

TITLE 18

WATER AND SEWERS¹

CHAPTER

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2. SEWAGE AND HUMAN EXCRETA DISPOSAL.
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CHAPTER 1

SEWER USE REGULATIONS

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18-101. Purpose and policy. This wastewater discharge ordinance sets uniform requirements for discharges into the wastewater collection and treatment system and enables the Town of Bulls Gap to comply with the administrative provisions of the Federal Water Pollution Control Act Amendments of 1972, PL 52-500, and the applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and any other discharge criteria which are required or authorized by state or federal law, and to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged into the Lick Creek Valley Regional sanitary sewer system. This chapter provides means of determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits to certain users. Revenues derived from the application of this chapter shall be used to defray the "board's" cost of operating and

¹Municipal code references

Building, utility and residential codes: title 12.

Refuse disposal: title 17.

maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, bond service costs, capital improvements, depreciation, and provide for equitable industrial costs of recovery of EPA-administered federal grants:

(1) Provide guidelines for the establishment of rates and a uniform procedure in the levying of the service and improvement charges to maintain equity in the billing throughout the area of service;

(2) Prohibit and/or regulate the contribution of wastewater which may cause operational or maintenance difficulties or deteriorations in the sewers, force mains, pumping stations and other structures appurtenant to the wastewater treatment system as hereinafter defined;

(3) Establish a control in the contribution of wastewater which requires greater treatment expenditures than are required for equal volumes of normal domestic waste;

(4) Establish pretreatment requirements for industrial waste before discharge to public sewers as required in title 40, part 403 of the *Regulations of the Environmental Protection Agency* (Federal Register, vol. 43, No. 123) and any subsequent amendments thereof; and

(5) Establish a uniform procedure for design, installation, inspection, operation and maintenance of private wastewater treatment and disposal systems, extensions of public sewer systems, laterals, and connections to sewer mains. (Ord. #02-16-99-1, March 1999)

18-102. Scope. This chapter shall be deemed, part of all residential, commercial, industrial, and public contracts for receiving wastewater collection and treatment service from the "board" and shall apply to all service received whether the service is based upon contract, agreement signed application, or other mutual understanding. (Ord. #02-16-99-1, March 1999)

18-103. Definitions. (1) The "Act" is the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §§ 1251, *et seq.*

(2) "Approval authority" - The director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

(3) "Approved POTW pretreatment program" and "POTW pretreatment program" means a program administered by a POTW that meets the criteria established in the regulation (403.8 and 403.9) and which has been approved by a regional administrator or state director.

(4) "Authorized agent or representative of the industrial user"

(a) If the industrial user is a corporation, "authorized representative" shall mean:

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

(ii) The manager of one (1) or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00) (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(b) If the industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;

(c) If the industrial user is a federal, state, or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his designee;

(d) The individuals described in subsections (a) to (c) above may designate another 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 director of the bureau of water quality.

(5) "Baseline Monitoring Report (BMR)" - A report submitted by Categorical Industrial Users (CIUs) within one hundred eighty (180) days after the effective date of an applicable categorical standard which indicates the compliance status of the user with the applicable categorical standard (40 CFR § 403.12(b)).

(6) "Board" shall mean the public utilities board of the Town of Bulls Gap, Tennessee.

(7) "BOD," (Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures ("standard methods") in five (5) days at twenty degrees (20°) Centigrade (sixty-eight degrees (68°) Fahrenheit) expressed in milligrams per liter.

(8) "Categorical pretreatment standards" - Limitations on pollutant discharges to POTWs promulgated by EPA in accordance with section 307 of the Clean Water Act, that apply to specific process wastewater discharges of particular industrial categories (40 CFR § 403.6 and 40 CFR parts 405 to 471).

(9) "City" shall mean the Town of Bulls Gap, Tennessee.

(10) "Combination sewer" shall mean a sewer receiving all wastewater including a surface runoff.

(11) "Compatible pollutant" means BOD, suspended solids, nitrogen, animal and vegetable oil and grease, pH, and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in this town's NPDES permit for its wastewater treatment works where said works have been designed and used to reduce or remove such pollutants.

(12) "Composite sample" - 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) "Connection" shall mean any physical tie or hookup made to a sewer line owned, operated and maintained by the board.

(14) "Connection charge" shall mean that charge levied to defray the expenditure required to process the application, make the connection, inspect the sewer lateral and service and approve the discharge permit.

(15) "Cooling water" shall mean the water used for heat exchange and discharged from any system of condensation, air conditioning, cooling, refrigeration, or other such system, but which has not been in direct contact with any polluting material.

(16) "Customer" shall mean any person who receives sewer service from the board under either an express or implied contract requiring such person to pay the board for such service.

(17) "Daily maximum limitations"- The maximum allowable discharge of pollutants during a twenty-four (24) hour period. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharge over the course of the day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

(18) "Director" means the chief administrative officer of a state or interstate water pollution control agency with an NPDES permit program approved pursuant to section 402(b) of the act and an approved pretreatment

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

(20) "Discharge monitoring"- The EPA uniform national form, including any subsequent additions, revisions or modifications for reporting of self-monitoring results by permittees. The form must be used by approved states as well as by EPA.

(21) "Domestic use" of the facilities of the wastewater control system shall be defined and limited to single-family, multi-family, apartment or other dwelling unit or dwelling unit equivalent containing sanitary facilities for the disposal of domestic wastewater and use for residential purposes only.

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

(23) "Extra strength wastewater" shall mean any wastewater that has any characteristic or combination of characteristics exceeding the characteristics of normal domestic wastewater and that requires effort or expenditure over and above that required for treatment of normal domestic wastewater.

(24) "Flow Weighted Average (FWA) formula"- A procedure used to calculate alternative limits where wastestreams combine after treatment but prior to the monitoring point.

(25) "Flow proportional composite sample"- Combination of individual samples proportional to the flow of the wastestream at the time of sampling.

(26) "Grab sample"- A sample which is taken from a wastestream on a one-time basis with no regard to the flow of the wastestream and without consideration of time.

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

(28) "Incompatible pollutant" means any pollutant which is not a "compatible pollutant" as defined in this section.

(29) "Indirect discharger"- A non-domestic discharger introducing pollutants to a publicly owned treatment works.

(30) "Industrial user" shall mean a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402 of the Act.

(31) "Industrial wastes" are the liquid wastes, other than domestic wastewater, resulting from processes or operations employed in industrial or commercial establishments.

(32) "Inspector" shall mean the inspector of the Town of Bulls Gap, Tennessee.

(33) "Interference" is the inhibition or disruption of the municipal wastewater treatment processes or operations which contributes to a violation of any requirements of the town's NPDES permit. The term includes prevention of sewage sludge use of disposal by the POTW in accordance with section 405 of the Act, or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to title IV of SWDA) applicable to the methods of disposal or use employed by the municipal wastewater treatment system.

(34) "Manager of public utilities" or "manager" shall mean the manager of the public utilities board for the Town of Bulls Gap, Tennessee, or his authorized representative.

(35) "Monthly average"- The arithmetic average value of all samples taken in a calendar month for an individual pollutant parameter. The monthly average may be the average of all grab samples taken in a given calendar month, or the average of all composite samples taken in a given calendar month.

(36) "National categorical pretreatment standard or pretreatment standard" shall mean any regulation containing pollutant discharge limits promulgated, by EPA in accordance for section 307(b) and (c) of the Act, which applies to the specific category or industrial users.

(37) "Natural outlet" shall mean any point of discharge into a waste course, pond, ditch, lake, stream, or other body of surface or ground water.

(38) "New source" shall mean any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 307(c) (33 U.S.C. § 1317) categorical pretreatment standard which, will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal. A new source means any source, the construction of which is commenced after the date of promulgation of the standard.

(39) "Normal domestic wastewater" shall contain a daily average of not more than 400 mg/l of suspended solids; 400 mg/l of BOD; 40 mg/l nitrogen; 100 mg/l animal and vegetable oil and grease; and which contains only compatible pollutants as defined herein.

(40) "NPDES permit" or "permit" means a permit issued to a POTW pursuant to section 402 of the Act (33 U.S.C. § 1342).

(41) "NPDES state" means a state (as defined in 40 CFR § 122.2) or interstate water pollution control agency with an NPDES permit program approved pursuant to section 402(b) of the Act.

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

(43) "Person," "enterprise," "establishment," or "owner" shall mean any individual, partnership, copartnership, 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 should include the feminine, the singular should include the plural where indicated by context.

(44) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. A stabilized pH will be considered as a pH, which does not change beyond the specified limits of five to ten (5 - 10) when the waste is subjected to aeration.

(45) "Pretreatment" means 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 or biological processes, or process changes by other means, except as prohibited by 40 CFR § 403.6(d).

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

(47) "Publicly Owned Treatment Works (POTW)" means a treatment works as defined by section 212 of the Act, (33 U.S.C. § 1292) which is owned in this instance by the town. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey waste waters to the POTW from persons outside the (town) who are, by contract or agreement with the (town), users of the (town's) POTW,

(48) "Public sewer" shall mean a sewer controlled by public authority.

(49) "Sanitary sewer" is a sewer intended to receive domestic wastewater and industrial waste, without the admixture of surface water and storm water.

