

## TITLE 8

### HEALTH AND SANITATION<sup>1</sup>

#### CHAPTER

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#### CHAPTER 1

### MISCELLANEOUS

#### SECTION

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8-101. Health officer. The "health officer" shall be such city, county, or state officer as the city manager shall appoint or designate to administer and enforce health and sanitation regulations within the city. (1979 code, § 8-101)

8-102. Adulterated food, drugs and cosmetics. It shall be unlawful and a violation of this section for any person to violate within the City of Shelbyville any provisions of the state food, drug, and cosmetic laws. (1979 code, § 8-102)

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<sup>1</sup>For other health and sanitation regulations elsewhere in this code see the related headings. For example, for those relating to animals and fowls, see title 3. For specific health and sanitation regulations relating to mobile home parks see title 5, chapter 7.

8-103. Stagnant water. It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property without treating it so as to prevent the breeding of mosquitoes. (1979 code, § 8-104)

8-104. Litter and vegetation accumulation on premises. (1) Unlawful to allow litter or vegetation to accumulate. It shall be unlawful for any person to allow litter to accumulate on property under his or her control or ownership within the city limits of the City of Shelbyville or to permit weeds or other vegetation to grow to a height in excess of eight (8) inches. This does not include growing gardens or property maintained landscaping or property used for permitted agricultural purposes. For purposes of this section, litter is any quantity of uncontainerized paper, metal, plastic, glass, furniture, other than outdoor/yard furniture, appliances, or miscellaneous solid waste which may be classified as trash, debris, rubbish, refuse, garbage or junk. Litter includes cut vegetation, brush, trees or portions of thereof, and wood waste.

(2) Notice to clean up premises. Whenever a person violates the provisions of subsection (1), the city manager or his designated representative shall have notice mailed by first class mail to the last known address of the person having control over the offending premises, as well as the title owner of the property, as shown by the current year's tax assessment, which notice shall include notice of the following:

- (a) The nature of the violation;
- (b) That failure to abate the violation within five (5) calendar days will result in the person having control of the property and the owner of the property being issued an ordinance summons to appear in city court;
- (c) That if found to be in violation of the ordinance, court costs plus a fine for each day the violation is found to have been committed, continued, or permitted may be imposed;
- (d) That upon failure to abate the violation within five (5) calendar days, upon the direction of the city manager, the City of Shelbyville may enter on the property and take all necessary action to abate the violation, and that costs of any abatement work, including personnel, equipment and disposal charges will be charged to the property owner, and that such charges will accrue interest at the rate of one percent (1%) per month until paid, and that outstanding charges will be lien against the property until paid.

(3) Failure to comply with notice. Upon failure to abate the violation within five (5) days after notice as set out in subsection (2), the owner and occupant shall be issued an ordinance summons for each separate type or non-continuous violation. Each and every day or portion thereof during which any violation, of the chapter is committed, continued or permitted, shall be considered a separate violation. Any person found by the court to be or have

been in violation of § 8-104 shall be punishable by a fine as established by local applicable laws. Upon failure to abate the violation within five (5) days after notice as set out in subsection (2) above, the public works department upon notice from the city manager is hereby authorized and directed to enter upon said premises and shall remove any accumulation of litter, and shall cut and clear all weeds and other vegetation. The person owning such premises will be charged the actual cost of such removal, plus a charge of one percent (1%) per month interest.

(4) Billing for work performed. After completion of any work performed under this section or any other section regarding the removal of litter by the city, the director of the public works department shall provide the city treasurer an itemization of the costs of such work, including without limitation the costs of personnel, equipment usage and rental, and disposal. The treasurer will bill the owner of said property, by regular mail, at the last known address of said owner as shown on the tax assessor's records, for the amount of the cost incurred by the city for such removal of litter and clearing of the property. If the bill is not paid fully within thirty (30) days of the date of the bill, the city treasurer may certify, or turn over to the city attorney for collection, all unpaid or uncollected bills, and said city attorney shall have the right to file suit or take such other steps as may be necessary for collection. Until all such charges are paid, including any attorney's fees for cost of collection, such property shall be subject to a lien in favor of the City of Shelbyville. Such lien shall be superior to all other liens except tax liens.

(5) Collection of costs and attorney's fees. All uncollected bills for work performed under these provisions removal of litter and clearing of the property, as provided herein, for each year, and all costs, will be deemed a special tax to be collected as other general taxes are collected by the City of Shelbyville. When placed in the hands of the city attorney for collection, twenty-five percent (25%) of the unpaid charges for such costs shall be added to the principal and interest for said attorney's services in making such collections and retained by him. In addition thereto, there shall be added to the costs of collection the filing of all liens in the register's office for Bedford County, Tennessee, as well as all costs necessary to prosecute said claim for services. (1979 Code, § 8-105, as replaced by Ord. #403; Ord. #521, March 1995; and Ord. #739, June 2004, and amended by Ord. #836, Dec. 2007)

8-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1979 code, § 8-106)

## CHAPTER 2

### LITTER CONTROL

#### SECTION

8-201. Definitions.

8-202. Regulations for pedestrians and motorists.

8-203. Regulations for vehicles transporting loose materials.

8-204. Regulations for loading and unloading operations.

8-205. Regulations for construction/demolition projects.

8-206. Regulations for household solid waste containerization and removal.

8-207. Regulations for commercial solid waste containerization and removal.

8-208. Provision for solid waste disposal and storage facilities at new buildings.

8-209. Keeping property clean.

8-210. Enforcement authorizations.

8-211. Violations.

