from establishing specific wastewater discharge criteria which are more restrictive when wastes are determined to be harmful or destructive to the facilities of the WWF or to create a public nuisance, or to cause the discharge of the WWF to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the WWF resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Environment and Conservation and/or the United States Environmental Protection Agency. (1982 Code, § 13-501, as deleted by Ord. #1169, Sept. 1995, and replaced by Ord. #1587, April 2009)

18-402. Discharge permits. (1) Application for discharge of commercial or industrial wastewater. All users or prospective users which generate commercial or industrial wastewater shall make application to the superintendent for connection to the municipal wastewater treatment system. It may be determined through the application that a user needs a discharge

permit according to the provisions of federal and state laws and regulations. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service or where there is a planned change in the industrial or wastewater treatment process. Connection to the city sewer or changes in the industrial process or wastewater treatment process shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with § 18-306 of this title and an inspection has been performed by the superintendent or his representative.

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

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or to contribute to the WWF shall apply for service and apply for a discharge permit before connecting to or contributing to the WWF. All existing industrial users connected to or contributing to the WWF may be required to apply for a permit within one hundred eighty (180) days after the effective date of this chapter.

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

(i) Users required by the superintendent to obtain a wastewater discharge permit shall complete and file with the pretreatment coordinator, an application on a prescribed form accompanied by the appropriate fee.

(ii) The application shall be in the prescribed form of the city and shall include, but not be limited to the following information: name, address, and SIC/NAICS number of applicant; wastewater volume; wastewater constituents and characteristic, including but not limited to those mentioned in §§ 18-309 and 18-401 discharge variations -- daily, monthly, seasonal and thirty (30) minute peaks; a description of all chemicals handled on the premises, each product produced by type, amount, process or processes and rate of production, type and amount of raw materials, number and type of employees, hours of operation, site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the pretreatment coordinator.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application

for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the pretreatment coordinator for approval. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter.

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

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

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

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

(viii) Applications shall be signed by the duly authorized representative.

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

(i) Permits shall contain the following:

(A) Statement of duration;

- (B) Provisions of transfer;
 - (C) Effluent limits, including best management practices, based on applicable pretreatment standards in this chapter, state rules, categorical pretreatment standards, local, state, and federal laws.
 - (D) 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;
 - (E) Statement of applicable civil and criminal penalties for violations of pretreatment standards and the requirements of any applicable compliance schedule. Such schedules shall not extend the compliance date beyond the applicable federal deadlines;
 - (F) Requirements to control slug discharges, if determined by the WWF to be necessary;
 - (G) Requirement to notify the WWF immediately if changes in the users processes affect the potential for a slug discharge.
- (ii) Additionally, permits may contain the following:
- (A) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
 - (B) Requirements for installation and maintenance of inspection and sampling facilities;
 - (C) Compliance schedules;
 - (D) Requirements for submission of technical reports or discharge reports;
 - (E) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;
 - (F) Requirements for notification of the city sixty (60) days prior to implementing any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system, and of any changes in industrial processes that would affect wastewater quality or quantity;
 - (G) Prohibition of bypassing pretreatment or pretreatment equipment;
 - (H) Effluent mass loading restrictions;
 - (I) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(d) Permit modification. The terms and conditions of the permit may be subject to modification by the pretreatment coordinator during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least sixty (60) days prior to the effective date of change. Except in the case where federal deadlines are shorter, in which case the federal rule must be followed. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

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

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

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

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

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

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

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

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

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

(3) Confidential information. All information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspection shall be available to the public or any governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the pretreatment coordinator that the

release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the users.

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

Information accepted by the pretreatment coordinator as confidential shall not be transmitted to any governmental agency or to the general public by the pretreatment coordinator until and unless prior and adequate notification is given to the user. (1982 Code, § 13-502, as deleted by Ord. #1169, Sept. 1995, and replaced by Ord. #1587, April 2009)

18-403. Industrial user additional requirements. (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users. A monitoring facility shall be a manhole or other suitable facility approved by the pretreatment coordinator.