(50) "Sanitary wastewater" shall mean wastewater discharging from the sanitary conveniences of dwelling, including apartments and hotels, office buildings, factories, or institutions, and free from storm and surface water.

(51) "Sewer" shall mean a pipe or conduit for carrying; wastewater.

(52) "Sewer lateral" shall consist of the pipe line extending from any sewer main of the town to private property.

(53) "Sewer service charge" and "wastewater service charge" shall be synonymous and shall mean the amount charged to the customer for operation, maintenance and capital improvements for the wastewater control system.

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

(55) "SIC" means the Standard Industrial Classification of users based upon the SIC manual prepared by the office of management and budget.

(56) "Significant industrial user" - as defined by 40 CFR § 403.3 shall 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 POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority as defined in 40 CFR § 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR § 403.8(f)(6)).

(57) "Significant non-compliance" shall mean having violations which meet one (1) or more of the criteria as listed in this chapter and defined in 40 CFR 403.8(f)(2)(vii).

(58) "Significant Noncompliance (SNC)" - (40 CFR § 403.8(f)(2)(vii)) Industrial user violations meeting one (1) or more of the following criteria:

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

(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 pollutants parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the application TRC (TRC-1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other dischargers, interference or pass-through (including endangering the health of POTW 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 POTW's exercise of its emergency authority under this section 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 thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance;

(h) Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

(59) "Slug loading" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times, the average twenty-four (24) hour concentrations of flows during normal operation or any discharge of whatever duration that causes the sewer to overflow or back-up in an objectionable way or any discharge of

whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

(60) "Standard methods" shall mean *Standard Methods for the Examination of Water and Wastewater*, latest edition, published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

(61) "Storm sewer" or "storm drain" shall mean a pipe or conduit, ditch or canal which carries storm and surface waters and drainage, cooling water or other unpolluted water, but excludes wastewater.

(62) "Submission" means:

(a) A request by a POTW for approval of a pretreatment program to the EPA or a director;

(b) A request by a POTW to the EPA or a director for authority to revise the discharge limits in categorical pretreatment standards to reflect POTW pollutant removal; or

(c) A request to the EPA by an NPDES state for approval of its state pretreatment program.

(63) "Suspended solids" shall mean the total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids, and which is removed by laboratory filtering.

(64) "Time proportional composite sample"- A sample consisting of a series of aliquots collected from a representative point in the discharge stream at equal times intervals over the entire discharge period on the sampling day.

(65) "Toxic pollutant" shall be any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of the CWA (307)(a) or other Acts.

(66) "Twenty-four (24) hour, flow proportional composite sample" means a sample consisting of several effluent portions collected during a twenty-four (24) hour period in which the portions of sample are proportionate in the flow and combined to form a representative sample.

(67) "Unpolluted water or waste" shall mean any water or wastewater containing no free or emulsified grease or oil; acid or alkali, phenols, or other substances imparting taste and odor in receiving waters; toxic and poisonous substances in suspension, colloidal state or solution; and noxious or odorous gases and/or other polluting materials.

(68) "User" shall mean any occupied property or premises having a connection to the sewer system or having access thereto.

(69) "Wastewater" shall mean the water carrying wastes from residences, businesses, buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface and stormwater as may be present.

(70) "Wastewater control system" shall mean all facilities for collecting, pumping, treating, and disposing of wastewater.

(71) "Wastewater treatment plant" shall mean any arrangement of devices and structures used for treating wastewater or in the case of the town plant, may also be referred to as POTW (Publicly Owned Treatment Works).

(72) "Wye" shall mean any mechanical connection for a service lateral.

Standard methods: terms not otherwise defined herein shall be as adopted in the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. (Ord. #02-16-99-1, March 1999)

18-104. Abbreviations. The following abbreviations shall have the designated meanings.

BOD - Biochemical Oxygen Demand

CFR - Code of Federal Regulations

COD - Chemical Oxygen Demand

EPA - Environmental Protection Agency

l - Liter

mg - Milligrams

mg/l - Milligrams per liter

NPDES - National Pollutant Discharge Elimination System

POTW - Publicly Owned Treatment Works

SIC - Standard Industrial Classification

SWDA - Solid Waste Disposal Act, 42 U.S.C. §§ 6901, *et seq.*

USC - United States Code

TSS - Total Suspended Solids. (Ord. #02-16-99-1, March 1999)

18-105. General regulation. (1) Applications for service - permits.

(a) Domestic use and commercial use - a formal application for either original or additional service must be made at the office of the board of public utilities, or other specified location, and be duly approved before connection is made. The receipt by the "board" of a prospective customer's application for service shall not obligate the "board" to render the service. If the service applied for cannot be supplied in accordance with this chapter and the "board's" rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the "board" to the applicant for such service, except that conditional waivers for additional services may be granted by the manager for interim periods if compliance may be assured within a reasonable period of time.

(b) Industrial use.

(i) Application: An application for original, additional, or continuation of service must be made at the office of the board of public utilities, or other specified location, and must be duly approved before connection is made. The application shall be in the

prescribed form of the board of public utilities, and shall include to the extent reasonably available the estimated pH, temperature, volume, and concentration of BOD, COD, suspended solids, grease, toxic substances and/or metals together with a drawing to approximate scale showing plan of property, water distribution system and sewer layout indicating existing and proposed pretreatment and/or equalization facilities. The receipt by the "board" of a prospective customer's application for service shall not oblige the "board" to render the service. If the service applied for cannot be supplied in accordance with this chapter or the "board" rules and regulations and general practice, the application shall be rejected and there shall be no liability of the "board" to the applicant of such service.

(ii) Confidential information: all information and data on a user obtained from reports, questionnaires, permit application, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restrictions unless the user specifically requests and is able to demonstrate to the satisfaction of the manager that the release of such information would divulge information, processes, or methods which would be detrimental to the user's competitive position. 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 available to governmental agencies for use in making studies; provided, however, that such portions of a report shall be available for use by the state of any state agency in judicial review or enforcement proceeding involving the person furnishing the report.

Wastewater constituents and characteristics will not be recognized as confidential. Information accepted by the manager as confidential shall not be transmitted to any governmental agency or to the general public by the manager until and unless prior and adequate notification is given to the user.

(iii) Certification: all compliance reports, applications and other- reports required to be submitted by an industrial user shall be signed by authorized agents of the industry and shall be submitted with the following certification:

"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."

(2) Industrial discharge permit. (a) Wastewater discharge permits required: all major industrial users proposing to connect to or discharge into any part of the wastewater treatment system must first apply for a discharge permit. An application for this permit must be filed at least sixty (60) days prior to the anticipated start-up date. All applicants need to return the completed application with two (2) weeks from the day the application is received. All existing major industrial users connected to or discharging to any part of the town's system must obtain a wastewater discharge permit within ninety (90) days from and after the effective date of this chapter.

(b) Permit application: users seeking a wastewater discharge permit shall complete and file with the manager an application on the form prescribed by the manager, and accompanied by the application fee. In support of the application, the user shall submit the following information:

- (i) Name, address, and SIC number of applicant;
- (ii) Volume of wastewater to be discharged;
- (iii) Wastewater constituents and characteristics;
- (iv) Time and duration of discharge;
- (v) Average and thirty (30) minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- (vi) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation;
- (vii) Description and quantities of all materials on the premises which are, or could be, discharged;
- (viii) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
- (ix) 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. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

The following conditions shall apply to this schedule:

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

(B) No increment referred to in subsection (A) above shall exceed nine (9) months;

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

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

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

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

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

Upon receipt of the application form the manager or coordinator would review the permit for completeness. IUs who have filed incomplete applications should be notified by the manager that the application is deficient and the nature of such deficiency. IUs will be given fifteen (15) days to correct the deficiency. If the deficiency is not corrected within this time period, the manager has the right to deny the application. Denial of a permit application would result in termination of sewer service for all industrial waste streams.

(c) Permit conditions: wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other regulations, user charges and fees established by the "board." The conditions of wastewater discharge permits shall be uniformly enforced

in accordance with this chapter, and applicable state and federal regulations. Permit conditions will include the following:

(i) The unit charge or schedule or user charges and fees for the wastewater to be discharged to the system.

(ii) Limits on rate and time of discharge or retirements for flow regulation and equalization.

(iii) Requirements for installation of monitoring facilities, including flow monitoring and sampling equipment.

(iv) Requirements for maintaining and submitting technical reports and plant records relating to wastewater discharges.

(v) Daily average and daily maximum discharge rates, or other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's wastewater discharge.

(vi) Compliance schedules.

(vii) Statement of duration.

(viii) Statement of non-transferability.

(ix) Effluent limits.

(x) Unit charges for violations of limitations of wastewater strength.

(xi) Requirements for notification to the director of any new processes or substantial changes in existing process or in the volume or character of the existing discharge.

(xii) Notification of slug or accidental discharge.

(xiii) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements.

(xiv) Other conditions to ensure compliance with this chapter.

(d) Responsibilities of the permitted industrial user:

(i) All user's subject to a pretreatment standard shall install monitoring facilities, including flow monitoring and sampling equipment as required by the "board."