8-201. Definitions. For purposes of this chapter:

(1) "Litter" is any quantity of uncontainerized paper, metal, plastic, glass, furniture, (other than outdoor/yard furniture) appliances, miscellaneous solid waste which may be classed as trash, debris, rubbish, refuse, garbage, or junk.

(2) "Public property" includes, but is not limited to, the following exterior locations: streets, street medians, roads, road medians, catch basins, sidewalks, strips between streets and sidewalks, lanes, alleys, public rights-of-way, public parking lots, school grounds, municipal housing project grounds, municipal vacant lots, parks, beaches, playgrounds, other publicly-owned recreation facilities, and municipal waterways and bodies of water.

(3) "Private property" includes, but is not limited to, the following exterior locations owned by private individuals, firms, corporations, institutions or organizations: yards, grounds, driveways, entranceways, passageways, parking areas, working areas, storage areas, vacant lots, and recreation facilities.

(4) "Containers" are locally-approved metal, heavy-duty paper, or plastic receptacles used for the disposal and storage of solid waste. (1979 code, § 8-201, as amended by Ord. #623, July 1999)

8-202. Regulations for pedestrians and motorists. (1) It shall be unlawful for any person to throw, discard, place, or deposit litter in any manner or amount on any public or private property within the corporate limits of the city, except in containers or areas lawfully provided therefor.

(2) In the prosecution charging a violation of subsection (1) from a motor vehicle, proof that the particular vehicle described in the complaint was

the origin of the litter, together with proof that the defendant named in the complaint was at the time of such violation the registered owner of said vehicle, shall constitute in evidence a presumption that the registered owner was the person who committed the violation.

(3) It shall be the duty of every person distributing commercial leaflets, flyers, or any other advertising and information material to take whatever measures that may be necessary to keep such materials from littering public or private property.

(4) To facilitate proper disposal of litter by pedestrians and motorists, such publicly-patronized or used establishments and institutions as may be designated by the municipal department in charge of solid waste management shall provide, regularly empty, and maintain in good condition adequate containers that meet standards prescribed by the department. This requirement shall be applicable, but not limited to, fast-food outlets, shopping centers, convenience stores, supermarkets, service stations, commercial parking lots, mobile canteens, motels, hospitals, schools, and colleges. (1979 code, § 8-202)

8-203. Regulations for vehicles transporting loose materials. (1) It shall be unlawful for any person, firm, corporation, institution, or organization to transport any loose cargo or material by truck or other motor vehicle within the corporate limits of the city unless said cargo or material is covered and secured or contained in such manner as to prevent depositing or spillage of litter or the cargo or material transported on public and private property.

(2) The duty and responsibility imposed by subsection (1) shall be applicable alike to the owner of the truck or other vehicle, the operator thereof, and the person, firm, corporation, installation, or organization from whose residence or establishment the cargo originated.

(3) In the prosecution charging a violation of subsection (1), lack of adequate covering and securing shall in itself constitute proof a violation has been committed. (1979 code, § 8-203, as amended by Ord. #837, Dec. 2007)

8-204. Regulations for loading and unloading operations. (1) Any owner or occupant of an establishment or institution at which litter is attendant to the packing and unpacking and loading and unloading of materials at exterior locations shall provide suitable containers there for the disposal and storage of such litter and shall make appropriate arrangements for the collection thereof.

(2) Further, it shall be the duty of the owner or occupant to remove at the end of each working day any litter that has not been containerized at these locations. (1979 code, § 8-204)

8-205. Regulations for construction/demolition projects. (1) It shall be unlawful for the owner, agent, or contractor in charge of any construction or demolition site to cause, maintain, permit, or allow to be caused, maintained or

permitted the accumulation of any litter on the site before, during, or after completion of the construction or demolition project.

(2) It shall be the duty of the owner, agent, or contractor to have on the site adequate containers for the disposal of litter and to make appropriate arrangements for the collection thereof or for transport by himself to an authorized facility for final disposition.

(3) The owner, agent or contractor may be required at any time to show proof of appropriate collection, or if transported by himself, of final disposition at an authorized facility. (1979 code, § 8-205)

8-206. Regulations for household solid waste containerization and removal. (1) All residences located in any area in which collection is by the city or approved contractors shall have sufficient container capacity to accommodate their normal volume of solid waste between collections. The type, size, and number of containers, shall be as prescribed by the department in charge of solid waste management.

(2) All items too large to fit into containers, such as, but not limited to, appliances, furniture, and mattresses, shall be disposed of only in accordance with the policy prescribed by the department in charge of solid waste management.

(3) All loose materials which normally fit into containers but which are excess as a result of special circumstances such as holidays shall be bundled and tied securely to prevent them from blowing or scattering and shall be placed beside the containers.

(4) Containers shall be kept covered at all times.

(5) Any container which does not conform to prescribed standards or which has defects likely to hamper collection or injure the person collecting the contents thereof or the public generally shall be replaced promptly by the owner or user of the container upon receipt of written notice of such defects from the department in charge of solid waste management. Failure to do so within five (5) days of such notification shall constitute a violation of this section.

(6) In placing containers for collection and removing them after collection, all residents shall follow the practices relative to locations, days, hours, etc. as prescribed by the department in charge of solid waste management.

(7) It shall be unlawful for any resident to deposit household solid waste in any receptacle maintained on a sidewalk or any other location for disposal of litter by pedestrians.

