

## TITLE 18

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

#### CHAPTER

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#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

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**18-101. Definitions.** As used in this title, the term "waterworks system" shall be construed to include but not be limited to all or any part of the following: Source of supply, pumping facilities, purification works, storage facilities, distribution system, together with all necessary parts and appurtenances for its proper operation. The term "sewerage system," as used herein, shall be construed to include but not be limited to all or any part of the following: The collecting system, intercepting and outfall sewers, utility access

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

holes, pumping stations and treatment, purification and disposal plants. (1969 Code, § 25-1)

**18-102. Right of city to own, construct, operate, etc., waterworks and sewerage systems.** The city shall acquire and have the right to own, construct, extend, equip, operate and maintain, within or without the corporate limits of the city, a waterworks system and a sewerage system, for the purpose of providing water and sewerage service for the use and benefit of its inhabitants and for the use and benefit of persons, firms and corporations, including municipal corporations and inhabitants thereof, whose residences or places of business are located outside the territorial boundaries of the city. (1969 Code, § 25-2)

**18-103. Rules and regulations for operation of waterworks and sewerage systems.** The city, by ordinance, shall promulgate and establish rules and regulations governing the operation and maintenance of the waterworks system and the sewerage system. These rules and regulations shall be kept on file, open to the public, at the offices of the municipal utilities office.

Nothing in this code or the ordinance adopting this code shall be deemed to affect the validity of any ordinance promulgating rules and regulations for the operation and maintenance of the waterworks system and the sewerage system, and all such ordinances and rules and regulations are hereby recognized as continuing in full force and effect. (1969 Code, § 25-3)

**18-104. Rates, fees and charges for water and sewer service.**

(1) The city by ordinance, shall prescribe, establish and collect rates, fees and charges for the use of the service rendered by the waterworks and sewerage systems to be paid by the beneficiaries of the service. Such rates and charges shall be adjusted so that such systems shall be and always remain self-supporting. The rates, fees, and charges prescribed also shall be such as will produce revenues at least sufficient:

(a) To pay when due all bonds and interest thereon, for the payment of which such revenues are or shall have been pledged, charged or otherwise encumbered, including reserves therefor;

(b) To provide for all expenses of operation and maintenance of such systems, including reserves therefor; and

(c) Reserves for expansion or revision.

(2) Nothing in this code or the ordinance adopting this code shall be deemed to affect the validity of any ordinance establishing or otherwise relating to rates, fees and charges for services rendered by the waterworks and sewerage systems, and all such ordinances are hereby recognized as continuing in full force and effect. (1969 Code, § 25-4)

**18-105. Rules, regulations and rate schedules to be part of contract for and apply to all water and sewer services.** The rules and regulations and the schedule of rates and charges promulgated and established pursuant to this chapter shall constitute a part of all contracts for receiving services from the waterworks and sewerage systems and also shall apply to all such services received from the city, whether the services are based upon the contract, agreement, signed application or otherwise. (1969 Code, § 25-5)

**18-106. Rate schedule to govern in case of conflict with rules and regulations adopted under title.** In case of conflict between any provision of any rate schedule and the rules and regulations promulgated under this title, the rate schedule shall apply. (1969 Code, § 25-6)

**18-107. Water supply cross connections, auxiliary intakes, bypasses or interconnections.** (1) The following definitions and terms shall apply to the interpretation and enforcement of this section:

(a) "Public water supply." The waterworks system furnishing water throughout the City of Oak Ridge for general use and which supply is recognized as the public water supply by the Tennessee Department of Public Health.

(b) "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.

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

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

(e) "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 does or may contain sewerage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(f) "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.

(2) It shall be unlawful for any person to cause a cross-connection, auxiliary intake, bypass, or interconnection to be made, or allow one to exist for

any purpose whatsoever unless the construction and operation of the same have been approved by the city manager or his or her designee and a permit for the same has been received. The operation of such cross-connection, auxiliary intake, bypass or interconnection shall at all times be subject to the provisions of this section, the city cross-connection control plan, and all applicable state laws and regulations.

(3) 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 who stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the city manager or his or her designee certification that no unapproved or unauthorized cross-connections, auxiliary intakes, bypasses, or interconnections exist nor will exist on the premises.

(4) It shall be the duty of the city manager or his or her designee to inspect all properties served by the public water supply where there is a likelihood, reason or cause to believe cross-connections with the public water supply exist. In the event the city manager or his or her designee shall be refused the right to inspect such properties, such refusal shall be reported to the city attorney or staff attorney who shall prepare and obtain a search warrant for such premises from the city judge.

(5) Any person who has cross-connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this section as of the effective date shall comply with the provisions of this section within ninety (90) days after this section becomes effective; provided, however, for good cause shown, the city manager or his or her designee may extend the time for compliance where such extension does not jeopardize the public health, safety and welfare.

(6) Where the use of the water supplied a premises by the city is such that it is deemed:

(a) Impractical to provide an effective air-gap separation, or

(b) Where the owner and/or occupant of the premises cannot or is not willing to demonstrate to the official in charge of the system, or his or her designated representative, that the water use and protective features of the plumbing are such as to pose no threat to the safety or potability of the water supply, or

(c) Where the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing, or

(d) If there is a likelihood that protective measures may be subverted, altered or disconnected, the city manager or his or her designee shall require the use of an approved protective device on the service line serving the premises so as to ensure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Public Health as to manufacturer, model and size. The method of installation of backflow

protective devices shall be approved by the city manager or his or her designee prior to installation and shall comply with the criteria set forth by the Tennessee Department of Public Health. The installation shall be at the expense of the owner or occupant of the premises.

The city manager or his or her designee shall have the right to inspect and test the device or devices on an annual basis or at other reasonable times whenever deemed necessary by the city manager or his or her designee.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided by the customer to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where only one unit is installed and the continuance of service is critical, the city manager or his or her designee shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, and the expense of such repairs shall be borne by the owner or occupant of the premises. These repairs shall be made by qualified and duly licensed personnel.

(7) Potable water supplies available on the properties served by the public water supply shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as: "WATER UNSAFE FOR DRINKING." Minimum acceptable sign shall have black letters one-inch high located on red background.

(8) Any person who fails, neglects or refuses to comply with any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be subject to a fine of no more than fifty dollars (\$50.00) and to ninety (90) days in jail. Each day of continued violation shall constitute a separate offense.

(9) In addition to the fines and penalties provided herein, when any cross-connection, auxiliary intake, bypass, or interconnection is found in violation of this section, and such constitutes an imminent threat to the public health, safety or welfare, the city manager shall immediately disconnect the public water supply to such premises. Where such exists, but does not constitute an imminent threat to the public health, safety or welfare, the city manager shall notify the occupier or water service customer for such premises that unless such condition(s) are removed or corrected within seventy-two (72) hours, connection to the public water supply shall be disconnected. Such notice shall be delivered to the premises where such condition exists and if the occupier or water service customer is not present, it shall be posted on the front door of the premises.

Such notice shall include notification to the occupier or water service customer that he or she may request a hearing before the city manager within the seventy-two (72) hour period, and if such a request is made a hearing shall

be held within seventy-two (72) hours thereafter. At the conclusion of such hearing, the city manager shall issue his or her decision in writing overturning, modifying or sustaining his or her previous notice and a copy shall be delivered to the occupier or water service customer or left at his or her premises if he or she is not there. Anyone whose water has been disconnected because of an imminent threat to public health, safety or welfare shall similarly be entitled to a hearing, provided the water supply shall remain disconnected until the city manager renders his or her decision or is otherwise convinced no imminent threat to the public health, safety, or welfare continues to exist.