(ii) Any user subject to a pretreatment standard after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the "board," semi-annual reports during the months of June and December, unless required more frequently in the pretreatment standard or by the manager, a report indicating the nature and concentration of pollutant in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of daily flows which during the reporting period, exceeded the average daily flow reported. At the discretion of the manager and in consideration of such factors as local high or

low flow rates, holidays, budget cycles, etc., the manager may agree to alter the months during which the above reports are to be submitted.

(iii) All analysis shall be performed by the administrator pursuant to section 304(g) of the Act and contained in 40 CFR part 136 and amendments thereto or with any other test procedures approved by the administrator.

(iv) If any sampling performed by an industrial user indicates a violation, the user shall notify the manager within twenty-four (24) hours of becoming aware of the violation. A written notification shall be submitted to the manager within five (5) days of the violation describing the following:

- (A) Location of violation, occurrence, duration;
 - (B) Type of violation, severity;
 - (C) Actions taken, proposed remediation plans, compliance schedule;
 - (D) Description of assistance requested (if any);
- and
- (E) Steps taken to avoid similar violations in the future.

The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the manager within thirty (30) days after becoming aware of the violation, except the industrial user is not required to resample if:

- (1) The manager performs sampling at the industrial user at a frequency of at least once per month, or
- (2) The manager performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

(v) Signature requirements - see subsection (1)(b)(iii) above, "certification."

(vi) The industrial user shall be responsible for notifying the "manager" each time a change/modification has been made to the industrial process line or to the industrial wastewater pretreatment plant (if applicable). A new wastewater discharge permit application may need to be submitted as required by the "board." The manager has the right to request additional information about the changes made to the industrial process or wastewater treatment unit as deemed necessary.

(e) Duration of permits: modification and change by the manager during the life of the permit, as limitations or requirements are

modified and changed. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(f) **Transfer of a permit:** 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.

(g) **Renovation of permit;** any user who violates the following conditions of his permit or of this chapter, or of applicable state and federal regulations, is subject to having his permit revoked. Violations subjecting a user to possible revocation of his permit include, but are not limited to, the following:

(i) Intentional failure of user to accurately report the wastewater constituents and characteristics of his discharge;

(ii) Failure of the user to report significant changes in operations or wastewater characteristics.

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

(iv) Violation of conditions of the permit.

(3) **Connection to public sewer.** (a) **Availability:** at such time as a sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made within thirty (30) days to the public sewer. The sewer shall be considered available when the first floor of the building above or on ground level can be served by the sewer line in accordance with the board's rules and regulations and general practice. When sewer service is available, it will be presumed that the wastewater from the premises is discharged either directly or indirectly into the sewer, and the property shall be billed for sewage service. However, if the making of connection is delayed, the property shall be subject to such charges thirty (30) days after sewer is accepted by the wastewater control system. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall be abandoned. An extension of time may be granted by the manager for cause.

(b) **Connections:**

(i) Before excavating for sewer service, a permit must be obtained from the sewer commission. A tap fee is required, and must be paid in full before the permit is issued.

(ii) Initial connections to mains and trunk line sewers are to be made into a wye connector or other connection provided in line. If for any reason a wye connector or other connection is not available, the connection to main or trunk will be made by the "board."

(iii) Building sewers (for connection to gravity sewers) shall conform to the following requirements.

(A) The minimum size of a building sewer shall be four inches (4").

(B) All joints and connections shall be made water tight.

(C) The building sewer shall be laid at uniform grade on a continuous firm base and in straight alignment insofar as possible. A clean-out shall be provided outside and within five feet (5') of the wall, and be properly plugged. No bends greater than forty-five (45) degrees, will be permitted.

(D) Four inch (4") building sewers shall be laid on a grade greater than or equal to one-eighth inch (1/8") per linear 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.

(E) The interior of each length of pipe shall be made perfectly clean and free from off-sets, fins, and projections before the next length is connected.

(F) Building sewers shall not be constructed closer than five feet (5') to any exterior wall, cellar, basement, or cistern, and depth shall be sufficient to afford protection from frost.

(G) Waste, gas service, electric service, and building storm sewers, shall not be laid in the same trench as the building sanitary sewer.

(iv) Building sewers (for connection to pressure sewer):

(A) The owner is required to furnish two hundred twenty (220) volts (twenty (20) amp, two (2) pole breaker) of electrical service to the outside wall closest to the grinder pump. Wire must be a minimum two to twelve (2-12) gauge with ground. Power must be left on year round whether the property is occupied or not.

(B) The property owner will construct a four inch (4") lateral from his home and connect it to the grinder pump unit. See subsection (3)(b)(iii) above for construction methods.

(C) The commission will furnish, install, and maintain grinder pump unit.

(v) Materials: building sewers shall be constructed of a size not less than four inches (4"), nominal internal diameter and shall be of the materials listed below or other suitable material that is approved by the board.

(A) Cast iron pipe - A.S.T.M. Specifications. A74-42; cast iron solid pipe and fittings.

(B) Plastic pipe - minimum wall thickness for all plastic pipe is 0.187" Schedule 40 and meet A.S.T.M. specifications. Polyvinyl chloride (PVC) - extra strength - cemented joints; Acrylonitrik-Butadiene-Styrene (ABS) - Sewer pipe and fittings - extra strength - cemented joints.

(vi) All pipe installation and testing shall be in accordance with all current applicable local, county and state plumbing codes.

(vii) A backwater check valve shall be installed in each building sewer where the superintendent or engineer for the commission determines that it is necessary or desirable.

(c) Inspection of connections: the sewer connections and all sewer laterals from the building to the sewer main line must be inspected by an inspector of the public utilities board before any underground portion is covered.

(d) Use and maintenance of sewer laterals: sewer laterals that have been previously used but have been abandoned due to the razing of a building structure may be used in connection with new buildings only when they are found, on examination and test by the manager, to meet all requirements of this chapter. All others must be sealed to the specifications of the public utilities board. Each individual property owner or user of the wastewater control facilities shall be entirely responsible for the maintenance of the sewer lateral located on private property. This maintenance will include repair or replacement of the service line as deemed necessary by the "manager" to meet specifications of the public utilities board.

(e) Private wastewater disposal: where a public sanitary or combined sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of subsection (6) below. A service utilizing a private wastewater disposal system must be made at the office of the board of public utilities and be duly approved before construction or reconstruction is commenced.

(4) Interruption of service. The board shall not be liable for any damage resulting from failure or overflow of any sewer main, service pipes or valves, or by discontinuing the operation of its wastewater collections, treatment, and disposal facilities, for repair, extensions, or connections or from the accidental failure of the wastewater collection, treatment and disposal facilities from any cause whatsoever, in cases of emergency the "board" shall have the right to restrict the use of its wastewater collection, treatment and disposal facilities in any reasonable manner for the protection of the board and the wastewater control system.

(5) Discontinuance of service and refusal to connect service. The manager shall, after written notice, and allowance of a reasonable time for

remedial action, have the right to discontinue service or to refuse to render service for a violation of, or a failure to comply with, this chapter, the rules and regulations, the customer's application and agreement for service, or the payment of any obligation due to the board of public utilities. Such right to discontinue service shall apply to all service received through a single tap or service, even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one (1) such customer or tenant. Discontinuance of service by the manager for any cause stated in this chapter shall not release the customer from liability for service already received or from liability from payments that thereafter become due under the minimum bill provisions or other provisions of the customer's agreement. The manager shall have the right to refuse to render service to any applicant whenever the applicant or any member of the household, apartment or dwelling unit to which such service is to be furnished, is in default in the payment of any obligation to the "board" or has heretofore had his service disconnected because of a violation of this chapter or the rules and regulations of the board.

(6) Private domestic wastewater disposal system. The septic tank and disposal field shall be constructed or reconstructed only in locations which have been approved by the manager or the county health department after making such tests and examinations of the site as he deems essential to determine if the soil absorption, topography, drainage area, etc. are satisfactory for underground disposal. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply. Plans and specifications for private wastewater disposal systems other than septic tanks and drainfields must be submitted to the public utilities board for review for written approval by the manager.

(7) Commercial and industrial pretreatment. (a) Criteria for pretreatment: any wastewater discharge from a commercial or industrial user of the wastewater control system whose discharge violates the provisions set out in "prohibited wastewater discharges" (subsection (8)(b) below) shall pretreat at the point of origin in a private wastewater treatment plant provided, maintained, and operated by the owner. Any wastewater discharged from a commercial or industrial user of the wastewater control system who exceeds or causes to exceed any provision set forth in "restricted wastewater discharges" (subsection (8)(c) below) shall pretreat at the point of origin in a private wastewater treatment plant provided, maintained, and operated by the owner.

Any commercial or industrial wastewater discharge exceeding only the "limitations on wastewater strength" (subsection (8)(e) below) may be pretreated at the point of origin in a private wastewater treatment plant provided, maintained, and operated by the owner.

If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the user shall submit as part of the

application for wastewater discharge permit. Plans and specifications and other pertinent information relative to the proposed construction to the manager for approval. A compliance schedule for completion shall also be included. It shall meet the requirements of (7)(b)(ii) below. Plans and specifications submitted for approval must bear the seal of a professional engineer licensed to practice engineering in the State of Tennessee. The manager will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the town may issue a wastewater discharge permit subject to terms and conditions provided herein.