(8) The city council may by resolution establish fees for the collection of solid waste. (1979 Code, § 8-206, as amended by Ord. #739, June 2004)

8-207. Regulations for commercial solid waste containerization and removal. (1) All establishments and institutions which generate solid waste for collection by the city or approved contractors shall abide by the container

requirements relative to types, sizes, numbers, locations, safety precautions, accessibility and collection frequency as prescribed by the department in charge of solid waste management.

(2) Containers shall be kept covered at all times.

(3) Any container which does not conform to prescribed standards or which has defects likely to hamper collection or injure the person recollecting the contents thereof or the public generally shall be replaced promptly by the owner or user of the container upon receipt of written notice of such defects from the department in charge of solid waste management. Failure to do so within five (5) days of such notification shall constitute a violation of this section.

(4) It shall be unlawful for any owner, manager, or employee of a commercial establishment or institution to deposit solid waste from that establishment or institution in any receptacle maintained on a sidewalk or at any other location for disposal of litter by pedestrians. (1979 code, § 8-207)

8-208. Provision for solid waste disposal and storage facilities at new buildings. (1) Before building permits shall be issued for construction of commercial buildings and multiple-dwelling units, plans for the adequacy, location, and accessibility of solid waste containerization and storage facilities must be approved by the department in charge of solid waste management.

(2) No certificate of occupancy shall be issued for said premises until the department's approval of these facilities has been obtained. (1979 code, § 8-208)

8-209. Keeping property clean. (1) It shall be the duty of the owner, agent, occupant, or lessee to keep exterior private property free of litter. This requirement applies not only to removal of loose litter, but to materials that already are, or become, trapped at such locations as fence and wall bases, grassy and planted areas, borders, embankments, and other lodging points.

(2) Owners, agents, occupants or lessees whose properties face on municipal sidewalks and strips between streets and sidewalks shall be responsible for keeping those sidewalks and strips free of litter.

(3) It shall be unlawful to sweep or push litter from sidewalks and strips into streets. Sidewalk and strip sweepings must be picked up and put into household or commercial solid waste containers.

(4) It shall be unlawful to place or store furniture (other than outdoor/yard furniture) on front porches or in front yards of dwellings in the city.

(5) It shall be the duty of every nonresident owner of a vacant lot or other vacant property to appoint a resident agent who shall have responsibility for keeping that lot or other property free of litter.

(6) If after due warning, citation or summons, an owner, agent, occupant or lessee fails to remove litter from any private or public property, the director of the public works department is authorized to serve written notice to

the owner or his appointed agent that if the condition is not corrected within five (5) days, the property will be cleaned by the city and the owner or his appointed agent billed for the cost thereof. The billing for such work and the procedures for the collection thereof shall be the same as provided for in § 8-104 of this code for the billing and collection of costs of litter removal. In the event the litter requiring removal is on the public roads or highways and the public works director shall provide actual notice to the responsible company, and if the company fails to take reasonably immediate action under the circumstances to remove the litter, the city will remove the litter and bill the responsible company for the costs of such removal. (1979 Code, § 8-209, as amended by Ord. #623, July 1999; Ord. #739, June 2004, and Ord. #838, Dec. 2007)

8-210. Enforcement authorizations. (1) Designated personnel in the following two departments are authorized to enforce sections of this chapter as prescribed below.

(a) Police department. Regular officers are empowered to enforce any regulation of which violations may be observed in the normal course of patrol duty. Members of units assigned to special parking details in downtown or other commercial areas (patrolmen, meter maids) have authority to enforce, in their normal course of duty, violations of the following sections:

8-202(1)	Littering by pedestrians and motorists.
8-202(3)	Littering with handbills, leaflets, etc.
8-203(1)	Transporting loose materials without adequate covering
8-204(1)	Lack of containers at loading/unloading operations
8-204(2)	Failure to clean loading/unloading areas
8-207(1)	Improper commercial solid waste containerization
8-207(4)	Depositing commercial solid waste in sidewalk or other pedestrian litter receptacles
8-209(1)	Litter on private premises
8-209(2)	Litter on sidewalks and strips
8-209(3)	Sweepouts
8-209(4)	Storage of furniture (other than outdoor/yard) on front porches or in front yards

(b) Agency in charge of solid waste management. Since this department is the one most directly concerned with litter control, its director is authorized to delegate enforcement authority to such officers and/or inspectors within the department as he deems appropriate. Such authority is applicable to the entire chapter.

(2) In pursuance of their normal work, inspectors in the following departments and agencies are authorized to enforce the following sections:



(a) Building and zoning department.

- Section 8-205 - Litter control at construction/demolition projects and appropriate collection/disposal.
- Section 8-208 - Approval of solid waste disposal and storage facilities at new buildings.
- Section 8-209(4) - Storage of furniture (other than outdoor/yard) on front porches or in front yards

(b) Fire department.

- Section 8-206 - Wherever violations of household solid waste containerization regulations constitute existing or potential fire hazards.
- Section 8-207 - Wherever a similar situation prevails with regard to commercial solid waste containerization regulations.
- Section 8-209 - Wherever violations of clean-property regulations constitute existing or potential fire hazards.

(c) Health department.

- Section 8-206 - Wherever violations of household solid waste containerization regulations constitute existing or potential health hazards.
- Section 8-207 - Wherever a similar situation prevails with regard to commercial solid waste containerization regulations.
- Section 8-209 - Wherever violations of clean-property regulations constitute existing or potential health hazards.

(d) Housing authority.

- Section 8-206 - Where there are violations of household solid waste containerization regulations at city owned housing projects.
- Section 8-209 - Where there are violations of clean property regulations at the above projects.

(e) Public works department.