(10) That should any part or parts of this section be declared invalid for any reason, no other part, or parts, of this section shall be affected thereby. (1969 Code, § 25-7)

**18-108. Deposit of septic tank waste in sewers.** (1) It shall be unlawful for any person to remove sludge or other waste materials from septic tanks and deposit the same in the city, except in the sanitary sewer system at a place designated for such purpose by the city manager. The sanitary sewer system will be opened by employees of the city, as directed by the city manager, and waste materials from septic tanks may be deposited therein under the supervision of the city manager or his or her designated representative.

(2) The city manager is authorized and directed to impose and collect a charge in the amount of five dollars (\$5.00) for each deposit of sludge or other waste material described in subsection (1) into the sanitary sewer system of the city. All such charges so collected shall be deposited in the city's sanitary sewer fund. (1969 Code, § 25-8)

**18-109. Stopping or interfering with flow of surface water--on city property or easements.** It shall be unlawful for any person to stop or interfere with the flow of surface waters along or upon terraces, channels, pipes or swale ditches located upon property owned by or easements reserved to the city, by destroying, shifting, damaging or blocking the same. (1969 Code, § 25-9)

**18-110. Stopping or interfering with surface water--on private property.** It shall be unlawful for any person to stop or interfere with the flow of surface water along or upon a ditch, natural drain, or channel on privately-owned property where the instrument which is the source of title to the land and the plat referred to therein describes a ditch or natural drain and such instrument contains a provision that the grantee therein shall take no action which stops or interferes with the flow of surface water through the same. (1969 Code, § 25-10)

**18-111. Shifting or rechanneling ditches, drains, etc., on private property.** It shall be unlawful for any person to shift or rechannel any ditch, natural drain, pipe, or terrace located on privately-owned property, where the

same is located on the property by reference to the plat of the same and is referred to in the instrument which is the source of title, unless he or she shall first apply to and obtain from the city a permit authorizing such shift or change. Application for a permit shall be on a form provided by the city manager and must be accompanied by details with respect to the extent of the change or shift. The city manager or his or her authorized representative shall approve the specifications and provide for inspection to insure that the completed work conforms to such specifications. (1969 Code, § 25-11)

## CHAPTER 2

### WATER AND SEWER EXTENSIONS

#### SECTION

18-201. Definitions.

18-202. General policies of city and intent of chapter.

18-203. Methods of financing projects providing more than local service.

18-204. Chapter does not affect other laws and regulations.

**18-201. Definitions.** For the purposes of this chapter, the following definitions apply:

(1) "Local service sanitary sewer line" means an eight (8) inch sanitary sewer line with utility access holes designed and installed in accordance with state and city standards.

(2) "Local service waterline" means an eight (8) inch waterline, including fire hydrants, fire hydrant valves and curb stops, designed and installed in accordance with state and city standards. (1969 Code, § 25-22)

**18-202. General policies of city and intent of chapter.** Any developer developing land within an area served by or to be served by any interceptor sewer system or water system shall finance within the subdivision those costs of a sanitary sewer system that are acceptable by:

(1) Recognized engineering principles as a normal sanitary sewer system for the subject area in conformity with the state and city requirements, and

(2) The policies set out in this chapter.

Developers shall, in addition, be liable for that portion of the additional costs incurred by the city in extension of the interceptor sewer system or water main as set forth in subsequent sections of this chapter. It is also the intent of this chapter that charges shall be established so that all recoverable city expenditures shall be recovered within ten (10) years after the start of any sewer or water service project. This ten (10) year period does not mean that the collection of the recoverable expenditures is limited to a ten (10) year period. The time shall be extended until all recoverable costs are collected. Furthermore, it is the intent of the city to establish methods of financing and facilitating the economical extension of the water and sewer lines wherever, in the opinion of the city, such extensions are warranted. Furthermore, it is intended that the authority for timing the construction and financing of any sewer or water systems extension, when it involves city money, shall be reserved for the city. Notwithstanding the timing qualification, it is the intent of the city to participate in and encourage the orderly extension of sewer and water services within the city while assuming such costs as may be determined to properly be the burden of the city. (1969 Code, § 25-23)

**18-203. Methods of financing projects providing more than local service.** The following are three (3) methods for financing sewer and/or water extension projects involving more than local service:

(1) A subdivider is required to install all water and sewer lines within the subject subdivision. This includes the engineering and submission for approval of detailed plans and specifications to the city and other agencies required by state statutes or city ordinances. The subdivider is required to finance the total cost of all on-site service lines. When such lines, by city requirements, are larger than local service lines, as defined in this chapter, the extra cost as determined by the city of such lines over and beyond the cost of the local service lines as determined by the city shall be reimbursed from water and sewer fund revenues. The reimbursement shall not begin until after twelve (12) calendar months have passed after this installation has been accepted for maintenance by the city and shall be based on the number of utility customers obtained by the city within the subdivision.

(2) When it is determined by the city that the city will construct a sanitary sewer and/or waterline project, and the project would provide more than local service, the city shall recover the cost of the local service from the total area to be served by a calculated fee to be charged against each lot already in existence within the project area or subsequently created. In the case of an existing lot, the charge shall be made at the time of connection to the water or sewer lines. The charge against lots created by subdivision of land within the project area shall be collected from the developer at the time of submission of the subdivision plat for final approval. The calculated fee shall be such as to permit the recovery of the city's funds when a predetermined portion of the serviced area shall have been developed. Even though the city has recovered all of the local service costs, all lots subsequently platted shall be charged the same fee as lots previously platted. The money so collected will be distributed at the end of the city's fiscal year to all lot owners of record within the serviced area on an equal basis, provided such lot owner shall have previously paid the established fee. In the event that the payment per lot would be less than ten dollars (\$10.00), the money shall not be distributed but shall be carried over into the next fiscal year.

(3) When a developer or other party, with permission of the city, extends or constructs a city sanitary sewer line and/or waterline, regardless of size, and such extended or constructed sanitary sewer and/or waterline provides sewer and/or water service to an area or areas other than the developer's property or project that was not previously provided such service, the city is authorized to enter into an agreement with the developer or other party, on such terms as the parties may agree, to reimburse the developer or other party all or a portion of the cost of the extension or construction of such project. In such event, or in the event the city has extended a sanitary sewer line and/or waterline, regardless of size, the city is additionally authorized to recover all or a portion of the city-incurred cost, including reimbursement cost, from charges

against the total area to be served from such sewer or waterline service. Such agreement and charges for recovery of cost shall be subject to approval of city council.

The charges provided for herein shall be such as to permit the recovery of city-incurred costs when a predetermined portion of the service area shall have been developed. Recovery of city-incurred costs from a lot already in existence at the time of the construction or extension of the sewer and/or waterline shall be a charge made at the time of connection to the water or sewer lines. The charge against lots created by subdivision of land within the project area shall be collected from the owner or developer at the time of submission of the subdivision plat for final approval. Even though the city has recovered all city-incurred costs, all lots subsequently platted within the service area shall be charged the same fee as lots previously platted. The money so collected will be distributed at the end of the city's fiscal year to all lot owners of record within the service area on an equal basis, provided the charge shall have been previously paid for such lot. In the event the payment per lot would have been less than ten dollars (\$10.00), the money shall not be distributed but shall be carried over into the fiscal year.