(b) Pretreatment facilities:

(i) Design and construction: all commercial or industrial users of the wastewater control system who elect or are required to construct new or additional facilities for pretreatment, shall submit plans, specifications, and other pertinent information relative to the proposed construction to the manager for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice in the State of Tennessee, written approval of the manager must be obtained before construction of new or additional facilities may begin. The plans, specifications, and other pertinent information submitted to the "board" for approval will be retained as file material for future reference with one approved copy returned to the user.

(ii) Compliance schedule: in the event new or additional pretreatment facilities for existing sources are required under the provisions of this chapter, the users shall have two (2) years within which to install and place such facilities in operation but during said two (2) year period, shall submit written progress reports to the manager not less than each six (6) months. In the event users are making a good faith effort to comply but are prevented from compliance due to the complexities of a given situation or other circumstance beyond the user's control, this time may be extended by the manager for a period of time not exceeding the commencement of the operation of the new treatment system of time limits imposed by federal pretreatment regulations.

The user shall submit a compliance schedule to the manager within thirty (30) days after the promulgation of an applicable federal categorical pretreatment standard.

The compliance schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required to meet the applicable categorical pretreatment standards. No increment shall exceed nine (9) months. Not later than fourteen (14) days following

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

In the event that an IU, without good reason, fails to meet the compliance schedule or fails to comply with conditions of the permit, the IU would be subject to the enforcement provisions described, in § 18-107.

The board shall be notified forty-eight (48) hours prior to start-up of new or modified wastewater pretreatment facilities.

(iii) Inspection of facilities. A permit for the operation of a new or existing pretreatment or equalization system shall not become effective until the installation is completed to the satisfaction of the manager and written approval for operation is issued to the owner by the manager. The manager or his representative shall be allowed to inspect the work at any state of construction, and in any event, the application for the permit shall notify the manager when the work is ready for the final inspection. In addition, the manager shall be allowed to make periodic inspections of the facilities in operation as he deems necessary. The manager 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 manager or his representative ready access at all reasonable times to parts of the premises for the purposes of inspection or sampling or in the performance of any of their duties. The manager shall have the right to set up on the user's property such devices as are necessary to conduct sampling; or metering operations. If the user is found to be in violation of his discharge permit, then such user shall pay for any and all damages, including sampling and analytical costs.

In addition, the manager or his representative shall have the right to access or copy records, plans, sampling reports and any other material related to the industrial process as deemed necessary.

(iv) Maintenance of facilities: it shall be the responsibility of the owner to maintain all wastewater treatment or equalization facilities in good working order at all times. The board of utilities must be notified in writing when pretreatment facilities will not be or are not operative by reason of equipment malfunction, emergency or routine maintenance, or any reason whatsoever. It shall be the responsibility of the owner to repair and maintain all pretreatment facilities on a high priority basis.

(v) If the director and/or his representative has been refused access to a building, structure or property or any part thereof, and if the director and/or his representative has demonstrated probable cause to believe that there may be a violation of this chapter or that there is a need to inspect as part of a routine inspection program of the board designed to verify compliance with this chapter of any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application by the sanitary district attorney, to the municipal court, superior court or circuit court, the district may seek a search and/ or seizure warrant describing therein the specific location subject to the warrant. The request by the district shall specify what, if anything, may be searched and/or seized on the property described, such warrant shall be served at reasonable hours by the director in the company of a uniformed police officer. In the event of an extreme emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

(c) Monitoring facilities: all users who propose to discharge wastewater with constituents and characteristics different from normal domestic wastewater, shall be required to install a monitoring facility. (Monitoring facility to be a manhole or other suitable facility approved by the manager which may include a metering device with suitable accommodations for composite sampling.) When, in the judgment of the manager, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the manager 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 measurements of wastewater produced by a user. If sampling or metering equipment is also required by the manager, it shall be provided and installed at the user's expense. However, such sampling equipment shall be required by the manager only after sampling by the board with a portable sampler establishes the existence of significant variations in concentrations or constituents of the user's discharge. Operation,

maintenance, and self-monitoring sampling (if required by the board) shall be performed by the IU at the user's expense. Wastewater samples collected by the manager during sampling and testing will be made available to the industry if requested. Analytical results from split samples shall not be used to fulfill the monitoring compliance schedule of the permittee. However, the IU shall report all results derived from split sampling to the manager.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The manager 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.

If the monitoring facility is inside the user's fence, there shall be accommodations to allow safe and immediate access for "board" personnel.

Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the manager's requirements and all applicable local agency construction standards and specifications. When, in the judgement of the manager, an existing user requires a monitoring facility, the user will be so notified in writing. Construction must be completed within one hundred eighty (180) days following written notification unless a written extension is granted by the manager.

(d) Slug control plan: As stated in 40 CFR § 403.8(f)(2)(v), the manager will randomly sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with pretreatment standards. Inspect and sample the effluent from each significant industrial user at least once a year. Evaluate, at least once every two (2) years, whether each such significant industrial user needs a plan to control slug discharges. For purposes of this subsection, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. The results of such activities shall be available to the approval authority upon request. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- (i) Description of discharge practices, including non-routine batch discharges;
- (ii) Description of stored chemicals;
- (iii) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a

prohibition under subsection (8)(b), prohibited wastewater discharges, with procedures for follow-up written notification within five (5) days;

(iv) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(e) Protection from accidental discharge: each user shall provide protection from accidental discharge into the sewer of prohibited materials or other wastes regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the manager for review and shall be approved by the manager before construction of the facility. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to meet the requirements of this chapter.

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

(g) Hauled wastewater: septic tank waste may be accepted into the POTW at a designated receiving structure within the treatment plant area, and at such, times as are established by the superintendent, provided such wastes do not violate § 18-105 or any other requirements established or adopted by the Town of Bulls Gap.

The discharge of hauled industrial wastes and/or wastewater as "industrial septage" requires prior approval and a wastewater discharge permit from the board. The director shall have authority to prohibit the disposal of such wastes, if such disposal would interfere with the treatment plant operation or cause pass-through of the POTW or adversely affect the quality of the POTW sludge. Waste haulers are subject to all other sections of this chapter.

(h) Underground storage tank wastewater: wastewater from contaminated underground storage tank sites within the legal boundaries of the Town of Bulls Gap may be discharged to the POTW only when and if a permit application, as prescribed by the director is applied for and a

special "underground storage tank wastewater discharge permit" as prescribed by the director, is issued to the owner and or tenant or the property at which the contaminated wastewater is generated. All other aspects of this chapter will be in force for these permits also.

(i) Vandalism: no person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of board property, i.e., (automatic samplers and other field equipment). Any person found in violation of this requirement shall be subject to the sanctions set out in §§ 18-107 and 18-108.

(8) Discharge regulations. All users of the facility of the wastewater control system shall comply with the following regulations and restrictions before discharging or causing to be discharged any wastewater to the public sewer system. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with 40 CFR part 136 and the latest edition of *Standard Methods* available at the "board's" office.

(a) Notification of discharge of hazardous wastes: The industrial user shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR, part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR, part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user. 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 within one hundred eighty (180) days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than one hundred eighty (180) days after the discharge of the listed or characteristic hazardous waste. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR § 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR § 403.12(b), (d), and (e).

Dischargers are exempt from the requirements above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR §§ 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR §§ 261.30(d) and 261.33(e), requires a one (1) time notification.

Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

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

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

(b) Prohibited wastewater discharges: No user shall introduce, directly or indirectly, into POTW, any pollutants which will cause pass-through or interference with the operation and performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

(i) Any water or wastes having corrosive or explosive properties, containing toxic poisonous substances, or noxious or malodorous gas, which either singly or by interaction with other wastes or which is capable of causing an obstruction, or which may in any other way cause any interference with the proper operation of the wastewater control system.

(ii) No water or wastes shall be discharged to the public sewer in "slugs" so that the flow rate or concentration of pollutants causes sufficiently sudden changes in the wastewater as it arrives at the wastewater treatment plant to interfere with proper operation. Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the sewage facilities or personnel operating the system.

(iii) Any unpolluted water including, but not limited to, water from cooling systems or of stormwater origin, which will increase the hydraulic load on the treatment system.

(iv) Wastes with the objectionable color not removable by treatment process.

(v) Oil and grease if concentration and dispersion results in separation and adherence to sewer structures and appurtenances in excess of normal domestic wastewater.

(vi) Solid or viscous materials which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facility such as, but not limited to, grease, garbage with particles greater than one half inch (1/2") in any dimension, paunch, manure, hones, hair, hides, or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from, refining, or other processing of fuel or lubricating oil, mud or glass grinding or polishing waste.

(vii) Any liquid, 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 way to the POTW or to the operation of POTW. At no time should there be two (2) successful readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent (5%) nor any single reading over twenty percent (20%) of the lower explosive limit of the meter. 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 town, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(viii) Any wastewater having a pH less than 5.0 or higher than 9.5 or any wastewater having any corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel or the POTW.

(ix) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interferences, but in no case wastewater with a temperature at the introduction to the POTW which exceeds forty degrees centigrade (40°C) or one hundred five degrees Fahrenheit (105°F).

(x) Wastes requiring more than twelve (12) mg/l of chlorine, as measured by the orthotolidine method, to produce a

residual of ten (10.0) ppm after a contact period of fifteen (15) minutes.

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

(xii) Any substance which may cause the POTW effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations 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.