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

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

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

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expenses of the user.

(2) Sample methods. All samples collected and analyzed pursuant to this regulation shall be conducted using protocols (including appropriate preservation) specified in the current edition of 40 CFR 136 and appropriate EPA

guidance. Multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: For cyanide, total phenol, and sulfide the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the control authority, as appropriate.

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

(4) Proper operation and maintenance. The user shall at all times properly operate and maintain the equipment and facilities associated with spill control, wastewater collection, treatment, sampling and discharge. Proper operation and maintenance includes adequate process control as well as adequate testing and monitoring quality assurance.

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

(6) Safety. While performing the necessary work on private properties, the pretreatment coordinator or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

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

(8) Slug discharge evaluations. Evaluations will be conducted of each significant industrial user according to the state and federal regulations. Where it is determined that a slug discharge control plan is needed, the user shall prepare that plan according to the appropriate regulatory guidance.

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

(b) Notification of accidental discharge or slug discharge. Any person causing or suffering from any accidental discharge or slug discharge shall immediately notify the pretreatment coordinator in person, or by the telephone to enable countermeasures to be taken by the pretreatment coordinator to minimize damage to the WWF, the health and welfare of the public, and the environment. This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence. Such notification shall not relieve the user of liability for any expense, loss, or damage to the WWF, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or state or federal law.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (1982 Code, § 13-503, as deleted by Ord. #1169, Sept. 1995, and replaced by Ord. #1587, April 2009)

18-404. Reporting requirements. Users, whether permitted or non-permitted may be required to submit reports detailing the nature and characteristics of their discharges according to the following subsections. Failure to make a requested report in the specified time is a violation subject to enforcement actions under § 18-405.

(1) **Baseline monitoring report.** (a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under Tennessee Rule 1200-4-14-.06(1)(d), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the WWF shall submit to the superintendent 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 superintendent 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 above shall submit the information set forth below.

(i) Identifying information. The user name, address of the facility including the name of operators and owners.

(ii) Permit information. A listing of any environmental control permits held by or for the facility.

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

(iv) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula.

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

(B) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required

by the standard or by the superintendent, of regulated pollutants in the discharge from each regulated process.

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

(D) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in 40 CFR 136 and amendments, unless otherwise specified in an applicable categorical standard. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the superintendent or the applicable standards to determine compliance with the standard.

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

(F) 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 to evaluate compliance with the pretreatment standards.

(G) Sampling and analysis shall be performed in accordance with 40 CFR 136 or other approved methods.

(H) The superintendent 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;

(I) 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 WWF.

(c) Compliance certification. A statement, reviewed by the user's duly authorized representative 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.

(d) 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 § 18-404(2) of this chapter.

(e) **Signature and report certification.** All baseline monitoring reports must be certified in accordance with § 18-404(14) of this chapter and signed by the duly authorized representative.

(2) **Compliance schedule progress reports.** The following conditions shall apply to the compliance schedule required by § 18-404(1)(d) 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 or 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 superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at 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;

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

(3) **Reports on compliance with categorical pretreatment standard deadline.** Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the WWF, any user subject to such pretreatment standards and requirements shall submit to the superintendent a report containing the information described in § 18-404(1)(b)(iv) of this chapter. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection (14) of this section. All sampling will be done in conformance with subsection (11).

(4) **Periodic compliance reports.** (a) All significant industrial users must, at a frequency determined by the superintendent submit no less than twice per year (April 10 and October 10) 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 superintendent or the pretreatment standard necessary to determine the compliance status of the user.

(b) All periodic compliance reports must be signed and certified in accordance with this title.

(c) 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.

(d) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the superintendent, using the procedures prescribed in subsection (11) of this section, the results of this monitoring shall be included in the report.

(5) Reports of changed conditions. Each user must notify the superintendent of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.

(a) The superintendent 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 § 18-401 of this chapter.

(b) The superintendent may issue an individual wastewater discharge permit under § 18-402 of this chapter or modify an existing wastewater discharge permit under § 18-402 of this chapter in response to changed conditions or anticipated changed conditions.