The provisions of this subsection are permissive, and nothing herein shall require the city to enter into any agreement, to require payment to the developer or other party, to require charges against lots, nor to authorize the extension of any city sewer or waterline without permission of the city. (1969 Code, § 25-24)

**18-204. Chapter does not affect other laws and regulations.** This chapter shall not be interpreted to supersede or modify in any way the subdivision regulations of the city or state regulations or the construction methods prescribed in other regulations dealing with the subject matter.

The provisions of this chapter shall be cumulative and nothing shall mean that the rules and regulations of the planning commission for subdivision improvements, including water and sewer lines, are waived. All engineering permits, inspections and state requirements provided for in other regulations and state statutes remain in effect. (1969 Code, § 25-25)

## CHAPTER 3

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

#### SECTION

- 18-301. Title.
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- 18-303. Abbreviations.
- 18-304. Definitions.
- 18-305. Use of public sewers required.
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- 18-316. Publication of users in significant noncompliance.
- 18-317. Enforcement procedures.
- 18-318. Industrial waste surcharge.
- 18-319. Validity.

**18-301. Title.** This ordinance shall be known and designated as the "sewer use ordinance." (1969 Code, § 25-30, replaced by Ord. #2-09, Jan. 2009, repealed by Ord. #4-09, March 2009, and replaced by Ord. #5-09, March 2009)

**18-302. Administration.** Except as otherwise provided herein, the city manager shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the city manager may be delegated by the city manager to a duly authorized municipal employee. (1969 Code, § 25-31, as amended by Ord. #2-05, March 2005, replaced by Ord. #2-09, Jan. 2009, repealed by Ord. #4-09, March 2009, and replaced by Ord. #5-09, March 2009)

**18-303. Abbreviations.** The following abbreviations, when used in this ordinance, shall have the meanings designated as follows:

- (1) BOD - Biochemical Oxygen Demand

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<sup>1</sup>Municipal code reference  
Plumbing code: title 12.

- (2) BMR - Baseline Monitoring Report
- (3) CFR - Code of Federal Regulation
- (4) CIU - Categorical Industrial User
- (5) COD - Chemical Oxygen Demand
- (6) EPA - U.S. Environmental Protection Agency
- (7) gpd - gallons per day
- (8) IU - Industrial User
- (9) mg/l - milligrams per liter
- (10) NPDES - National Pollutant Discharge Elimination System
- (11) NSCIU - Non-Significant Categorical Industrial User
- (12) POTW - Publicly Owned Treatment Works
- (13) RCRA - Resource Conservation and Recovery Act
- (14) SIU - Significant Industrial User
- (15) SNC - Significant Non-Compliance
- (16) TSS - Total Suspended Solids
- (17) TTO - Total Toxic Organics
- (18) USC - United States Code (1969 Code, § 25-32, as replaced by Ord. #2-09, Jan. 2009, repealed by Ord. #4-09, March 2009, and replaced by Ord. #5-09, March 2009)

**18-304. Definitions.** Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (1) "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act of 1977.
- (2) "The approval authority" means the State of Tennessee, Department of Environment and Conservation, Division of Water Pollution Control or any authorized representative.
- (3) "Authorized representative of industrial user" means:
  - (a) If the user is a corporation:
    - (i) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - (ii) The manager of one (1) or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been

assigned or delegated to the manager in accordance with corporate procedures.

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

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

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

(4) "BOD" used in sewage or industrial waste shall designate its bio-chemical oxygen demand and shall mean the quantity of oxygen utilized in the bio-chemical oxidation of the organic matter of said sewage or industrial wastes under standard laboratory procedure in five (5) days at twenty degrees Celsius (20° C), expressed in milligrams per liter. It shall be determined by one of the acceptable methods described in 40 CFR part 136.

(5) "Building sewer" means a sewer conveying wastewater from the premises of a user to the POTW (see (39)). A building sewer ends at the tap on the city main sewer transition main.

(6) "Categorical industrial user" means any discharger subject to categorical pretreatment standards under 40 CFR chapter I, subchapter N (see (10)).

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

(8) "City" means the City of Oak Ridge acting as a municipal corporation under the laws of the State of Tennessee or the City Council of Oak Ridge, acting through the city manager.

(9) "City manager" means the City Manager of the City of Oak Ridge.

(10) "Code of Federal Regulations or CFR" means the publication of the same name by the Office of the Federal Register, National Archives and Records Administration containing a codification of the general and permanent rules published in the federal register by executive department and agencies of the federal government. The code of federal regulations is prima facie evidence of the text of the original documents. Cites to the document are as follows: XX CFR YYY where XX represents the title and YYY representing chapter and section

within that title. CFR documents are available from the superintendent of Documents, US Government Printing Office, Washington, DC 20402.

(11) "Control authority" means the City of Oak Ridge, Tennessee acting through the city manager or the city manager's authorized representative.

(12) "Customer" means any individual, firm, company, association, society, corporation or group who is the beneficiary of the water and sewer service or who is utilizing the water and/or sewer system of the City of Oak Ridge.

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

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

(15) "Garbage" means solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

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

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

(18) "Indirect discharge" means the discharge or introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 USC 1317), into the POTW (including holding tank waste discharged into the system) for treatment before direct discharge to the waters of the State of Tennessee.

(19) "Industrial user" means a source of indirect discharge which does not constitute a "discharge of pollutants" under regulation issued pursuant to section 402 of the Act.

(20) "Industrial wastewater" means the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

(21) "Instantaneous limit" means 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.

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

(23) "Local limit" means specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the

general and specific discharge prohibitions listed in Tennessee Rule 1200-4-14-.05(1)(a) and (2).

(24) "May" is permissive.

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

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

(27) "Monthly average limit" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharged" measured during that month.

(28) "National pretreatment standards" means any regulation containing pollutant discharge limits promulgated by the EPA and in accordance with section 307(b) and (c) of the Act (33 USC 1317) which applies to the industrial users.

(29) "NPDES permit" means the National Pollutant Discharge Elimination System as defined in section 402 of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500).

(30) "New source" means:

(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 Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

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

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

(iii) The production of wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining where these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new 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 (a)(ii) or (a)(iii) above but otherwise alters, replaces, or adds to existing process or production equipment.

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

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

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

(B) Significant site preparation work including clearing, excavation, or removal of existing building, 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 section.

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

(32) "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 city's NPDES permit, including an increase in the magnitude or duration of a violation.

(33) "Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, government entity, or other legal entity, or legal representative, agents or assigns. The masculine gender shall mean to include the feminine, the singular shall include the plural where indicated by the context.

(34) "pH" means a measure of the acidity or alkalinity of a solution, expressed in standard units.

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

(36) "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical,

or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

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

(38) "Pretreatment standards" means all applicable rules and regulations contained in the code of federal regulations as published in the federal register, under section 307 of Public Law 92-500 and in the Tennessee Pretreatment Requirements, chapter 1200-4-14.

(39) "Publicly Owned Treatment Works or POTW" means a treatment works as defined by section 212 of the Act, which is owned in this instance by the City of Oak Ridge. This definition includes any sewer that conveys wastewater to the treatment works.

(40) "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm water as may be present.

(41) "Shall" is mandatory.

(42) "Significant industrial user" means: (a) A significant industrial user means:

(i) An industrial user subject to categorical pretreatment standards; or

(ii) An industrial user that:

(A) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

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

(C) Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(b) The city may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred (100) gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

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

(ii) The industrial user annually submits the certification statement required in § 18-313(5)(b) (see Tennessee Rule 1200-4-14-.12(17)], together with any additional information necessary to support the certification statement; and

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

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

(43) "Slug load or slug discharge" means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in § 18-308 of this ordinance. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

(44) "Standard methods" means the testing methods approved for use in 40 CFR 136 as appropriate.