(xiii) Any substance which will cause the POTW its NPDES permit and/or state disposal system permit or the receiving water quality standards.

(xiv) Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts which will cause pass-through or interference.

(xv) Any pollutants which will result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

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

(xvii) Deny or condition pollutants to POTW which do not meet pretreatment standards or would cause POTW to violate its NPDES permit.

(c) Restricted wastewater discharges:

(i) No person or user shall discharge wastewater which exceeds the following set of standards unless an exception is permitted as provided in the ordinance. Dilution of any wastewater discharge for the purpose of satisfying these requirement shall be considered a violation of this chapter.

<i>Restricted Wastewater Discharges</i>		
<i>Constituents</i>	<i>Monthly Averages (l) Maximum Concentration (mg/l)</i>	<i>Daily Instantaneous Maximum Concentration (mg/l)</i>

Antimony, total	1.0	1.5
Arsenic, total	0.098	0.148
Boron, total	2.0	3.0
Cadmium, total	0.0152	0.0228
Chromium, total	0.606	0.9092
Copper, total	0.531	0.7962
Cyanide, total	0.6958	1.043
Lead, total	0.2827	0.424
Mercury, total	0.0015	0.0023
Nickel, total	1.8152	2.7198
Selenium, total	0.179	0.262
Silver, total	0.0655	0.0983
Zinc, total	1.63	2.44
Chlorinated hydrocarbons	10.0	15.0
Phenols, total	10.0	15.0
pH (units)	5.5	9.5
Surface active agents (as MBAS)	10.0	15.0
Non-biodegradable TD solids	5000.0	5000.0
Oil and grease (petroleum and/or mineral base)	50.0	100.0
Temperature (°F)		150°

(A) Based upon twenty-four (24) hour flow proportional composite samples.

(B) 40 CFR § 403.12(b)(5)(iii) requires that grab samples be utilized for pH, cyanide, total phenols, oil and grease, sulfide and volatile organics.

(ii) Conditions set out below for the treatment plant influent must also be met which may require a reduction of values set out for individual discharges.

(iii) Total Toxic Organics (TTOs) - Limits for those parameters on the TTO list will be considered on an individual case basis, by the director, for those not regulated in the 40 CFR of the Act for categorical and/or non-categorical industries, considering such factors including but not limited to: concentration, flow, pound, loading to the POTW and other considerations necessary to prevent pass-through and protect the POTW as set forth by the director.

<i>Plant Protection Criteria</i>	
<i>Parameter</i>	<i>Maximum Concentration (mg/l)</i>
Arsenic	0.0161
Copper	0.2051
Chromium	0.133
Nickel	0.2837
Cadmium	0.0112
Lead	0.1
Mercury	0.0008
Molybdenum	0.0084
Selenium	0.0214
Silver	0.0147
Zinc	0.2
Cyanide	0.14
Toluene	0.2143
Benzene	0.012
1, 1, 1 Trichloroathane	0.2727
Ethylbenzene	0.02
Carbon Tetrachloride	0.0385
Chloroform	0.3148
Tetrachloroethylene	0.125

<i>Plant Protection Criteria</i>	
<i>Parameter</i>	<i>Maximum Concentration (mg/l)</i>
Trichloroethylene	0.1667
1, 2 Transdichloroethylen	0.0056
Methylene chloride	0.1667
Phenol, total	0.3125
Naphthalene	0.0034
Total phthalates	0.1037
Temperature (°F)	100°
pH units	6-9

No statement in this chapter is intended or may be construed to prohibit the manager from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the wastewater control system, or to create a public nuisance, or to cause discharge of the wastewater control system to violate effluent or stream quality standards, 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 Public Health and/or United States Environmental Protection Agency.

(d) Affirmative defenses: a user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions.

(e) Limitations on wastewater strength: it is the intent of this chapter to regulate all discharges of compatible wastes in excess of normal domestic wastewater, the major parameters as determined by twenty-four (24) hour composite samples, shall be as follows:

<i>Constituent</i>	<i>Daily Average Concentration (mg/l)</i>
BOD/COD	400/400
SS	400
Oil and grease (animal and/or vegetable base)	100
Nitrogen, total	40

Any wastewater containing over four hundred (400) mg/l of BOD or total suspended solids will be surcharged at the appropriate rate or pretreated to levels so as not to cause destruction to the sanitary sewer system.

(f) Exceptions to discharge criteria: non-residential users of the wastewater control system may apply for a temporary exception to the restricted and regulated wastewater discharge criteria listed in subsections (8)(b) and (8)(c) below. Exceptions can be granted according to the following guidelines subject to the appeals procedure provided in § 18-107.

(i) All exceptions granted under this paragraph shall be temporary and subject to revocation at any time by the manager upon a reasonable notice.

(ii) The user requesting the exception must demonstrate to the manager that he is making a concentrated and serious effort to maintain high standards of operation and control and housekeeping levels, etc. so that discharges to the wastewater control system are being minimized. If negligence is found, permits will be subject to terminations.

(iii) The user requesting the exception must demonstrate that compliance with stated concentration and quantity standards is technically or economically infeasible and the discharge, if exempted, will not:

(A) Interfere with the normal collection and operation of the wastewater collection system.

(B) Limit the sludge management alternatives available and increase the cost of providing adequate sludge management.

(C) Pass-through the POTW in quantities and/or concentrations that would cause that POTW to violate its NPDES permit.

(iv) The user must show that the exception if granted, will not cause the discharger to violate its in force federal pretreatment standards unless the exception is granted under provisions of the applicable pretreatment regulations.

(v) A surcharge shall be applied to any exception granted under this paragraph. These surcharges shall be applied for that concentration of the pollutant for which the variance has been granted in excess of the concentration stipulated in this chapter based on the average daily flow of the user.

(vi) At such time that the levels of pollutants must be reduced because of violations of any of the provisions of subsection (c) above, the following method shall be used to reduce the discharge levels. All users shall be required to reduce their

discharge levels by a sufficient amount to meet the standard being violated. Users shall be required to reduce their discharge levels in accordance with their contribution to the system.

(g) Relaxation of discharge criteria: the manager shall, to the maximum extent feasible, recommend a relaxation of criteria established in this chapter in the event the POTW effluent standards are changed or if the POTW removals are such that a relaxation will not cause violation of the effluent standards.

(9) Wastewater disposal services. (a) Permit: no person, firm, association, or corporation shall clean out, drain or flush any septic tank or any other type of wastewater or excreta disposal system into the POTW unless such person, firm, association or corporation obtains a permit from the manager 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 manager when the conditions of this chapter have been met and providing the manager is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

(b) Fees: for each permit issued under the provisions of this chapter and annual service charge therefore shall be paid to the public utilities board of the Town of Bulls Gap, Tennessee, to be set as specified in § 18-106, "charges and fees." Any such permit granted shall be for one (1) full fiscal year or a fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year unless sooner revoked, and shall be non-transferable. The number of the permit granted hereunder shall be plainly painted on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(c) Designated disposal locations: the manager 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 other place other than the place so designated.

(d) Discharge criteria: all waste discharged into the system by wastewater disposal services shall meet discharge regulations and restrictions as stated in subsection (8) above.

(e) Revocation of permit: failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of such permit by the manager. The possession within the town limits of Bulls Gap by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving as a septic tank or 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 town limits of Bulls Gap.

(10) Charges and billing. (a) Wastewater service charge: the wastewater service charge for normal domestic wastewater is based on the water discharged to the wastewater control system as measured by the public water supply meter, or meters, and/or by any supplementary meter, or meters, necessary to measure the amount of water discharged. The basic wastewater service charge shall be determined upon the metered flow and at rates as provided for in § 18-106.

(b) Users who discharge or cause to be discharged extra strength wastes to the sewer system in accordance with the provisions of this chapter with an appropriate permit therefor will be subject to a surcharge to compensate the wastewater control system for above normal operation and maintenance expense incurred in treating and disposing of the discharge with credit for any reduced operating cost as a result of the constituents or characteristics discharged by the user. The surcharge for extra strength wastes will be assessed in accordance with the provisions of § 18-106. Users who discharge extra strength wastes without a permit shall be subject to the provisions of subsection (4) above.

(c) Sampling, flow monitoring, and analysis. Users who are found to be in violation and who are required by the manager to have sampling and flow monitoring devices installed (temporary or permanent) shall be charged to compensate the board for operating and maintaining equipment and for performing analytical tests on their discharge. The charge will be assessed in accordance with provisions of § 18-106.

(d) Billing. The billing for normal domestic wastewater shall consist of a minimum wastewater service charge with rates as specified by the "board" subject to net and gross rates. Wastewater discharges with above normal strength characteristics will be subject to an extra strength surcharge in addition to the wastewater service charge. In addition, certain industrial users will be liable for payment of sampling, flow monitoring and analysis charges.

(i) Minimum charges. Where the sewer service charge is computed directly, the minimum charge will be as stated in the schedule of rates and charges as established by the board of public utilities.

(ii) Estimated billing. If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the "board" reserves the right to render an estimated bill based on the best information available. The manager also reserves the right to require metering of any water discharged into the sewer system.

(iii) Supplemental water supply. In the event that any customer uses water from a source other than the public water

supply, for any purpose other than for sprinkling lawns and/or gardens, or other use with no discharge into the wastewater control system, the customer must install or have installed according to the "board's" specifications and maintain a supplementary meter to measure the amount of water so used and the amount so used shall be computed in determining the wastewater service charge.