(6) Report of potential problems. (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

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

relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

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

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

(7) Reports from unpermitted users. All users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the superintendent as the superintendent may require to determine users status as non-permitted.

(8) Notice of violations/repeat sampling and reporting. Where a violation has occurred, another sample shall be conducted within thirty (30) days of becoming aware of the violation, either a repeat sample or a regularly scheduled sample that falls within the required time frame. If sampling performed by a user indicates a violation, the user must notify the superintendent 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 superintendent 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.

(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 Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All

notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under § 18-404(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 §§ 18-404(1), 18-404(3), and 18-404(4) of this chapter.

(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 nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one (1) time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(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 superintendent, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

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

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

(11) Sample collection. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and

analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

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

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

(c) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in subsections (1) and (3) of this section, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the superintendent may authorize a lower minimum. For the reports required by subsection (4) of this section, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

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

(13) Recordkeeping. Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under § 18-408. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain

available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the superintendent.

(14) Certification statements. Signature and certification. All reports associated with compliance with the pretreatment program shall be signed by the duly authorized representative and shall have the following certification statement attached:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Reports required to have signatures and certification statement include, permit applications, periodic reports, compliance schedules, baseline monitoring, reports of accidental or slug discharges, and any other written report that may be used to determine water quality and compliance with local, state, and federal requirements. (1982 Code, § 13-504, as deleted by Ord. #1169, Sept. 1995, and replaced by Ord. #1587, April 2009)

18-405. Enforcement and abatement, complaints and orders.

Under the authority of Tennessee Code Annotated, § 69-3-123, et seq.:

(1) Complaints; notification of violation; orders. (a) (i) Whenever the local administrative officer has reason to believe that a violation of any provision of the McMinnville Wastewater Regulations, pretreatment program, or of orders of the local hearing authority issued under it has occurred, is occurring, or is about to occur, the local administrative officer may cause a written complaint to be served upon the alleged violator or violators.

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

(iii) Any such order shall become final and not subject to review unless the alleged violators request by written petition a hearing before the local hearing authority as provided in § 18-405(2), no later than thirty (30) days after the date the order

is served; provided, that the local hearing authority may review the final order as provided in Tennessee Code Annotated, § 69-3-123(a)(3).

(iv) Notification of violation. Notwithstanding the provisions of subsections (i) through (iii), whenever the pretreatment coordinator finds that any user has violated or is violating this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirements, the city or its agent may serve upon the user a written notice of violation. Within fifteen (15) days of the receipt of this notice, the user shall submit to the pretreatment coordinator an explanation of the violation and a plan for its satisfactory correction and prevention including specific actions. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section limits the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

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

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

(B) Cease and desist order. An order to the user directing it to cease all such violations and directing it to immediately comply with all requirements and take needed remedial or preventive action to properly address a

continuing or threatened violation, including halting operations and/or terminating the discharge.

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

(D) Emergency order. (1) Whenever the local administrative officer finds that an emergency exists imperatively requiring immediate action to protect the public health, safety, or welfare, the health of animals, fish or aquatic life, a public water supply, or the facilities of the WWF, the local administrative officer may, without prior notice, issue an order reciting the existence of such an emergency and requiring that any action be taken as the local administrative officer deems necessary to meet the emergency.

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

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

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

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

(c) Except as otherwise expressly provided, any notice, complaint, order, or other instrument issued by or under authority of this section may be served on any named person personally, by the local administrative officer or any person designated by the local administrative

officer, or service may be made in accordance with Tennessee statutes authorizing service of process in civil action. Proof of service shall be filed in the office of the local administrative officer.

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

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

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

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

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

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

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

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

(viii) Any person to whom an emergency order is directed under § 18-405(1)(b)(i)(D) shall comply immediately, but on petition to the local hearing authority will be afforded a hearing as soon as possible. In no case will the hearing be held later than three (3) days from the receipt of the petition by the local hearing authority.