(45) "Storm water" means any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.

(46) "Superintendent" means the city manager or the city manager's designee primarily responsible for wastewater discharges.

(47) "Total suspended solids or suspended solids" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

(48) "Toxic pollutant" means any pollutant or combination of pollutants listed as toxic in the regulations promulgated by the administrator or Environmental Protection Agency under the provisions of 33 USC 1317.

(49) "User" means any person discharging wastes to the City of Oak Ridge POTW.

(50) "Waste" means any waste, including sewage and any other waste substances, liquid, solid, or gases that are radioactive, associated with human habitation, or human or animal origin, or from any producing, manufacturing, or processing operation or whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of disposal.

(51) "Wastewater" means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and

manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

(52) "Miscellaneous terms" means terms not otherwise defined herein shall be defined as shown in the latest edition of Standard Methods for the Examination of Water and Wastewater or other appropriate federal or state guidelines and regulations. (1969 Code, § 25-33, as replaced by Ord. #2-09, Jan. 2009, repealed by Ord. #4-09, March 2009, and replaced by Ord. #5-09, March 2009)

**18-305. Use of public sewers required.** (1) Disposal of waste. It shall be unlawful for any person to place, deposit, or permit to be deposited on public or private property within the City of Oak Ridge any human or animal excrement or other objectionable waste in such a manner to create a public nuisance or to create a threat or danger to the public health and safety. This section shall not apply to the depositing of animal excrement by livestock or through other generally accepted agricultural activities, nor to the depositing of excrement from household pets, provided such excrement is not deposited nor allowed to accumulate to such an extent as to cause a public nuisance or otherwise to constitute a threat or danger to the public health or safety, and provided further that it shall be unlawful to place, deposit, or to permit to be deposited upon the property of another within the City of Oak Ridge human or animal excrement or other objectionable waste in any amount without the permission of the owner of such property.

(2) Direct discharge prohibited. It shall be unlawful to discharge to any natural outlet within the City of Oak Ridge, or any area under the jurisdiction of said city, any sewage or other polluted waters, except where a federal or state discharge permit has been duly issued and is currently valid for such discharge.

(3) New private disposal systems prohibited. Except as hereinafter provided or as otherwise permitted by ordinance or regulation, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other private facility intended or used for the disposal of sewage.

(4) City's right to require sanitary facilities. The owner, tenant or occupant of all houses, buildings, improvements or properties used for residential, commercial, industrial or recreational and all other human occupancy purposes which abut upon a street, road, right-of-way or other public way containing a public sanitary sewer shall upon demand by the city install suitable toilet facilities therein and connect the same directly with the proper public sewer in accordance with the provisions of this ordinance and shall cease to use any other means for the disposal of sewage, waste, wastewater, and other polluting matter, provided however the city may waive such requirement in specific cases where it has determined that public sewer service to any particular individual user(s) would be unduly difficult or expensive and that alternative measures of disposal would not be hazardous to public health.

(5) City's right to require sewer hookup. The owner, tenant or occupant of all houses, buildings, improvements or properties used for residential, commercial, industrial or recreational and all other human occupancy purposes which abut upon a street, road, right-of-way or other public way containing a public sanitary sewer shall upon demand by the city connect such house, building, improvement or property with the proper public sewer in accordance with the provisions of this ordinance and shall cease to use any other means for disposal of sewage, waste, wastewater or other polluting matter, provided however the city may waive such requirements in specific cases where it has determined that public sewer service to any particular individual user(s) would be unduly difficult or expensive and that alternative measures of disposal would not be hazardous to public health.

(6) Disposal of private waste by truck. The superintendent shall designate the locations and times where vacuum or "cess pool" trucks may be discharged, and may refuse to accept any truckload of waste in his absolute discretion where it appears that the waste could interfere with the effective operation of the treatment works or any sewer line or appurtenance thereto. The owner or operator of a truck shall upon request, provide manifest to the POTW that states the source of the domestic waste they wish to discharge, the volume of wastewater from each source, and whether any industrial waste is included in the wastewater.

(7) Holding tanks. No person shall discharge any other holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the superintendent. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, and shall limit the wastewater constitutes and characteristic of the discharge. Such user shall pay any applicable charges or fees therefore, and shall comply with the conditions of the permit issued by the superintendent. Provided, however, no permit shall be required to discharge domestic waste from a recreational vehicle holding tank provided such discharge is made into an approved facility designed to receive such waste. (1969 Code, § 25-34, as replaced by Ord. #2-09, Jan. 2009, repealed by Ord. #4-09, March 2009, and replaced by Ord. #5-09, March 2009)

**18-306. Private sewage disposal.** The disposal of sewage by means other than the use of the available public sanitary sewage system shall be in accordance with local, county and state law. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the available public sanitary sewer system is not available, or where such is otherwise permitted by city ordinance or regulations. (1969 Code, § 25-35, as replaced by Ord. #2-09, Jan. 2009, repealed by Ord. #4-09, March 2009, and replaced by Ord. #5-09, March 2009)

**18-307. Building sewers and connections.** (1) Connections of building sewers to POTW. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sanitary sewer or appurtenance thereof without first obtaining a written permit from the control authority. The owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the control authority.

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

(3) Separate sewers required. A separate and independent building sewer shall be provided for every building.

(4) Old building sewers. Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the city, to meet all requirements of this ordinance.

(5) Construction controls for new sewers. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and back filling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the International Plumbing Code and the International Residential Code shall apply.

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

(7) Extraneous water prohibited. No person shall make connection of roof down spouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Exceptions may be made only if such connection is approved by the superintendent for purpose of disposal of polluted surface drainage or ground water. Such connections, if approved, will require a wastewater discharge permit.

(8) Quality of construction. All connections to the city system shall be made gas tight and watertight. Any deviations from the prescribed procedures and materials must be approved by the control authority before installation.

(9) Inspection of sewers. The applicant for the building sewer permit shall notify the control authority or his representative when the building sewer

is ready for inspection and connection to the public sewer. The connection shall be made by or under the supervision of the control authority.

(10) Excavation safety. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public. Property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(11) Condition of private sewers. Users shall be responsible for the integrity of building sewers on his property. If it is determined that these lines are faulty or in a bad state of repair, such that extraneous storm water can enter the POTW, the city may require the customer to repair his pipes. If the pipes are not repaired within the time period allowed by the city, service shall be terminated.

(12) Grease control equipment. All food service establishments, including but not limited to cafes, restaurants, motels, hotels, grocery stores, retirement centers, hospitals, mobile food units, prisons, or other commercial food preparation establishments that cook or prepare food are required to comply with the city's Fats, Oils and Grease (FOG) management policy. Food service establishments shall be required to install a grease interceptor, at the owner's expense within ninety (90) days after notification by the city, if and when the city determines that a grease problem exists which is capable of causing damage or operational problems to structures or equipment in the city sewer system, or if such is otherwise required by city ordinance, the FOG management policy, state law, or federal law. The city shall retain the right to inspect and approve installation of the grease interceptor. The grease interceptor must precede the septic tank on the kitchen waste line if a septic tank is used. The grease interceptor must be designed and installed in accordance with the FOG management policy and shall be easily accessible for cleaning. Grease interceptors and grease traps shall be maintained by the owner or operator of the facility as designated in the FOG management policy requirements. If city employees are required to clean out the city sewer lines as a result of a stoppage resulting from a clogged grease trap, the property owner or operator shall be required to pay the costs of the city's labor and materials required to clean out the sewer lines. The installation of grease interceptors and grease traps shall be in accordance with the FOG management policy and this subsection. All grease waste haulers are required to comply with the FOG management policy requirements.