- Section 8-206 - Where there are violations of household solid waste containerization regulations at multiple-dwelling units normally inspected by the department.

- Section 8-209 - Where there are violations of clean property regulations at the above units.
- Section 8-209(4) - Storage of furniture (other than outdoor/yard) on front porches or in front yards.

(3) Further, along with their regular duties, patrol personnel of the parks and recreation department are authorized to enforce the following sections at parks, beaches, and other recreation facilities over which the department has jurisdiction:

- Section 8-202(1) - littering by pedestrians
- Section 8-202(3) - littering with handbills, leaflets, etc. (1979 code, § 8-210, as amended by Ord. #623, July 1999)

8-211. Violations. Any person violating any provision of this chapter shall be subject to a monetary penalty up to five hundred dollars (\$500). (1979 code, § 8-211, as replaced by Ord. #545, May 1996)

## CHAPTER 3

WASTEWATER COLLECTION AND TREATMENT<sup>1</sup>

## SECTION

- 8-301. Title.
- 8-302. Purpose and policy.
- 8-303. Definitions.
- 8-304. Abbreviations.
- 8-305. General discharge prohibitions.
- 8-306. Federal categorical pretreatment standards.
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- 8-314. Charges and fees.
- 8-315. Wastewater discharges.
- 8-316. Wastewater contribution permits.
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- 8-329. Use of public sewers required.
- 8-330. Private sewerage disposal.
- 8-331. Building sewers and connections.
- 8-332. Severability.
- 8-333. Conflict.

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<sup>1</sup>See title 4 in this code for plumbing regulations and title 13 for other provisions relating to the administration and operation of the sewer system.

8-301. Title. Title 8, chapter 3, of the Shelbyville Municipal Code, entitled "Wastewater Collection and Treatment" ... shall read as follows. (as replaced by ord. No. 350)

8-302. Purpose and policy. This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Shelbyville, Tennessee, and enables the city to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this chapter are:

(1) To prevent the introduction of pollutants into the municipality wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system.

(3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system, and

(4) To provide for equitable distribution of the cost of the municipal wastewater system.

This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This chapter shall apply to the City of Shelbyville and to persons outside the City who are, by contract or agreement with the Shelbyville Sewerage System, Users of the Shelbyville Sewer System. Except as otherwise provided herein, the General Manager of the Shelbyville Sewerage System shall administer, implement, and enforce the provisions of this chapter. (as replaced by ord. No. 350)

8-303. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

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

(2) "Approval authority": The Director in an NPDES state with an approved State Pretreatment Program and the Administrator of the EPA in a non-NPDES state or NPDES state without an Approved State Pretreatment Program.

(3) "Authorized representative of industrial user": An authorized representative of an industrial user may be: (a) A principal executive officer of at least the level of vice-president, if the industrial User is a corporation, (b) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

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

(5) "Building sewer": A sewer conveying wastewater from the premises of User to the POTW.

(6) "Categorical standards": National Categorical Pretreatment Standards or Pretreatment Standard.

(7) "City": The City of Shelbyville or the City Council of City Shelbyville.

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

(9) "Control authority": The term "control authority" shall refer to the "approval authority," defined hereinabove, or the superintendent if the City has an approved pretreatment program under the provisions of 40 CFR, 403.11.

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

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

(12) "Grab sample": A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

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

(14) "Indirect discharge": The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(15) "Industrial user": A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Act. (33 U.S.C. 1342).

(16) "Interference": The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any

requirement of the City's NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

(17) "National categorical pretreatment standard or pretreatment standard": any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.

(18) "National prohibitive discharge standard or prohibitive discharge standard": Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

(19) "New source": Any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 307(c) (33 U.S.C. 1317) Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

(20) "National Pollution Discharge Elimination System or NPDES Permit": A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).

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

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

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

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

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

(26) "Pretreatment requirements": Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

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

(28) "POTW treatment plant": That portion of the POTW designed to provide treatment to wastewater.

(29) "Shall" is mandatory; "May" is permissive.

(30) "Significant industrial user": Any Industrial User of the Shelbyville Sewerage System's wastewater disposal system who (i) has a discharge flow of 25,000 gallons or more per average work day, or (ii) has a flow greater than 5% of the flow in the Shelbyville Sewerage System's wastewater treatment system, or (iii) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act or Tennessee Statutes and rules or (iv) is found by the Shelbyville Sewerage System, Tennessee Department of Environment and Conservation or the U. S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

(31) "State": State of Tennessee.

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

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

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

(35) "General manager": The persons designated by the Shelbyville Sewerage System to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this section, or his duly authorized representative.

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

(37) "User": Any person who contributes, causes or permits the contribution of wastewater into the Shelbyville Sewerage System's POTW.

(38) "Wastewater": The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

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

(40) "Wastewater contribution permit": As set forth in section 8-315.

(41) "Shelbyville sewerage system": That entity created by Chapter 421 of the Private Acts of 1953 of the State of Tennessee which is empowered to and authorized to own and operate the sewerage system, including the POTW therefor, for and in behalf of the City of Shelbyville, Tennessee. (as replaced by ord. No. 350)

8-304. Abbreviations. The following abbreviations shall have the designated meanings:

BOD	-	Biochemical Oxygen Demand.
CFR	-	Code of Federal Regulations.
COD	-	Chemical Oxygen Demand.
EPA	-	Environmental Protection Agency.
l	-	Liter.
mg	-	Milligrams
mg/l	-	Milligrams per Liter.
NPDES	-	National Pollutant Discharge Elimination System.
POTW	-	Publicly Owned Treatment Works.
SIC	-	Standard Industrial Classification.
SWDA	-	Solid Waster Disposal Act, 42 U.S.C., 6901, et seq.
USC	-	United States Code.
TSS	-	Total Suspended Solids. (as replaced by ord. No. 350)

8-305. General discharge prohibitions. No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such Users of a POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other National State, or local Pretreatment Standards or Requirements. A User may not contribute the following substances to any POTW:

(1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive



readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten per cent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the city, state or EPA has notified the User is a fire hazard or a hazard to the system.