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

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

(3) Violations, administrative civil penalty. Under the authority of Tennessee Code Annotated, § 69-3-125:

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

- (A) Unauthorized discharge, discharging without a permit;
- (B) Violates an effluent standard or limitation;
- (C) Violates the terms or conditions of a permit;
- (D) Fails to complete a filing requirement;

(E) Fails to allow or perform an entry, inspection, monitoring or reporting requirement;

(F) Fails to pay user or cost recovery charges; or

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

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

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

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

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

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

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

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

(3) Cause of the discharge or violation;

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

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

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

(7) The economic benefit gained by the violator.

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

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

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

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

(4) Assessment for noncompliance with program permits or orders.

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

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

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

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

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

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

(6) Termination of discharge. In addition to the revocation of permit provisions in 18-402(2)(g) of this chapter, users are subject to termination of their wastewater discharge for violations of a wastewater discharge permit, or orders issued hereunder, or for any of the following conditions:

- (a) Violation of wastewater discharge permit conditions.
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge.
- (c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.
- (e) Violation of the pretreatment standards in the general discharge prohibitions in § 18-309 of chapter 3.
- (f) Failure to properly submit an industrial waste survey when requested by the pretreatment coordination superintendent.

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

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

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

(b) "Significant noncompliance." Per 1200-4-14-.08(6)(b)8.

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

(ii) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC (TRC=1.4 for BOD, TSS fats, oils and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required.

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

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the WWF's exercise of its emergency authority under § 18-405(1)(b)(i)(D), emergency order, to halt or prevent such a discharge.

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

(vi) Failure to provide, within forty-five (45) days after their due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(vii) Failure to accurately report noncompliance.

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

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

Any significant non-compliance violations will be responded to according to the Enforcement Response Plan Guide Table included in this chapter as Appendix A.

(9) Public notice of the significant violations. The superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the WWF, 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 (C), (D) or (H) of this section) and shall mean:

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

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH), TRC calculations for pH are not required;

(c) Any other violation of a pretreatment standard or requirement as defined by § 18-407 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the superintendent determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of WWF personnel or the general public;

(d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the superintendent's exercise of its emergency authority to halt or prevent such a discharge;

(e) 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;

(g) Failure to accurately report noncompliance; or

(h) Any other violation(s), which may include a violation of best management practices, which the superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

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

(10) Criminal penalties. In addition to civil penalties imposed by the local administrative officer and the State of Tennessee, any person who willfully and negligently violates permit conditions is subject to criminal penalties imposed by the State of Tennessee and the United States. (1982 Code, § 13-505, as deleted by Ord. #1169, Sept. 1995, and replaced by Ord. #1587, April 2009)

18-406. Enforcement response guide table. (1) Purpose. The purpose of this chapter is to provide for the consistent and equitable enforcement of the provisions of the ordinance comprising this chapter.

(2) Enforcement response guide table. The applicable officer shall use the schedule found in the McMinnville Enforcement Response Plan, Appendix A of this chapter, to impose sanctions or penalties for the violation of the ordinance comprising this chapter. (1982 Code, § 13-506, as deleted by Ord. #1169, Sept. 1995, and replaced by Ord. #1587, April 2009)

18-407. Fees and billing. (1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from users of the city's wastewater treatment system including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

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

- (a) Inspection fee and tapping fee;
- (b) Fees for applications for discharge;
- (c) Sewer use charges;
- (d) Surcharge fees (see § 18-401 Table C);
- (e) Waste hauler permit;
- (f) Industrial wastewater discharge permit fees;
- (g) Fees for industrial discharge monitoring; and
- (h) Other fees as the city may deem necessary.

(3) Fees for application for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by § 18-402 of this chapter.

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

(5) Sewer user charges.¹ The board of mayor and aldermen shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system.

(6) Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge fee in accordance with § 18-407 of this chapter.

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

¹Such rates are reflected in administrative ordinances or resolutions, which are of record in the office of the city recorder.