(13) Alteration to and obstruction to city sewers. No person shall obstruct entrance to or operation of the city sanitary sewer system. Existing manholes are to be kept uncovered and accessible at all times. In the event that construction involving the filling of an area around a manhole occurs, the owner of the property, or the person causing the construction to be accomplished shall bear all costs associated with the required adjustment of the sewer manholes. Filling or grading of a property such that storm water concentrates at a manhole will not be permitted. The city reserves the right to enter onto its easements at

all times to maintain its system and to remove or cause to be removed all obstructions to said entrance, and furthermore to assess the costs of the removal of obstructions against the owner thereof.

(14) Maintenance of building sewers. The owner of a building sewer is responsible for the maintenance (and replacement, if required) of the building sewer from his building to either:

(a) The tap on the city main sewer lines; or

(b) The point of confluence with flow from buildings owned by another owner; whichever is shorter.

Should the building sewer cross a public right-of-way before entering the main line sewer, the property owner is responsible for maintenance of the line to the main line; however, should city owned facilities, such as sidewalks, curbs, gutters, or streets be disturbed by the repair of the building sewer, the city will repair said improvements as are reasonable disturbed by the work at no cost to the owner of the property. Operations in a public right-of-way require written permission of the city and proper safety provisions including but not limited to traffic control as outlined in the Manual of Uniform Traffic Control adopted by the State of Tennessee. (1969 Code, § 25-36, as replaced by Ord. #2-09, Jan. 2009, repealed by Ord. #4-09, March 2009, replaced by Ord. #5-09, March 2009, and amended by Ord. #9-11, June 2011)

**18-308. Prohibitions and limitations on wastewater discharge.**

(1) Requirements of wastewater permits. (a) No person shall discharge or cause to be discharged into the City of Oak Ridge POTW any wastewater other than domestic sewage resulting from normal human habitation including food preparation activities unless he holds a wastewater discharge permit as defined in § 18-310 of this ordinance. This section shall not apply to existing sources until they are notified of its requirement in writing.

(b) Persons discharging radionuclides only in addition to domestic sewage are required to obtain a wastewater treatment permit unless:

(i) Material discharged is characterized by a half-life of less than ten (10) days, and a lack of significant alpha activity; and

(ii) At no point along the collection system is activity more than double background levels at the surface with all manholes closed and the system functioning normally; and

(iii) No more than five hundred (500) microcuries of material are discharged per hour measured at the point of discharge into the wastewater collection system to a maximum of three thousand five hundred (3,500) microcuries per day.

It is the responsibility of the discharging party to arrange for verification of these limits within five (5) days of a written request to do so by the city.

(c) The control authority may waive the requirements for a wastewater discharge permit on a case-by-case basis for dischargers whose effluent does not violate the criteria for domestic sewage as established by the controlling agency and who, furthermore, are not categorical users. Notwithstanding the following, existing non-permitted dischargers or dischargers who have had the permit requirement waived may be required to obtain a discharge permit upon sixty (60) days notification by the controlling authority based on the observed character of the user's operations or his waste stream or suspected impact on the POTW or other factors which the control authority may define.

(d) In order to avoid wastewater influent to the treatment plant which creates adverse effects, or interferes with any wastewater treatment or collection processes, or creates any hazard in receiving waters or results in the city being in violation of applicable effluent standards including sludge disposal standards, the control authority shall establish and amend wastewater effluent limits as deemed necessary. Limits for certain parameters are set as protection criteria for the POTW. Discharge limits for industrial users will be set in discharge permits as outlined in § 18-310 of this ordinance. Such limits will be calculated based on the anticipated ability of the plant to absorb specific wastewater constituents without violation of its NPDES permit, safety of the public, and/or disruption of plant operations including sludge disposal; not to exceed, however, federal limits where applicable.

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

(2) Prohibitions on wastewater discharge. Regardless of permit status, no person shall discharge or cause to allow to be discharged into the City of Oak Ridge POTW or any connected treatment facilities any waste which contains any of the following:

(a) Oils and grease. Fats, wax, grease or oils of animal or vegetable origin in concentrations of greater than one hundred (100) mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees and one hundred fifty (150) degrees F (zero (0) degrees and sixty-five (65) degrees C) at the point of discharge into the system.

(b) Explosive mixtures. Liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient to cause a fire or explosion hazard or be injurious in any other way to the POTW or to

the operation of the system. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL). Wastestreams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Centigrade using the test methods specified in 40 CFR 261.21. Prohibited materials included, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

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

(d) Improperly shredded garbage. Garbage that has not been ground or comminuted to such a degree that all particles are one-half inch (1/2") or less in greatest dimension and will be carried freely in suspension under flow conditions normally prevailing in the public sewers.

(e) Radioactive wastes. Radioactive wastes or isotopes of such half-life or concentration that they are in noncompliance with regulations issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the POTW or personnel operating the system.

(f) Solids or viscous wastes. Solid or viscous waters which will or may cause obstruction to the flow in a sewer, or other interference with the proper operation of the POTW. Prohibited materials include, but are not limited to, grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances.

(g) Excessive discharge rate. Wastewaters at a flow rate which is excessive relative to the capacity of the treatment works or which could cause a treatment process upset and subsequent loss of treatment efficiency; or wastewaters containing such concentrations or quantities of pollutants that their introduction into the treatment works would cause interference.

(h) Toxic substances. Any toxic substances, chemical elements or compounds, phenols or other taste- or odor-producing substances, or any substances in amounts which may interfere with the biological processes or efficiency of the treatment works, or that will pass through

the treatment works in concentrations which would cause the POTW to exceed its NPDES permit limits.

(i) Unpolluted waters. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the superintendent.

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

(k) Corrosive wastes. Any waste which will cause corrosion or deterioration of the POTW. All wastes discharged to the public sewer system must have a pH value in the range of six to nine (6 – 9). Prohibited materials include, but are not limited to acids, sulfides, concentrated chloride and fluoride compounds and substances which will react with water to form acidic products.

(l) Thermal discharge. Heat in amounts which will inhibit biological activity in or cause damage to the POTW resulting in interference, but in no case heat in such quantities that the temperature at the treatment plant exceeds forty (40)°C (one hundred four (104)°F). Under no conditions may the temperature at the point of discharge exceed one hundred twenty (120)°F.

(m) Human hazard. Any wastewater which caused hazard to human life or creates a public nuisance.

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

(o) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW.

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

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

(3) Limitation on wastewater discharge. No person shall discharge or convey or cause to be discharged or conveyed to the public sewer any wastewater containing pollutants of such character or quantity that will:

(a) Not be amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(b) Constitute a hazard to human or animal life or to the stream or water course receiving the treatment plant effluent.

(c) Exceed limits as set forth in his wastewater discharge permit or violate the federal pretreatment standards.

(d) Cause the treatment plant to violate its NPDES permit, pass-through limits, or other applicable receiving water standards, or cause interference with plant operations.

(e) Contain any water or wastes whose strength or other characteristics exceed the limits for normal wastewater which may be established by the control authority. (1969 Code, § 25-37, as amended by Ord. #2-05, March 2005, replaced by Ord. #2-09, Jan. 2009, repealed by Ord. #4-09, March 2009, and replaced by Ord. #5-09, March 2009)

**18-309. Control of prohibited wastes.** (1) National categorical pretreatment standards. Users must comply with the categorical pretreatment standards found at 40 CFR chapter I, subchapter N, parts 405 – 471.