(iv) Adjustments and corrections of errors. Such adjustments to billing for over or under registration of meters, for leaks, for the determination of water use by consumers when meters have been inoperative, for an obviously incorrect meter reading, or for other recognized and proper adjustments as are granted to water customers by the "board" and such adjustment for water use shall be applied in obtaining the indicated adjusted billing of sewer charges. All other requests for adjustments of sewer charges made to the "board" shall be referred to the manager who will handle such complaints. Any adjustment or decision thus authorized by the manager shall be made to the customer affected thereby.

(v) Exemptions. Claims for exemption from the sewer service charge because of non-availability of sewers may be made to the manager, giving the "board" account number. Exemptions from the charge will be retroactive to the commencement date of the sewer service charge or the date of non-availability. (Ord. #02-16-99-1, March 1999)

18-106. Wastewater charges and fees. (1) Purpose of charges and fees. A schedule of charges and fees shall be adopted by the board of public utilities which will enable it to comply with the revenue requirements of the Federal Water Pollution Control Act Amendments of 1972, PL 92-500. Charges and fees shall be determined in a manner consistent with regulations of the federal grant program to ensure that sufficient revenues are collected to defray the "board's" cost of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, bond service costs, capital improvements, depreciation, and equitable industrial cost recovery of EPA administered federal grants.

(2) Classification of users. All users are to be classified by the manager either by assigning each to a "user classification" category according to the principal activity conducted on the user's premises, by individual user analyzation, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics to provide an effective means of source control, and to establish a system of charges and fees which will insure an equitable recovery of the "board's" cost.

- (3) Type of charges and fees. The charges and fees as established in the "board's" schedule of charges and fees, may include, but not limited to:
- (a) User classification charges;
 - (b) Fees for monitoring, maintenance, and analysis;
 - (c) Fees for permits;
 - (d) Surcharge fees; and
 - (e) Discharge permit fees.
- (4) Basis for determination of charges. (a) Charges and fees may be based upon a minimum basic charge for each premises, computed on the basis of "normal domestic wastewater."
- (b) All unoccupied rental property will be charged a minimum monthly basic sewer service fee during the first year of operation.
- (5) Computation and assessments. The computation of an assessment of surcharges, monitoring charges, maintenance charges and testing or analysis charges will be subject to the appeals procedure provided in the ordinance. (Ord. #02-16-99-1, March 1999)

18-107. Enforcement. The enforcement responses that the Town of Bulls Gap should enforce upon users who are in violation of the sewer use ordinance are described in this section and § 18-108. The local enforcement response plan, state law and the sewer use ordinance should be closely reviewed by the controlling authority prior to enforcement of any of the following responses.

(1) Administrative orders. (a) Notification of violation. Whenever the superintendent finds that any industrial user has violated or is violating this chapter, or a wastewater permit or order issued hereunder, the superintendent or his agent may serve upon said user written notice of the violation. Within fourteen (14) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted 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.

(b) 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.

(c) Show cause hearing. The superintendent may order any industrial user which causes or contributes to violation of this chapter or wastewater permit or order 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 meeting, 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 meeting shall be served personally or by registered or certified mail (return receipt requested at least fourteen (14) days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate officer. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.

(d) **Compliance order.** When the superintendent finds that an industrial user has violated or continues to violate the 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 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 reasonable necessary and appropriate to address the noncompliance. Including the installation of pretreatment technology, additional self-monitoring, and management practices.

(2) **Issuance of cease and desist orders.** When the manager finds that a discharge of wastewater has taken place, in violation of prohibitions or limitations of this chapter, or the provisions of a wastewater discharge permit, the manager shall issue an order to cease and desist and that these persons not complying with such prohibitions, limits, requirements, or provisions, to:

- (a) Comply forthwith;
- (b) Comply in accordance with a time schedule set forth by the manager;
- (c) Take appropriate remedial or preventive action in the event of a threatened violation; or
- (d) Surrender his applicable user's permit if ordered to do so after a show cause hearing.

(3) **Submission of time schedule.** When the manager finds that a discharge of wastewater has been taking place, in violation of prohibitions or limitations prescribed in the ordinance, or wastewater source control requirements, effluent limitations or pretreatment standards, or provisions of a wastewater discharge permit, the manager shall require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements.

(4) **Hearings/appeals.** (a) Except in those emergency situations as provided for in § 18-107(8), the manager shall afford any user an opportunity for a hearing and shall provide not less than forty-eight (48) hours' notice thereof, before terminating service for any reason other than non-payment.

(b) Any user, permit applicant, or permit holder affected by any decision, action or determination, including cease and desist orders, made by the manager interpreting or implementing the provisions of this chapter or in the granting or refusing of any permit issued hereunder, may file with the manager a written request for reconsideration within thirty (30) days of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. The manager's decision, action, or determination shall remain in full force and effect during such period of reconsideration and during the appeal therefrom, unless modified or suspended by the sewer regulation appeals board. Failure to petition for an appeal or reconsideration of an implemented provision within the allotted time is deemed a waiver by the permittee of his right to challenge the term of this permit.

If the ruling made by the manager is unsatisfactory to the person requesting reconsideration, he may, within ten (10) days after notification of the action, file a written appeal to the sewer regulation appeals board. The written appeal shall be heard within thirty (30) days from the date of filing. The sewer regulation appeals board shall make a final recommendation on the appeal within fifteen (15) days of the close of the meeting as set forth in § 18-107. Appeal from the decision of the sewer regulation appeals board shall be to the Board of Mayor and Aldermen of the Town of Bulls Gap. The decision, action, or determination of the sewer regulation appeals board shall remain in effect during the pendency of any appeal unless modified or suspended by the board of mayor and aldermen. The decision of the board of mayor and aldermen shall remain in effect during the pendency of an appeal to the courts unless the same is modified or suspended by a court of competent jurisdiction after notice and an evidentiary hearing.

(5) Scope of review by sewer regulation appeals board and/or the board of mayor and aldermen. (a) Review of actions or decisions other than the refusal of applications for exceptions and/or conditions on discharge permits shall be to determine whether or not the decision, action or determination made by the manager is reasonable and necessary to protect the POTW and/or to effectuate the provisions of this chapter.

(b) Review of actions involving refusal of applications for exceptions and/or conditions on discharge permits shall be to determine whether or not the party appealing said decision has met the prescribed conditions. In making this determination, the board may consider the following:

(i) The cost of pretreatment or other types of control techniques which could be necessary for the user to achieve effluent reduction, but prohibitive cost alone shall not be the basis for granting a variance;

(ii) The age of equipment and industrial facilities involved to the extent that such factors effect the quality or quantity of wastewater discharge;

(iii) The process employed by the user and process changes available which would effect the quality or quantity of wastewater discharged;

(iv) The engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quantity or quality of wastewater discharge.

(6) Notice of user. Notice of a discharge in violation of this chapter shall be served on the owner, user, and/or permit holder by certified mail, return receipt requested, as well as and in addition to any other means of communication that the town has available to notify the party of said violation, and the need for corrective action.

(7) Accidental discharges. (a) Notification of discharges. Users shall notify the manager (or his designated official), immediately upon accidental discharging wastes in violation of this chapter to enable counter measures to be taken by the manager to minimize damage to the community sewer, treatment facility, treatment processes, and the receiving waters. 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 will not relieve users of liability for any expenses, loss, or damage to the sewer system, treatment plant, or treatment process, or for any fines imposed on the "board" on account thereof under state and federal law.

(b) Notice to employees. In order that employees of users be informed of the "board's" requirements, users shall make available to their employees copies of this chapter together with such other wastewater information and notices which may be furnished by the manager from time to time directed toward more effective water pollution control.

A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of the ordinance.

(c) Preventive measures. Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system shall be eliminated.

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

(b) Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately 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, its receiving stream, or endangerment to any individuals. The superintendent shall allow the user to recommence its discharge when the endangerment has passed.

(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 (8)(b) above.

(9) Affirmative defenses. (a) Treatment upsets. (i) Any industrial user which experiences an upset in operations that place it in a temporary state 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 becoming aware of the upset. Where such information is given orally, a written report therefore shall be filed by the user within five (5) days. The report shall contain:

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

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

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

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

(b) Treatment bypasses. (i) A bypass of the treatment system is prohibited unless all of the following conditions are met:

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

(B) There was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater; and

(C) The industrial user properly notified the superintendent as described in subsection (9)(b)(ii) below;

(ii) Industrial users must provide immediate notice to the superintendent upon discovery of an unanticipated bypass. If necessary, the superintendent may require the industrial user to submit a written report explaining the cause(s), nature, and duration of the bypass, and the steps being taken to prevent its recurrence.

(iii) An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Industrial users anticipating a bypass must submit notice to the superintendent at least ten (10) days in advance. The superintendent may only approve the anticipated bypass if the circumstances satisfy those set forth in subsection (9)(b)(i) above. (Ord. #02-16-99-1, March 1999)

18-108. Abatement. (1) Public nuisance. Discharge of wastewater in any manner, in violation of the ordinance or of any order issued by the manager as authorized by this chapter, is hereby declared a public nuisance and shall be corrected or abated as directed by the manager. Any person creating a public nuisance shall be subject to the provisions of the Town of Bulls Gap codes or ordinances governing such nuisance.