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

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

(1982 Code, § 13-507, as deleted by Ord. #1169, Sept. 1995, and replaced by Ord. #1587, April 2009)

18-408. Validity. This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the city. (as added by Ord. #1587, April 2009)

CITY OF MCMINNVILLE

APPENDIX A

Enforcement Response Guide Table

Unauthorized Discharge (no permit)				
Noncompliance	Nature of Violation	Category	Enforcement Response	Personnel
Failure to return industrial user survey	Initial requirements not understood	1	Phone call or visit to explain or assist	PC
	Persistent after assistance	4	AO and fine or termination of service	PC, LAO
Unpermitted discharge	IU unaware of requirements; no harm to POTW or environment	1	Phone call and/or NOV with application	PC
	IU unaware of requirement; harm to POTW or environment	4	AO and fine or termination of service	LAO
	Failure to apply continues after notification by PC	5	Civil action in chancery court and/or criminal investigation and/or termination	LAO
Failure to renew permit	IU has not submitted application within 10 days of due date	1	Phone call, NOV	PC

Discharge Permit Violations				
Noncompliance	Nature of Violation	Category	Enforcement Response	Personnel
Exceeding of local, state, or federal standards	Isolated, < or = 1/month (no harm)	1	Phone call and/or NOV	PC
	Isolated, > or = 1/month (no harm)	2	NOV and/or AO	PC, LAO
	Isolated, harmful to POTW or environment	3	Show cause hearing and/or AO and fine, and/or legal action	PC LAO
	Chronic or TRC, no harm	1	NOV and public notice	PC
	Chronic or TRC, no harm	2, 2nd 3, 3rd 4, 4th	Public notice and/or AO with fine	PC, LAO
	Chronic or TRC, harm to POTW or environment	4	AO and fine, and/or legal action, and/or termination of service	LAO
Monitoring and Reporting Violations				
Noncompliance	Nature of Violation	Category	Enforcement Response	Personnel
Reporting violation	Report improperly signed or certified	1	Phone call and/or NOV	PC
	Report improperly signed or certified after prior notice	2	Show cause hearing and/or AO	PC LAO
	Isolated, (< 20%/6 month, > 5 days late)	1	Phone call and/or NOV	PC

Monitoring and Reporting Violations				
Noncompliance	Nature of Violation	Category	Enforcement Response	Personnel
	Significant, (> 20%/6 month, > 5 days late)	2	AO to submit and fine for each additional day late	LAO
	Reports always late: failure to submit (> 75% of reports > 5 days late) within 12 month reporting period	5	AO and fine and/or civil action or chancery court or termination of service	LAO
	Failure to report spill or discharge change, no harm	1	NOV	PC
	Failure to report spill or discharge change with harm	3	AO and fine and/or civil action	LAO
	Repeated failure to report spills > 2 failures/12 month reporting periods	5	AO and fine and/or civil action or termination	LAO
	Falsification of records	5	Criminal investigation or termination	LAO

Monitoring and Reporting Violations				
Noncompliance	Nature of Violation	Category	Enforcement Response	Personnel
Failure to monitor correctly	Failure to monitor all permit required pollutants	1 2	NOV 1st/12 month reporting period AO 2nd/12 month reporting period	PC LAO
	Recurring failure to monitor > 4 failures/24 month reporting period	3	AO and fine and/or civil action	LAO
Improper sampling	No evidence of intent	1	NOV	PC
	Evidence of intent, tampering with sampler	3, 1st 5, Repeated	NOV and AO Criminal investigation or termination	PC, LAO
Failure to install monitoring equipment	Delay of less than 30 days	1	NOV	PC
	Delay of more than 30 days	2	AO to install with fine for each additional day	LAO
	Recurring, violation of AO	5	Civil action or criminal investigation or termination of service	LAO
Compliance schedule	Missed milestone, less than 30 days, will not affect final schedule	1	NOV	PC
	Missed milestone, less than 30 days, will affect final schedule (good cause)	2	AO	LAO