(a) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the superintendent may impose equivalent concentration or mass limits in accordance with Tennessee Rule 1200-4-14-.06(3).

(b) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.

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

(d) The superintendent may convert the mass limits of the categorical pretreatment standards of 40 CFR parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users. The conversion is at the discretion of the superintendent.

(e) Once included in its permit, the industrial user must comply with the equivalent limitations developed in this § 18-309 in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

(f) Many categorical pretreatment standards specify one (1) limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or four (4) day average, limitations. Where such standards are being applied, the same production

or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

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

(2) Tennessee Pretreatment Standards. Users must comply with Tennessee Pretreatment Standards codified at 1200-4-14.

(3) Regulatory actions. If wastewaters containing any substances in excess concentrations as described in § 18-308 of this ordinance are discharged or proposed to be discharged into the sewer system of the City of Oak Ridge or to any sewer system tributary thereto, the city shall take any action necessary to:

(a) Prohibit the discharge of such wastewater.

(b) Require a discharger to demonstrate that in-plant modifications will eliminate the discharge of such substances to a degree as to be acceptable to the city.

(c) Require pretreatment, including storage facilities or flow equalization, necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these rules and regulations or federal pretreatment standards and any other applicable requirements promulgated by the EPA in accordance with section 307 of the Clean Water Act of 1977.

(d) Require the person or discharger making, causing or allowing the discharge to pay any added cost of handling and treating excess loads imposed on the POTW. Nothing herein authorizes discharge, otherwise prohibited, upon payment of cost therefore.

(e) Discontinue sewer service to the discharger until such time as the problem is corrected.

(f) Take such other remedial action provided by law as may be deemed to be desirable or necessary to achieve the requirements of this ordinance.

(4) Submission of plans. (a) Where pretreatment or equalization of wastewater flows prior to discharge into any part of its POTW is required by the City of Oak Ridge; plans, specifications and other pertinent data or information relating to such pretreatment of flow-control facilities shall be submitted to the control authority for review and approval. Approval shall in no way exempt the discharge of such facilities from compliance with any applicable code, ordinance, rule or regulation of any

governmental unit or the city. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to, and approval of, the control authority.

(b) The superintendent shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The superintendent may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the superintendent may develop such a plan for any user. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

(i) Description of discharge practices, including nonroutine batch discharges;

(ii) Description of stored chemicals;

(iii) Procedures for immediately notifying the superintendent of any accidental or slug discharge, as required by § 18-309(6) of this ordinance; and

(iv) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(5) Pretreatment facilities operations. If pretreatment or control of waste flows is required, such facilities shall be effectively operated and maintained by the user at his or her expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances and laws.

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

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

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

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (6)(a) above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

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

(7) Right of entry. Agents of the City of Oak Ridge, the Tennessee Department of Environment and Conservation (TDEC) and/or EPA upon presentation of credentials shall be permitted to enter all properties of the contributing industry for the purpose of inspection, observation, measurement, sampling, and testing. (1969 Code, § 25-38, as replaced by Ord. #2-09, Jan. 2009, repealed by Ord. #4-09, March 2009, and replaced by Ord. #5-09, March 2009)

**18-310. Wastewater discharge permits, generally.** (1) Permits required. All persons proposing to connect to or discharge into the sanitary sewer system any material other than normal domestic waste shall be considered an industrial user and must obtain a wastewater discharge permit from the control authority before connecting to or discharging into the sanitary sewer. All existing industrial users connected to or discharging into the city's sanitary sewer must obtain a wastewater discharge permit within sixty (60) days after notice from the city.

(2) Permit application. (a) All users required to obtain an individual wastewater discharge permit must submit a permit application. The superintendent may require users to submit all or some of the following information as part of a permit application:

(i) Identifying information. (A) The name and address of the facility, including the name of the operator and owner.

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

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

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

points of discharge to the POTW from the regulated processes;

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

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

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

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

(iv) Time and duration of discharges.

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

(vi) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in § 18-309(1)(c) (Tennessee Rule 1200-4-14-.06(5)).

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

(B) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the superintendent, of regulated pollutants in the discharge from each regulated process.

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

(D) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 18-313(1) of this ordinance. Where the standard requires compliance with a pollution prevention alternative, such as the certification alternative in lieu of required monitoring for TTO, the user shall submit documentation as required by the superintendent or the applicable standards to determine compliance with the standard.

(E) Sampling must be performed in accordance with procedures set out in § 18-313(2) of this ordinance.

(viii) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on § 18-312(4)(b). [See 1200-4-14-.12(5)(b)].

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

(b) Application signatories and certifications. (i) All wastewater discharge permit applications, user reports and certification statements must be signed by an authorized representative of the user and contain the certification statement in § 18-313(5)(a).

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

(iii) A facility determined to be a non-significant categorical industrial user by the superintendent pursuant to § 18-304(42)(b) must annually submit the signed certification statement in § 18-313(5)(b) [Note: See 40 CFR 403.3(v)(2)]

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

(3) Permit conditions. An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the superintendent to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

Wastewater discharge permits shall be expressly subject to all provisions of this ordinance and all other regulations, user charges and fees established by the city. The conditions of wastewater discharge permits shall be uniformly enforced by the city in accordance with this ordinance, and applicable state and federal regulations. Permits must contain all items required by federal regulation; and further, may include but not necessarily be limited to the following:

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

(b) Requirements that the industrial user comply with any and all pretreatment standards and requirements either local, state or federal;

(c) A statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing permit to the new owner or operator;

(d) The average and maximum wastewater constituents and characteristics;

(e) Effluent limits, including pollution prevention alternative, based on applicable pretreatment standards;

(f) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or pollution prevention alternative) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;

(g) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with § 18-312(4)(b);

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

(i) Requirements to control slug discharge, if determined by the superintendent to be necessary;

(j) Any grant of the monitoring waiver by the superintendent (§ 18-312(4)(b)) must be included as a condition in the user's permit;

(k) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(l) Requirements for installation of inspection and sampling facilities and schedules for said installation;

(m) Requirements for installation and operation of pretreatment systems or process modifications and schedule for said installations;

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

(o) Requirements for maintaining plant records relating to wastewater discharge as specified by the control authority and affording the city access thereto;

(p) Requirements that the city maintain the right to enter onto the premises for inspection of operations including process areas, pretreatment areas, and any such other portions of the premises which may be deemed appropriate by the controlling authority;

(q) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for

compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the individual wastewater discharge permit; and

(r) Other conditions as deemed appropriate by the control authority to insure compliance with this ordinance and state and federal pretreatment standards and requirements.

(4) Duration of permits. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The permittee must apply for a renewal permit not more than ninety (90) days and no less than seventy-five (75) days prior to the expiration of his or her valid permit. If the user is not notified by the control authority of permit expiration, the permit shall be considered extended for thirty (30) days at a time up to a total of one (1) additional year. The terms and conditions of the permit may be subject to modification and change by the control authority during the life of the permit as limitations or requirements as identified hereinbefore are modified and changed. The user shall be informed of any proposed changes in his or her 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.