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

(3) Any wastewater having a pH less than 5.0, unless the POTW is specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(4) Any wastewater containing toxic pollutants in sufficient quantity either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

(5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

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

(7) Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.

(8) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104°F) unless the POTW treatment plant is designed to accommodate such temperature.

(10) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

(11) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the General Manager in compliance with applicable State or Federal regulations.

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

When the General Manager determines that a User or Users are contributing to the POTW, any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the General Manager shall: (1) Advise the User(s) of the impact of the contribution of the POTW; and (2) Develop effluent limitation(s) for such user to correct interference with the POTW. (as replaced by ord. No. 350)

8-306. Federal categorical pretreatment standards. Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitation imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. the General Manager shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12. (as replaced by ord. No. 350)

8-307. Modification of federal categorical pretreatment standards. Where the Shelbyville Sewerage System wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the Shelbyville Sewerage System may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent Removal" shall mean the reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system 95 percent of the samples taken when measured according to the procedures set

forth in Section 403.7(c)(2) of (Title 40 of the Code of Federal Regulations, Part 403) - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The Shelbyville Sewerage System may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained. (as replaced by ord. No. 350)

8-308. Specific pollutant limitations. (1) Wastewater discharge limitations. No person shall discharge wastewater containing an excess of:

- 2.0 mg/l arsenic
- 2.0 mg/l cadmium
- 10.0 mg/l copper
- 4.0 mg/l cyanide
- 3.0 mg/l lead
- 0.2 mg/l mercury
- 10.0 mg/l nickel
- 2.0 mg/l silver
- 10.0 mg/l total chromium
- 10.0 mg/l zinc

(2) Criteria to protect the treatment plant influent. The city shall monitor the treatment works influent for each parameter in the following table. The Industrial Users shall be subject to the reporting and monitoring requirements set forth in section 8-317 reporting requirements for permittee, and section 8-319 inspection and sampling, as to these parameters. In the event that the influent at the treatment works reaches or exceeds the levels established by said table, the general manager shall initiate technical studies to determine the cause of the influent violation, and shall recommend to the board such remedial measures as are necessary, including, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameter. The general manager shall also recommend changes to any of these criteria in the event the POTW effluent standards are changed or in the event that there are changes in any applicable law or regulation affecting same or in the event changes are needed for more effective operation of the POTW.

TABLE A1: Industrial Wastewater Specific Pollutant Limitations (2015)

Appendix A: Pollutant Parameters (Subject to change by addenda applicable to "Pass Through Limitations" issued by the state. The year for each revision will be indicated in the top left hand corner of Appendix A.)

Pollutant	Daily Average* Maximum Concentration (mg/L)	Instantaneous Maximum Concentration (mg/L)
1,1,1-Trichloroethane	3.70	7.40
1,2 Transdichloroethylene	0.07	0.14
Benzene	0.26	0.52
Cadmium	0.14	0.28
Carbon Tetrachloride	2.70	5.40
Chloroform	4.50	9.00
Copper	6.00	12.00
Chromium III	5.00	10.00
Chromium VI	5.00	10.00
Cyanide	2.40	4.80
Ethylbenzene	0.50	1.00
Lead	3.00	6.00
Mercury	0.03	0.06
Methylene Chloride	2.30	4.60
Naphthalene	0.84	1.68
Nickel	5.00	10.00
Selenium	0.10	0.20
Silver	0.71	1.42
Tetrachloroethylene	2.30	4.60
Toluene	3.85	7.70
Total Phenols	8.50	17.00
Total Phthalates	3.00	6.00
Trichloroethylene	1.70	3.40
Zinc	10.00	20.00
Threshold Limitations on Wastewater Strength Exceedances may be subject to surcharge**		
Ammonia as N (NH <sub>3</sub> -N)	30	60
BOD <sub>5</sub>	350	400

Pollutant	Daily Average* Maximum Concentration (mg/L)	Instantaneous Maximum Concentration (mg/L)
TSS	200	400
Total Kjeldahl Nitrogen (TKN)	45	90
Oil and Grease	200	200
*Based on 24-hour flow proportional composite samples except for parameters that should be grab sampled.		
<p>**Threshold Limitations on Wastewater Strength are not deemed a violation, but are open for review if the exceedance causes the POTW to violate its NPDES Permit. The Control Authority reserves the right to place limits on an Industrial User as stated at Section 14 .1.</p> <p>Analyses for all pollutants listed in TABLE A1 shall be conducted in accordance with the requirements of 40 CFR Part 136 or equivalent methods approved by the United States Environmental Protection Agency. The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless otherwise indicated.</p>		

Table A2: Criteria to Protect the POTW Treatment Plant Influent (2015)