Monitoring and Reporting Violations				
Noncompliance	Nature of Violation	Category	Enforcement Response	Personnel
	Missed milestone, less than 30 days, will affect final schedule (no good cause)	4	AO and fine Civil action or termination	LAO
	Recurring violations or violations of AO	5	Civil action and/or criminal investigation and/or termination of service	LAO
Other Permit Violations				
Noncompliance	Nature of Violations	Category	Enforcement Response	Personnel
Waste stream dilution in lieu of pretreatment	Initial violation	2	AO and fine	LAO
	Recurring	3	Show cause hearing Termination	LAO
Failure to mitigate noncompliance or halt production	Does not cause harm	1	NOV	PC
	Does cause harm	5	AO and fine or civil action	LAO
Discharging following a terminated permit due to enforcement action that terminated service	Initial violation	5	Maximum penalties	LAO
Failure to resample following violation	Initial violation	1	Phone call or visit	PC
	Repeated failure after notice by PC	2nd #1, 3rd #2, 4th #3	2nd NOV, 3rd AO and fine 4th AO and fine and/or termination of service	PC, LAO

Other Permit Violations				
Noncompliance	Nature of Violations	Category	Enforcement Response	Personnel
Failure to properly operate and maintain facility	Does not cause harm	1	NOV	PC
	Does cause harm or reoccurring	4	AO and fine or civil action	LAO
Violations Detected During Site Visit				
Noncompliance	Nature of Violations	Category	Enforcement Response	Personnel
Entry denial	Entry denied or consent withdrawn: copies of records denied	2	Obtain warrant and return to IU	PC
Illegal discharge, violation of general discharge prohibitions	No harm to POTW or environment	2	AO and fine	LAO
	Caused harm or evidence of intent or negligence	4	AO and fine and/or civil action and/or criminal investigation	LAO
	Recurring, violation of AO	5	Terminate service	LAO
Improper sampling	Unintentional sampling at incorrect location	1	NOV	PC
	Unintentional using incorrect sample type	1	NOV	PC
	Unintentional using incorrect techniques	1	NOV	PC

Violations Detected During Site Visit				
Noncompliance	Nature of Violations	Category	Enforcement Response	Personnel
Inadequate record keeping	Files incomplete or missing (no evidence of intent)	1	NOV	PC
	Recurring	3	AO and fine	LAO
Failure to report additional monitoring	Inspection finds additional files (unintentional)	2	NOV	LAO
	Recurring (considered falsification)	4	AO and fine	LAO

CHAPTER 5

CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

18-501. Cross-connections control policy.

18-502. [Deleted.]

18-503. [Deleted.]

18-504. [Deleted.]

18-505. [Deleted.]

18-506. [Deleted.]

18-507. [Deleted.]

18-508. [Deleted.]

18-509. [Deleted.]

18-510. [Deleted.]

18-511. [Deleted.]

18-501. Cross-connections control policy. The City of McMinnville Cross-Connections Control Policy (Ord. #1626) is adopted by reference as if fully included herein, and is available in the office of the city recorder. (1982 Code, § 8-401, as replaced by Ord. #1626, Oct. 2010)

18-502. [Deleted.] (1982 Code, § 8-402, as deleted by Ord. #1626, Oct. 2010)

18-503. [Deleted.] (1982 Code, § 8-403, as deleted by Ord. #1626, Oct. 2010)

18-504. [Deleted.] (1982 Code, § 8-404, as deleted by Ord. #1626, Oct. 2010)

18-505. [Deleted.] (1982 Code, § 8-405, as deleted by Ord. #1626, Oct. 2010)

18-506. [Deleted.] (1982 Code, § 8-406, as deleted by Ord. #1626, Oct. 2010)

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

18-507. **[Deleted.]** (1982 Code, § 8-407, as deleted by Ord. #1626, Oct. 2010)

18-508. **[Deleted.]** (1982 Code, § 8-408, as deleted by Ord. #1626, Oct. 2010)

18-509. **[Deleted.]** (1982 Code, § 8-409, as deleted by Ord. #1626, Oct. 2010)

18-510. **[Deleted.]** (1982 Code, § 8-410, as deleted by Ord. #1626, Oct. 2010)

18-511. **[Deleted.]** (1982 Code, § 8-411, as deleted by Ord. #1626, Oct. 2010)