(2) Correcting of violation: collection of cost injunction. In order to enforce the provisions of this chapter, the manager shall correct any violation thereof. The cost of such correction shall be added to any sewer service charge payable by the person violating the ordinance or the owner or tenant of the property upon which the violation occurred, and the Town of Bulls Gap shall have such remedies for the collection of such costs as it has for the collection of sewer service charges.

(3) Damage to facilities. When a discharge of wastes causes an obstruction, damage, or any other impairment to facilities, the manager shall assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

(4) Injunction. Whenever a discharge of wastewater is in violation of the provisions of the ordinance or otherwise causes or threatens to cause a condition of contamination, pollution, or nuisance, the manager may petition the circuit or chancery court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of such discharge. The Town of Bulls Gap may seek injunction relief to halt or prevent

discharges in violation of the ordinance. To comply with federal law, the Town of Bulls Gap is empowered to seek injunctive relief for non-discharge violations as well. (For example, if an industrial user refuses to allow the Town of Bulls Gap personnel access to its facility. The town has authority to seek an injunction which requires the user to submit to compliance inspections.)

(5) Termination of service. In order to effect its powers, the manager may enter upon private property for the purpose of inspection and maintenance of sanitary and waste disposal facilities and may terminate service to property which a violation of any rule or regulation of this chapter is found to exist. Prior to termination of service, however, the manager shall notify, in writing, the owner and tenant, if any, of such property that service is intended to be so terminated and conduct a hearing thereon as herein provided.

In the event of an emergency that, in the opinion of the manager, threatens harm to the facilities or endangers the public health, the manager shall notify the owner and/or tenant and immediately take action to terminate service to the property. In such cases, a hearing shall be held by the manager on said termination within twenty-four (24) hours to allow the user an opportunity to demonstrate to the manager that the emergency situation has been abated or corrected and that the danger to the facilities or public health no longer exists.

(6) Civil liabilities. Any person or user who violates any provision of this chapter, requirements or conditions set forth in permits duly issued, or the Water Quality Control Act and the regulations promulgated thereunder, or who discharges wastewater which causes pollution or violates any cease and desist order prohibition, effluent limitation, national standard or performance, pretreatment or toxicity standard, shall be liable civilly. Said civil liability and assessed penalties may be in a sum not to exceed ten thousand dollars (\$10,000.00) for each day in which such violation occurs.

The manager may petition the circuit or chancery court to impose, assess, and recover such sums. In determining such amount, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, the corrective action, if any.

(7) Civil penalties. (a) Any user who has violated or continues to violate this chapter or any order or permit issued hereunder, shall be liable to the manager for a civil penalty of not more than ten thousand dollars (\$10,000.00), but at least fifty dollars (\$50.00), plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the manager may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

(b) The manager 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, and economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, *Tennessee Code Annotated*, § 69-3-125, and any other factor as justice requires. The Town of Bulls Gap is authorized to impose civil penalties for "intentional and negligent" violation only. By linking civil liabilities to intent or negligence, the Town of Bulls Gap can prove that the industrial user knew, or should have known, that it was violating the ordinance or its wastewater permit. According to the Clean Water Act, industrial users are strictly liable for all pretreatment violations. Strict liability is a legal standard which mean that users are held legally responsible for noncompliance, regardless of intent or negligence.

(8) Criminal prosecution. (a) Violations, generally. (i) Any user who willfully failing or refuses to comply with any provisions of the water quality control, unlawfully polluting the waters, or negligently violates any provision of this chapter or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000.00) per violation per day or imprisonment for not more than one (1) year or both.

(ii) 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.

(b) Falsifying information. (i) Any user who knowingly makes any false statements, representations, or certifications in any application, record, report, plans, specifications, or other data filed or required to be maintained pursuant to this chapter, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation per day or imprisonment for not more than one (1) year or both.

(ii) 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.

(9) Administrative fines. Notwithstanding any other section of this chapter, any user who is found to have violated any provision of the ordinance, or permits and orders 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 manager shall have such other collection remedies as he has to collect other service charges.

Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property. Users desiring to dispute such fines must file a request for the manager to reconsider the fine within ten (10) days of being notified of the fine. Where the manager believes a request has merit, he shall convene a hearing on the matter within fifteen (15) days of receiving the request from the user.

(10) Annual publication of significant violations. The manager shall publish, at least annually in the largest daily newspaper circulated in the Bulls Gap area, a description of those industrial users which are found to be in significant noncompliance, with any provisions of this chapter or any permit or order issued hereunder during the previous twelve (12) months. For the purposes of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria.

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

(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 daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

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

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority 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 thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90) day

compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance;

(h) Any other violation or group of violations which the control Authority determines will adversely affect the operation or implementation of the local pretreatment program. (Ord. #02-16-99-1, March 1999)

18-109. Sewer regulations appeal board. (1) The board of public utilities shall serve as the sewer regulations appeals board.

(2) Powers of the "board." The appeals board shall have the following powers:

(a) To conduct hearings on appeals from decisions of the manager in actions taken under and pursuant to this chapter.

(b) The "board" shall have the power to issue subpoenas requiring attendance and testimony of witnesses and production of evidence relevant to any matter involved in hearings before the "board" on its own initiative or upon application of the parties.

(c) The chairman, vice-chairman or chairman pro-tem shall be authorized to administer oaths. All testimony before the "board" shall be under oath.

(d) To prescribe such rules and regulations for the convening of the "board," the conduct of hearings and all matters pertaining to and in furtherance of the authority and power herein granted. (Ord. #02-16-99-1, March 1999)

18-110. Miscellaneous provisions. (1) Power and authority of inspectors. Power to: (a) Power to carry out all inspections, surveillance and monitoring procedures necessary to determine, independent of 10's information. Compliance or non-compliance with pretreatment standards.

(b) Entry on private property. The manager and other duly authorized employees of the "board" bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The manager or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, leather tanning or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(c) Safety. While performing the necessary work on private properties referred to in the above paragraph, the manager or duly authorized employees of the "board" 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 "board" employees and the "board" shall indemnify the company against loss or damage to its property by "board" employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(d) Easement. The manager and other duly authorized employees of the "board" bearing proper credentials and identification shall be permitted to enter all private properties through which the "board" holds a duly negotiated easement for the purpose of inspection, observations, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(2) Rules and regulations. The "board" is authorized to make, promulgate, alter amend, or repeal such rules and regulations as are reasonably necessary to control the use of the wastewater control system. The violations of any such rules and regulations shall constitute a violation of this chapter.

(3) Public sewer specifications. All public sewers connected to the wastewater control system shall be constructed in accordance with the "board's" specifications for construction of public sewers in conformance with the rules and regulations for construction of public sewers imposed or as may be imposed by the Tennessee Department of Environment and Conservation and/or the United States Environmental Protection Agency. (Ord. #02-16-99-1, March 1999)

CHAPTER 1

GENERAL WASTEWATER REGULATIONS

SECTION

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18-101. Purpose and policy. This chapter sets forth uniform requirements for users of the Town of Bulls Gap, Tennessee, wastewater treatment system and enables the town 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 town 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 Town of Bulls Gap 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 town who are, by implied contract or written agreement with the town, dischargers of

applicable wastewater to the wastewater treatment facility. Chapter 2 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 2 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.

18-102. Administrative. Except as otherwise provided herein, the local administrative officer of the town shall administer, implement, and enforce the provisions of this chapter.

18-103. 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 U.S.C. § 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 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 paragraphs (a)-(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 town.

(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 § 18-109. 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 degrees Celsius (20°C) 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 as found in 40 CFR chapter I, subchapter N, parts 405-471.

(9) "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.

(10) "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/town's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(11) "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.

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

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

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

(15) "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.

(16) "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.

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

(18) "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.

(19) "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.

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

(21) "Grab sample." A sample which is taken from a waste stream on a one 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.

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

(23) "Grease trap." An interceptor whose rated flow is fifty (50) g.p.m. or more and is located outside the building.

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

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

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

(27) "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 U.S.C. §1342).

(28) "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.

(29) "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.

(30) "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.

(31) "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.

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

(33) "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.

(34) "National categorical pretreatment standard" Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. § 1347) which applies to a specific category of industrial users.

(35) "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.

(36) "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 paragraph

(37) "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.

(38) "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.

(39) "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.

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

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

(42) "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).

(43) "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).

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

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

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

(47) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act, (33 U.S.C. § 1292) which is owned in this instance by the 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.

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

(49) "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; or

(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)).

(50) "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 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 § 18-105(1)(b)(i)(D), emergency order, to halt or prevent such a discharge.

(e) Failure to meet, within 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 times in four hours.

(51) "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.

(52) "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.

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

(54) "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.

(55) "Stormwater." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(56) "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.

(57) "Surcharge." An additional fee assessed to a user who discharges compatible pollutants at concentrations above the established surcharge limits. Surcharge limits are the level at which the permit holder will be billed higher rates to offset the cost of treating wastewater which exceeds the surcharge limits. Exceeding a surcharge limit but not a monthly average or daily maximum limit will not result in enforcement action.

(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) "Town." The Board of Mayor and Aldermen, Town of Bulls Gap, Tennessee.