Parameter	Maximum Concentration in 24 Hour Flow Proportional Composite Sample (mg/l)	Maximum Instantaneous Concentration Grab Sample (mg/L)
Arsenic	0.0133	0.0266
Benzene	0.015	0.030
Cadmium	0.015	0.030
Carbon Tetrachloride	0.02	0.04
Chloroform	0.2576	0.5152
Chromium III	Report	Report
Chromium VI	Report	Report
Copper	0.5714	1.1428
Cyanide	0.0664	0.1328
Ethylbenzene	0.02857	0.05714
Lead	0.115	0.230
Mercury	0.001	0.002
Methylene Chloride	0.13	0.26
Naphthalene	0.0045	0.009
Nickel	0.310	0.620
Phenols, Total	0.50	1.00
Phthalates, Total	0.169	0.338

Parameter	Maximum Concentration in 24 Hour Flow Proportional Composite Sample (mg/l)	Maximum Instantaneous Concentration Grab Sample (mg/L)
Selenium	0.564	1.128
Silver	0.02	0.04
Tetrachloroethylene	0.125	0.250
Toluene	0.214	0.428
Trichloroethylene	0.09	0.18
Zinc	0.952	1.904
1,1,1-Trichloroethane	0.20	0.40
1,2 Transdichloroethylene	0.004	0.008

The above limits apply at the point where the wastewater enters the POTW treatment plant. All concentrations for metallic substances are for total metal unless otherwise indicated. (as replaced by ord. No. 350, and amended by Ord. #2015-959, April 2015)

8-309. State requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter. (as replaced by ord. No. 350)

8-310. City's right of revision. The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in section 8-302 of this chapter. (as replaced by ord. No. 350)

8-311. Excessive discharge. 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 the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the city or state. (Comment: Dilution may be an acceptable means of complying with some of the prohibitions set forth in section 8-305 e.g. the pH prohibition.) (as replaced by ord. No. 350)

8-312. Accidental discharges. Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Shelbyville Sewerage System for review, and shall be approved by the Shelbyville Sewerage System before construction of the facility. No user who commences contribution to the POTW after the

effective date of this chapter be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Shelbyville Sewerage System. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the General Manager of the Shelbyville Sewerage System of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

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

Notice to employees. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (as added by ord. No. 350)

8-313. Purpose of fees. It is the purpose of this chapter to provide for the recovery of costs from Users of the Shelbyville Sewerage System's wastewater disposal system for implementation of the program established herein. The applicable discharges or fees shall be set forth in the Shelbyville Sewerage System's schedule of charges and fees. (as added by ord. No. 350)

8-314. Charges and fees. The Shelbyville Sewerage System may adopt charges and fees which may include:

- (1) fees for reimbursement of costs of setting up and operating the Shelbyville Sewerage System's Pretreatment Program;
- (2) fees for monitoring, inspection and surveillance procedures;
- (3) fees for reviewing accidental discharge procedures and construction;
- (4) fees for permit applications;
- (5) fees for filing appeals;
- (6) fees for consistent removal (by the Shelbyville Sewerage System) of pollutants otherwise subject to Federal Pretreatment Standards;
- (7) other fees as the Shelbyville Sewerage System may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the Shelbyville Sewerage System. (as added by ord. No. 350)

8-315. Wastewater discharges. It shall be unlawful to discharge without a permit issued by the Shelbyville Sewerage System to any natural outlet within the City of Shelbyville, or in any area under the jurisdiction of said Shelbyville Sewerage System, and/or to the POTW any wastewater except as authorized by the general manager in accordance with the provisions of this chapter. (as added by ord. No. 350)

8-316. Wastewater contribution permits. (1) General permits. All significant users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a Wastewater Contribution Permit within 180 days after the effective date of this chapter.

(2) Permit application. Users required to obtain a wastewater contribution permit shall complete and file with the Shelbyville Sewerage System, an application in the form prescribed by the Shelbyville Sewerage System. Existing users shall apply for a wastewater contribution permit within 30 days after the effective date of this chapter, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and location, (if different from the address);
- (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
- (c) Wastewater constituents and characteristics including but not limited to those mentioned in this chapter as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
- (d) Time and duration of contribution;
- (e) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- (g) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- (h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state, or federal pretreatment standards, and a statement regarding whether or not the



pretreatment standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable Pretreatment Standards;

(i) If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard:

The following conditions shall apply to this schedule:

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

(2) No increment referred to in paragraph (1) shall exceed 9 months.

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

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

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

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

(m) Any other information as may be deemed by the Shelbyville Sewerage System to be necessary to evaluate the permit application.

The Shelbyville Sewerage System will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the Shelbyville Sewerage System may issue a wastewater contribution permit subject to terms and conditions provided herein.

(3) Permit modifications. Within 9 months of the promulgation of a national categorical pretreatment standard, the wastewater contribution permit of the users subject to such standards shall be revised to require compliance

with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical standard, has not previously submitted an application for a wastewater contribution permit as required by 8-316(2) the user shall apply for a wastewater contribution permit within 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater contribution permit shall submit to the general manager within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by paragraph (h) and (i) of section 8-316(2).

(4) Permit conditions. Wastewater discharge shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the Shelbyville Sewerage System. Permits may contain the following:

- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- (b) Limits on the average and maximum wastewater constituent and characteristics;
- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- (d) Requirements for installation and maintenance of inspection and sampling facilities;
- (e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (f) Compliance schedules;
- (g) Requirements for submission of technical reports or discharge reports (see 8-317);
- (h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Shelbyville Sewerage System, and affording Shelbyville Sewerage System access thereto;
- (i) Requirements for notification the Shelbyville Sewerage System or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- (j) Requirements for notification of slug discharges as per 8-323;
- (k) Other conditions as deemed appropriate by the Shelbyville Sewerage System to ensure compliance with this chapter.

(5) Permits duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Shelbyville Sewerage System during the term of the permit

as limitations or requirements as identified herein are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least 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.