(5) 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 premise, or a new or changed operation. (1969 Code, § 25-39, as replaced by Ord. #2-09, Jan. 2009, repealed by Ord. #4-09, March 2009, and replaced by Ord. #5-09, March 2009)

**18-311. Wastewater discharge permit revocation.** The superintendent may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) Failure to notify the superintendent of significant changes to the wastewater prior to the changed discharge;
- (2) Failure to provide prior notification to the superintendent of changed conditions pursuant to § 18-312(5) of this ordinance;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (4) Falsifying self-monitoring reports and certification statements;
- (5) Tampering with monitoring equipment;
- (6) Refusing to allow the superintendent timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges;
- (10) Failure to meet compliance schedules;

- (11) Failure to complete a wastewater surveyor the wastewater discharge permit application;
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a user are void upon the issuance of a new individual wastewater discharge permit to that user. (1969 Code, § 25-40, as replaced by Ord. #2-09, Jan. 2009, repealed by Ord. #4-09, March 2009, and replaced by Ord. #5-09, March 2009)

**18-312. Reporting requirements.** (1) Baseline monitoring reports.

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

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

(i) All information required in §§ 18-310(2)(a)(i)(A), 18-310(2)(a)(ii), 18-310(2)(a)(iii)(A), and 18-310(2)(a)(vi).

(ii) Measurement of pollutants. (A) The user shall provide the information required in §§ 18-310(2)(a)(vii)(A) through 18-310(2)(a)(vii)(D).

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

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

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

(D) Sampling and analysis shall be performed in accordance with §§ 18-313(1) and 18-313(2);

(1) The superintendent may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

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

(iii) Compliance certification. A statement, reviewed by the user's authorized representative as defined in § 18-304(3) and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(iv) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 18-312(2) of this ordinance.

(v) Signature and report certification. All baseline monitoring reports must be certified in accordance with § 18-313(5)(a) of this ordinance and signed by an authorized representative as defined in § 18-304(3).

(2) Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by § 18-312(1)(b)(iv) of this ordinance:

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading

to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

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

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

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

(3) Reports on compliance with categorical pretreatment standard deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the superintendent a report containing the information described in §§ 18-310(2)(a)(vi), 18-310(2)(a)(vii), and 18-312(1)(b)(ii) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in § 18-309(1), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 18-313(5)(a) of this ordinance. All sampling will be done in conformance with § 18-313(2).

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

(b) The city may authorize an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user

has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. [see Tennessee Rule 1200-4-14-.12(5)(b)] This authorization is subject to the following conditions:

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

(ii) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five (5) years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See § 18-310(2)(a)(viii).

(iii) In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one (1) sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(iv) The request for a monitoring waiver must be signed in accordance with § 18-304(3), and include the certification statement in § 18-313(5)(a). (See Tennessee Rule 1200-4-14-.06(1)(b)2).

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

(vi) Any grant of the monitoring waiver by the superintendent must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the superintendent for three (3) years after expiration of the waiver.

(vii) Upon approval of the monitoring waiver and revision of the user's permit by the superintendent, the industrial user must certify on each report with the statement in § 18-313(5)(c) below, that there has been no increase in the pollutant in its wastestream due to activities of the industrial user.

(viii) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately: Comply with

the monitoring requirements of § 18-312(4)(a), or other more frequent monitoring requirements imposed by the superintendent, and notify the superintendent.

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

(c) All periodic compliance reports must be signed and certified in accordance with § 18-313(5)(a) of this ordinance.

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

(e) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the superintendent, using the procedures prescribed in § 18-313(2) of this ordinance, the results of this monitoring shall be included in the report.

(5) Reports of changed conditions. Each user must notify the superintendent of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

(a) The superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 18-310(2) of this ordinance.

(b) The superintendent may issue an individual wastewater discharge permit under § 18-310 of this ordinance or modify an existing wastewater discharge permit under § 18-310(4) of this ordinance in response to changed conditions or anticipated changed conditions.

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

(b) Within five (5) days following such discharge, the user shall, unless waived by the superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not

relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

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

(d) Significant industrial users are required to notify the superintendent immediately of any changes at its facility affecting the potential for a slug discharge. (1969 Code, § 25-41, as replaced by Ord. #2-09, Jan. 2009, repealed by Ord. #4-09, March 2009, and replaced by Ord. #5-09, March 2009)

**18-313. Wastewater sampling and analysis.** (1) Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the epa determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the superintendent or other parties approved by EPA.

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

(a) Except as indicated in subsection (2)(b) and (2)(c) below, the user must collect wastewater samples using twenty-four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the superintendent. Where time-proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be

composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

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

(c) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in §§ 18-312(1) and 18-312(3) [Tennessee Rule 1200-4-14.12(2) and (4)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the superintendent may authorize a lower minimum. For the reports required by paragraphs § 18-312(4) (Tennessee Rule 1200-4-14.12(5) and (8)), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements.

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

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

(5) Certification statements. (a) Certification of permit applications, user reports and initial monitoring waiver. The following certification

statement is required to be signed and submitted by users submitting permit applications in accordance with § 18-310(2)(b); users submitting baseline monitoring reports under § 18-312(1)(b)(v); users submitting reports on compliance with the categorical pretreatment standard deadlines under § 18-312(3); users submitting periodic compliance reports required by § 18-312(4), and users submitting an initial request to forego sampling of a pollutant on the basis of § 18-312(4)(b)(iv). The following certification statement must be signed by an authorized representative as defined in § 18-304(3):

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.

(b) Annual certification for non-significant categorical industrial users. A facility determined to be a non-significant categorical industrial user by the superintendent pursuant to §§ 18-304(42)(b) and 18-310(2)(b)(iii) must annually submit the following certification statement signed in accordance with the signatory requirements in § 18-304(3). This certification must accompany an alternative report required by the superintendent:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR \_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_, \_\_\_\_ to \_\_\_\_, \_\_\_\_ [months, days, year]:

(1) The facility described as \_\_\_\_\_ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 18-304(42)(b);

(2) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and

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

This compliance certification is based on the following information.

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(c) Certification of pollutants not present. Users that have an approved monitoring waiver based on § 18-312(4)(b) must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the user.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR \_\_\_\_\_ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 18-312(4). (1969 Code, § 25-42, as replaced by Ord. #2-09, Jan. 2009, repealed by Ord. #4-09, March 2009, and replaced by Ord. #5-09, March 2009)

**18-314. Compliance monitoring.** (1) Monitoring programs.

(a) The monitoring program shall require the discharger to conduct a sampling and analysis program of a frequency and type specified by the control authority to demonstrate compliance with prescribed wastewater discharge limits. The discharger may either:

(i) Conduct his or her own sampling and analysis program provided he demonstrates to the control authority that he or she has the necessary qualifications and facilities to perform the work; or

(ii) Engage a private laboratory, approved by the control authority.

(b) In the event that the control authority suspects that a violation of any part of this ordinance or of the user's wastewater discharge permit is occurring, it may take samples for the purpose of monitoring the discharge. Should this monitoring verify that a violation is occurring, the costs of the monitoring and associated laboratory fees will be borne by the discharger. Should no violation be found, the costs will be at the expense of the control authority.

(c) Notice of violation/repeat sampling and reporting. If sampling performed by a user indicates a violation, the user must notify

the superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the superintendent within thirty (30) days after becoming aware of the violation. Resampling by the industrial user is not required if the city performs the sampling at the user's facility at least once a month, or if the city performs sampling at the user's facility between the time when the initial sampling was conducted and the time when the user or the city receives the results of this sampling, or if the city has performed the sampling and analysis in lieu of the industrial user.

(2) Right of entry: inspection and sampling. The superintendent shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any individual wastewater discharge permit or order issued hereunder. Users shall allow the superintendent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(a) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the superintendent shall be permitted to enter without delay for the purposes of performing specific responsibilities.