(60) "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.

(61) "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.

(62) "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.

(63) "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.

(64) "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.

(65) "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.

(66) "1200-4-14." Chapter 1200-4-14 of the Rules and Regulations of the State of Tennessee, Pretreatment Requirements.

18-104. 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 town, 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 town any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this ordinance or town 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) Discharging into the sanitary sewer without permission of the town is strictly prohibited and is deemed "theft of service."

(6) 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 § 18-105.

(7) 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.

(8) Users have a duty to comply with the provisions of this ordinance in order for the town to fulfill the stated policy and purpose. Significant Industrial users must comply with the provisions of this ordinance and applicable state and federal rules according to the nature of the industrial discharge.

18-105. Private domestic wastewater disposal. (1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of § 18-104(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 town. 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 town 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 town and the county health department.

18-106. 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 town. 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 town. Industrial user discharge permit fees may also apply. The receipt by the town of a prospective customer's application for connection shall not obligate the town to render the connection. If the service applied for cannot be supplied in accordance with this chapter and the city's/town'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 town to the applicant for such service.

(b) Users shall notify the town 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 town 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 this ordinance shall be completely and

permanently disconnected within sixty (60) days of the effective day of this ordinance. 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 town shall make all connections to the public sewer upon the property owner first submitting a connection application to the town.

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 town 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 town 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 town 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 building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one 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') feet 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 at each change of direction of the building sewer which is greater than forty-five degrees (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 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 town 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 § 18-107 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

town 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 town.

(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 of 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. (a) 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 town. Owners failing to maintain or repair building sewers or who allow stormwater 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.

(b) The town 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.

(c) The point of division between the building sewer and the town owned sewer tap or service connection shall be at the property line, right-of-way line, property line sewer cleanout, or such point in this general area as identified by the superintendent. The town owned tap or service line connection cannot extend onto private property except that minimal distance to the edge of right-of-ways, easements, or that distance necessary to cross other town utility lines and provide a location unencumbered by other underground town utilities where the user can make a connection to the building sewer without risk of damage to those other town utilities.

(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 town. 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 town. Failure to construct or repair lines to acceptable standards could result in denial or discontinuation of sewer service.

18-107. Septic tank effluent pump or 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, Septic Tank Effluent Pump (STEP) or Grinder Pump (GP) systems may be installed subject to the regulations of the town.

(1) Equipment requirements. (a) Septic tanks shall be of water tight construction and must be approved by the town.

(b) Pumps must be approved by the town and shall be maintained by the town.

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

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

(4) Ownership and easements. Homeowners or developers shall provide the town with ownership of the equipment and an easement for access to perform necessary maintenance or repair. Access by the town to the STEP and 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 STEP and GP systems. (a) Home or business owners shall follow the STEP and 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 STEP and GP tank.

(d) Prohibited uses of the STEP and 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) Tank cleaning. Solids removal from the septic tank shall be the responsibility of the town. However, pumping required more frequently than once every five years shall be billed to the homeowner.

(7) Additional charges. The town shall be responsible for maintenance of the STEP and GP equipment. Repeat service calls for similar problems shall be billed to the homeowner or business at a rate of no more than the actual cost of the service call including but not limited to transportation, labor, materials, excavation, subcontractors, engineering fees, cleanup expenses, and other expenses related to the service call. In addition if the town receives regulatory fines related to equipment failure and sewage overflows all such fines will be passed on to the user.

18-108. 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 town 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 town to be set as specified in § 18-107 of this ordinance. 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 Town of Bulls Gap.

(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.

18-109. 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 or other pretreatment standard may result in the issuance of an industrial pretreatment permit, surcharges, discontinuance of water and/or sewer service and other fines and provisions of §§ 18-110 and 18-105. 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 Fahrenheit (140° F) or sixty degrees Celsius (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 other flammable substances.

(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 Celsius (40° C (one hundred four degrees Fahrenheit (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 2 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 2 of this ordinance. 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	
Benzene	
Cadmium	
Carbon Tetrachloride	
Chloroform	
Chromium (total)	
Copper	
Cyanide	
Ethybenzene	
Lead	
Mercury	
Methylene chloride	
Molybdenum	
Naphthalene	
Nickel	
Phenol	
Selenium	
Silver	
Tetrachloroethylene	
Toluene	
Total Phthalate	
Trichloroethylene	

Table A Plant Protection Criteria

Parameter	Maximum Concentration (mg/l)
1,1,1-Trichloroethane	
1,2 Transdichloroethylene	
Zinc	

(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, soil, 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 plant, 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 town 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 town 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 town. Nothing in this subsection shall be construed to prohibit or restrict any other remedy the town has under this chapter, or state or federal law. The town 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 town is prohibited.

(g) The superintendent may use industrial wastewater discharge permits under § 18-102 to regulate the discharge of fat, oil and grease.

18-110. Enforcement and abatement. Violators of these wastewater regulations may be cited to town court, general sessions court, chancery court, or other court of competent jurisdiction face fines, have sewer service terminated or the town 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 2. Repeated or continuous violation of this ordinance 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 town may take any or all the following remedies:

(1) Cite the user to town 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, including if applicable legal costs, 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.

CHAPTER 2

SEWAGE AND HUMAN EXCRETA DISPOSAL

SECTION

- 18-201. Definitions.
- 18-202. Places required to have sanitary disposal methods.
- 18-203. When a connection to the public sewer is required.
- 18-204. When a septic tank shall be used.
- 18-205. Registration and records of septic tank cleaners, etc.
- 18-206. Use of pit privy or other method of disposal.
- 18-207. Approval and permit required for septic tanks, privies, etc.
- 18-208. Owner to provide disposal facilities.
- 18-209. Occupant to maintain disposal facilities.
- 18-210. Only specified methods of disposal to be used.
- 18-211. Discharge into watercourses restricted.
- 18-212. Pollution of ground water prohibited.
- 18-213. Enforcement of chapter.
- 18-214. Carnivals, circuses, etc.
- 18-215. Violations and penalty.

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

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

(2) "Approved septic tank system." A water tight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than seven hundred fifty (750) gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Health as provided for in its 1967 bulletin entitled *Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields*. A minimum liquid depth of four feet (4") should be provided with a minimum depth of air space above the liquid of one foot (1'). The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five feet (5'). The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

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

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

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

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

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

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1996 Code, § 18-201)

18-202. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1996 Code, § 18-202)

18-203. When a connection to the public sewer is required. Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1978 Code, § 18-203)

18-204. When a septic tank shall be used. Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (1996 Code, § 18-204)

18-205. Registration and records of septic tank cleaners, etc. Every person, firm, or corporation who operates equipment for the purpose of

removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1996 Code, § 8-205)

18-206. Use of pit privy or other method of disposal. Wherever a sanitary method of human excreta disposal is required under § 18-202 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1996 Code, § 18-206)

18-207. Approval and permit required for septic tanks, privies, etc. Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1996 Code, § 18-207)

18-208. Owner to provide disposal facilities. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-202, or the agent of the owner to provide such facilities. (1996 Code, § 18-208)

18-209. Occupant to maintain disposal facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1996 Code, § 18-209)

18-210. Only specified methods of disposal to be used. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1996 Code, § 18-210)

18-211. Discharge into watercourses restricted. No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1996 Code, § 18-211)

18-212. Pollution of ground water prohibited. No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or

artificial in any formation which may permit the pollution of ground water. (1996 Code, § 18-212)

18-213. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within thirty (30) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace. Failure to remove such menace immediately shall be punishable under the general penalty clause for this code. However, such person shall be allowed the number of days herein provided within which to make permanent correction. (1996 Code, § 18-213)

18-214. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of thirty (30) days provided for in the preceding section. (1978 Code, § 18-214)

18-215. Violations and penalty. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1996 Code, § 18-215)

CHAPTER 3

CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-301. Definitions.
- 18-302. Regulated.
- 18-303. Statement required.
- 18-304. Violations and penalty.

18-301. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(2) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(3) "Cross-connection." Any physical connection whereby the public water supply is connected, with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back pressure valves, or because of any other arrangement.

(4) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which normally contains sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

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

(6) "Public water supply." The waterworks system furnishing water to the municipality for general use and which supply is recognized as the public water supply by the Tennessee Department of Health. (1996 Code, § 18-301)

18-302. Regulated. It shall be unlawful for any person to cause a cross-connection, auxiliary intake, by-pass, or interconnection to be made, or allow one to exist for any purpose whatsoever, unless the construction and

¹Municipal code references

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

operation of same have been approved by the Tennessee Department of Health and the operation of such cross-connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the superintendent of the waterworks. (1996 Code, § 18-302)

18-303. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or insanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent of the waterworks a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises until the construction and operation of same have received the approval of the Tennessee Department of Health, and the operation and maintenance of same have been placed under the direct supervision of the superintendent of the waterworks. (1996 Code, § 18-303)

18-304. Violations and penalty. Any person who now has cross-connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with such provisions. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time to be allowed shall be designated by the superintendent of the waterworks. In addition to, or in lieu of any fines and penalties that may be judicially assessed for violations of this chapter, the superintendent of the waterworks shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, bypass, or interconnection, and service shall not be restored until such cross-connection, auxiliary intake, bypass, or interconnection has been discontinued. (1996 Code, § 18-304)