(6) Permit transfer. Wastewater Discharge Permits are issued to a specific User for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the Shelbyville Sewerage System. Any succeeding owner or User shall also comply with the terms and conditions of the existing permit. (as added by ord. No. 350)

8-317. Reporting requirements for permittee. (1) Compliance date report. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the general manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis to and, if not, what additional O&M Pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

(2) Periodic compliance reports. (a) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the general manager during the months of June and December, unless required more frequently in the pretreatment standard or by the general manager, report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in this section. At the discretion of the general manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the general manager may agree to alter the months during which the above reports are to be submitted.

(b) The general manager may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases, where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (a) of this paragraph shall indicate the mass of pollutants regulated by

pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the general manager, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator. (as added by ord. No. 350)

8-318. Monitoring facilities. The Shelbyville Sewerage System to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the Shelbyville Sewerage System may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

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

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Shelbyville Sewerage System's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Shelbyville Sewerage System. (as added by ord. No. 350)

8-319. Inspection and sampling. The Shelbyville Sewerage System shall inspect the facilities of any User to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Shelbyville Sewerage System or its representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The Shelbyville Sewerage System, approval authority and EPA shall have the right to set up on the User's property such as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary

arrangements with their security guards so that upon presentation of suitable identification, personnel from the Shelbyville Sewerage System, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. (as added by ord. No. 350)

8-320. Pretreatment. Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to Shelbyville Sewerage System shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Shelbyville Sewerage System for review, and shall be acceptable to the Shelbyville Sewerage System before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Shelbyville Sewerage System under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Shelbyville Sewerage System prior to user's initiation of the changes.

The Shelbyville Sewerage System shall annually publish in the local newspaper a list of the users which are not in compliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

All records relating the compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request. (as added by ord. No. 350)

8-321. Confidential information. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Shelbyville Sewerage System that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System, (NPDES) Permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in

judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Shelbyville Sewerage System as confidential, shall not be transmitted to any governmental agency or to the general public by the Shelbyville Sewerage System until and unless a ten-day notification is given to the User. (as added by ord. No. 350)

8-322. Harmful contributions. The Shelbyville Sewerage System may suspend the wastewater treatment service and/or a wastewater contribution permit when such is necessary, in the opinion of the Shelbyville Sewerage System, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes Interference to the POTW or causes the Shelbyville Sewerage System to violate any condition of its NPDES Permit.

Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Shelbyville Sewerage System shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals, the Shelbyville Sewerage System shall reinstate the wastewater contribution permit and/or the wastewater treatment upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Shelbyville Sewerage System within 15 days of the date of occurrence. (as added by ord. No. 350)

8-323. Revocation of permit. Any user who violates the following conditions of this chapter, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of this chapter.

- (1) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
- (2) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics.
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- (4) Violation of conditions of the permit. (as added by ord. No. 350)

8-324. Notification of violation. Whenever the Shelbyville Sewerage System finds that any User has violated or is violating this chapter, wastewater contribution permit, or any prohibition, limitation of requirements contained herein, the Shelbyville Sewerage System may cause to be served upon such

person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user. (as added by ord. No. 350)

8-325. Show cause hearing. The Shelbyville Sewerage System may order any User who causes or allows an unauthorized discharge to enter the POTW to show cause before the Shelbyville Electric Power, Water and Sewerage Board why the proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the Shelbyville Electric Power, Water and Sewerage Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the Shelbyville Electric Power, Water and Sewerage Board why the proposed enforcement action should be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

The Shelbyville Electric Power, Water and Sewerage Board may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the Shelbyville Sewerage System to:

(1) Issue in the name of the Shelbyville Electric Power, Water and Sewerage Board notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(2) Take the evidence;

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Shelbyville Electric Power, Water and Sewerage Board for action thereon.

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

After the Shelbyville Electric Power, Water and Sewerage Board has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or, existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued. (as added by ord. No. 350)

8-326. Legal action. If any person discharges sewage, industrial wastes or other wastes into the Shelbyville Sewerage System's wastewater disposal system contrary to the provisions of this chapter. Federal or state pretreatment requirements, or any order of the Shelbyville Electric Power, Water and

Sewerage Board, the attorney for the Shelbyville Sewerage System may commence an action for appropriate legal and/or equitable relief in, the chancery court or this county. (as added by ord. No. 350)

8-327. Civil penalties. Any User who is found to have violated an order of the Shelbyville Electric Power, Water and Sewerage Board or who willfully or negligently failed to comply with any provisions of this chapter, and the orders, rules, regulations and permits issued hereunder, shall be fined not less than one thousand dollars (\$1,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Shelbyville Sewerage System may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder. (as added by ord. No. 350 and amended by ord. No. 429)

8-328. Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished by a fine of not more than \$50. (as added by ord No. 350)

8-329. Use of public sewers required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.

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

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

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city, and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter. Such connection shall be made at the place and in the manner as directed by the general manager. It shall be the duty of



the general manager to notify the property owner in writing by mail directed to his last known address that he is required to comply with this section. If the property owner has not complied within 30 days from the mailing of the notice, the general manager shall in like manner send him a final notice, together with a copy thereof to the occupant of the property if different from the owner, which notice shall advise the provisions of this section. If within 30 days from the mailing of the final notice the owner has not complied, it shall be the duty of the general manager and he is hereby directed and required to discontinue water service to said property. Provided, however, that in hardship cases and upon good cause shown, the general manager is authorized to defer discontinuing of the water service to said property for successive periods of 30 days from the expiration of the final notice, not to exceed in all six months. In addition it shall be unlawful for any such owner to fail to comply with this section within the time allotted him by notice as aforesaid. (as added by ord. No. 350)

8-330. Private sewerage disposal. (1) Where a public sanitary or combined sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.