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

(c) The superintendent may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated quarterly to ensure their accuracy.

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

(e) Unreasonable delays in allowing the superintendent access to the user's premises shall be a violation of this ordinance.

(3) Search warrants. If the superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this ordinance

or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the superintendent may seek issuance of a search warrant from the City Court of Oak Ridge. (as added by Ord. #5-09, March 2009)

**18-315. Confidential information.** Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the superintendent's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction. (as added by Ord. #5-09, March 2009)

**18-316. Publication of users in significant noncompliance.** The superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates paragraphs (3), (4) or (7) of this section) and shall mean:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in §§ 18-308 and 18-309;

(2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by §§ 18-308 and 18-309 multiplied by the

applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirement as defined by §§ 18-308 and 18-309 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the superintendent determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

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

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

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

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s), which may include a violation of pollution prevention alternatives, which the superintendent determines will adversely affect the operation or implementation of the local pretreatment program. (as added by Ord. #5-09, March 2009)

**18-317. Enforcement procedures.** (1) Administrative enforcement remedies. (a) Notification of violation. Whenever the superintendent finds that any user has violated or violating this ordinance, or a wastewater permit or order issued hereunder, the superintendent or his agent may serve upon said user written Notice Of the Violation (NOV). If required in the NOV, a written 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 within the time frame specified, not to exceed thirty (30) days. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a 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 a user responsible for the noncompliance. Such orders will include specific action to be taken by

the 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 issued pursuant to § 18-317(1)(d) below.

(c) Show cause hearing. The superintendent may order any user who is in violation of or causes or contributes to violation of this ordinance 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). Ten (10) days prior notice shall be given, if practical. Such notice may be served on any principal executive, general partner, corporate officer, site manager, or other person listed in pretreatment documents submitted by the user as a contact. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued.

(d) Compliance order. When the superintendent finds that a user has violated or continues to violate the ordinance or a permit or order issued thereunder, he may issue and order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued or penalties imposed unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated or other improvements as specified are carried out. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, disconnection of unauthorized sources of flow, and management practices. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(e) Cease and desist orders. When the superintendent finds that a user has violated or continues to violate this ordinance or any permit or order issued hereunder, the superintendent may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

- (i) Comply forthwith;
- (ii) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge. Issuance of a cease and desist order shall not be a bar

against, or a prerequisite for, taking any other action against the user.

(f) Administrative penalties. Notwithstanding any other section of this ordinance, any user who is found to have violated any provision of this ordinance, or any permit or order issued hereunder, may be assessed a penalty in an amount not to exceed ten thousand dollars (\$10,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the superintendent shall have such other collection remedies as he has to collect other service charges. Unpaid charges and penalties shall constitute a lien against the individual user's property. Industrial users desiring to dispute such penalties must file a request for the superintendent to reconsider the penalty within ten (10) days of being notified of the fine. Where the superintendent believes a request has merit, he shall convene a hearing on the matter within fifteen (15) days of receiving the request from the industrial user.

(g) Emergency suspensions. (i) 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 an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

(ii) 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 may 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 may allow the user to recommence its discharge when the endangerment has passed, unless termination proceedings are initiated against the user.

(iii) An industrial user who 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 § 18-317(1)(c).

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

(h) Revocation of permit. The superintendent may revoke the permit of any user as set forth in § 18-311.

(i) Appeal of administrative penalties. Upon issuance of any administrative order or penalty, the user shall be notified that he or she shall be entitled to a hearing upon such order or penalty. Request for such hearing must be made seven (7) days of notification of the administrative action. The hearing will be held before the city manager and shall be heard within seven (7) days of the request for hearing. At the hearing, the public works director or the director's representative shall represent the controlling authority. The controlling authority and the customer shall be entitled to present evidence relevant and material to the penalty and to examine and cross examine witnesses. He may be represented by an attorney, if the user so chooses. The city manager shall render a decision within seven (7) days upholding or overturning the administrative order or penalty. Notwithstanding the following, emergency suspensions as described in § 18-317(1)(g) are effective immediately upon issuance, and right to appeal is contingent on compliance by the user.

(2) Judicial remedies. If any person discharges sewage, industrial wastes, or other wastes into the wastewater disposal system contrary to the provisions of this ordinance or any order or permit issued hereunder, the superintendent, through the city attorney, may commence an action for appropriate legal and/or equitable relief in the applicable court.

(a) Injunction relief. Whenever a user has violated or continues to violate the provisions of this ordinance or permit or order issued hereunder, the superintendent, through counsel, may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the user. The superintendent shall have such remedies to collect these fees as it has to collect other sewer service charges. The superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(b) Civil penalties. (i) Any user who has violated or continues to violate this ordinance or any order or permit issued hereunder, shall be liable to the superintendent for actual damages incurred by the POTW. In addition to damages, the superintendent may recover reasonable attorney's fee, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

(ii) The superintendent shall petition the court to impose, assess, and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit

gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

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

(3) Criminal actions. (a) Any industrial user who willfully or negligently violates any provision of this ordinance or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by penalty and imprisonment to the full extent allowed by law.

(b) Any industrial user who knowingly makes any false statements, representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance or waste water permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punishable by a penalty and imprisonment to the full extent allowed by law.

(4) Affirmative defenses. (a) Treatment upsets. Any industrial user who experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation, shall inform the superintendent thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the user within five (5) days. The report shall contain:

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

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

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

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

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

(C) The user has submitted the following information to the superintendent within twenty-four (24) hours of becoming aware of the upset [if this information is

provided orally, a written submission must be provided within five (5) days]:

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

(2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(3) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

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

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

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

(b) Treatment bypasses. (i) A bypass of the treatment system is prohibited unless all 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 § 18-317(4)(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, 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 § 18-317(4)(b)(i) above.

(5) Remedies nonexclusive. The remedies provided for in this ordinance are not exclusive. The superintendent may take any, all or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the superintendent may take other action against any user when the circumstances warrant. Further, the superintendent is empowered to take more than one (1) enforcement action against any noncompliant user. (as added by Ord. #5-09, March 2009)

**18-318. Industrial waste surcharge.** (1) Surcharge based upon strength of wastes. In the event the user discharges industrial wastes to the POTW having an average Biochemical Oxygen Demand (BOD) content in excess of three hundred (300) mg/l, and/or an average Suspended Solids (SS) content in excess of three hundred (300) mg/l, and/or an average ammonia nitrogen content in excess of thirty (30) mg/l, the user shall pay a surcharge based upon the excess strength of their wastes.

(2) Costs of treatment to be reviewed annually. The costs of treatment for each pound of BOD, SS, and ammonia nitrogen removed by the POTW shall be reviewed at the end of each fiscal year and appropriate surcharge rates applied to the sewer billing. These rates shall be in effect until the next annual rate review. (as added by Ord. #5-09, March 2009)

**18-319. Validity.** (1) Conflict. In case of conflict or inconsistency, the provisions of this ordinance shall supercede and take precedence over any other ordinance or part thereof or any other rules and regulations of the City of Oak Ridge.

(2) Severability. It is hereby declared the intention of city council that sections, paragraphs, sentences, clauses, and words of this ordinance are severable, and if any such section, paragraph, sentence, clause, or word be declared unconstitutional or invalid by valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any remaining sections, paragraphs, sentences, clauses, or words since the same would have been enacted without the incorporation of the unconstitutional section, paragraph, sentence, clause or word. (as added by Ord. #5-09, March 2009)