(2) Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the general manager. The application for such permit shall be made on a form furnished by the board, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the general manager. A permit and inspection fee of ten (\$10.00) dollars shall be paid to the board at the time the application is filed.

(3) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the general manager. He or his representative shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the general manager when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 12 (twelve) hours of the receipt of notice by the general manager.

(4) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Tennessee. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 10,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(5) At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this chapter, and any facilities shall be abandoned and filled with suitable material.

(6) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the City of Shelbyville or to the board.

(7) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the health officer of Bedford County.

(8) When a public sewer becomes available, the building and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (as added by ord. No. 350)

8-331. Building sewers and connections. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the general manager.

(2) There shall be two classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the board. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the general manager. A permit and inspection fee of ten dollars (\$10.00) shall be paid to the board at the time the application is filed.

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

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

(5) Old building sewers may be used in connection with new buildings only when they are determined, after examination and testing by the general manager, to meet all requirements of this chapter.

(6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing 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 ASTM and WPCF Manual of Practice No. 9 shall apply.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any

building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

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

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

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

(11) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the board. (as added by ord. No. 350)

8-332. Severability. If any provision, paragraph, word, or section of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections, shall not be affected and shall continue in full force and effect. (as added by ord. No. 350)

8-333. Conflict. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of such inconsistency or conflict. (as added by ord. No. 350)

## CHAPTER 4

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

#### SECTION

- 8-401. Definitions.
- 8-402. Water system operation.
- 8-403. Responsibility for water system.
- 8-404. Applicability.
- 8-405. Back flow prevention and cross connections.
- 8-406. Inspection, testing and repair of customer's system.
- 8-407. Corrections of violations.
- 8-408. Statement of non-existence of unapproved connections.
- 8-409. Determination of need for back flow prevention
- 8-410. Approved back flow prevention devices.
- 8-411. Installation requirements.
- 8-412. Inspection and testing devices.
- 8-413. Safety standards -- duplicate equipment in parallel required.
- 8-414. Existing protection devices.
- 8-415. Inspection and testing fees.
- 8-416. Relief valves.
- 8-417. Thermal expansion control.
- 8-418. Non-potable supplies.
- 8-419. Conflicting provisions.
- 8-420. Penalties.

8-401. Definitions. The following definitions and terms shall apply in interpretation and enforcement of this chapter:

(1) "Air gap." A physical separation between the free flowing discharge end of a potable water supply line and an open or non-pressurized receiving vessel. An "approved air gap" shall be a distance at least double the diameter of the supply pipe when measured vertically above the overflow rim of the vessel but in no case less than one (1) inch.

(2) "Approved device or method." A backflow prevention device or method accepted by the Tennessee Department of Environment and Conservation, Water Supply and Shelbyville Power Water & Sewerage System.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from any sources other than from the public water system.

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<sup>1</sup>See title 4 for the plumbing code and title 13 for provisions providing for the administration of the water and sewer systems.

(4) "Auxiliary water supply." Any water supply on or available to the premises other than water supplied by the public water system.

(5) "Back flow." The reversal of the intended direction of flow of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of potable water system from any source.

(6) "Back pressure." A pressure in downstream piping, higher than the supply pressure.

(7) "Back siphonage." Negative or sub-atmospheric pressure in the supply piping.

(8) "Back flow prevention assembly." A device designed to prevent back flow.

(9) "Bypass." Any system of piping or other arrangement whereby water may be diverted around a back flow prevention assembly, meter or any other city controlled device.

(10) "Contamination." The introduction or admission of any foreign substance that degrades the quality of a potable water supply or creates a health hazard.

(11) "Cross-connection." Any physical arrangement whereby public water supply is connected, directly or indirectly, either inside or outside of a building, with any other water supply whether public or private, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other device which contains or may contain contaminated water, sewage or other waste, liquid, gas or solid, of unknown or unsafe quality which may be capable of contaminating the public water supply as a result of back flow caused by the manipulation of valves, because of ineffective check valves or back pressure valves, or because of any other arrangement.

(12) "Cross-connection coordinator." That person who is vested with the authority and responsibility for the implementation of the cross-connection control program and for the enforcement of the provisions of this chapter.

(13) "Customer." Any natural or artificial person, business, industry or governmental entity that obtains water, by purchase or without charge, from the Shelbyville Water System.

(14) "Double check detector assembly." A specially designed assembly composed of a linesize approved double check valve assembly, with a bypass containing a water meter and approved double check valve assembly specifically designed for such application. The meter shall register accurately for very low rates of flow up to 3 gallons per minute and shall show a registration for all rates of flow. This assembly shall only be used to protect against non-health hazards and is designed primarily for use on fire sprinkler systems.

(15) "Double check valve assembly." An assembly of two internally loaded check valves, either spring loaded or internally weighted, installed as a unit between two tightly closing resilient seated shutoff valves and fitted with properly located resilient seated test cocks. This type of device shall only be used to protect against non-health hazard pollutants.

(16) "Fire system classification protection." The classes of fire protection systems, as designated by the American Water Works Association "Manual M14" for cross-connection control purposes based on water supply source and the arrangement of supplies, are as follows:

(a) Class 1: Direct connection to the public water main only; no pumps, tanks or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to the atmosphere, dry well or other safe outlets.

(b) Class 2: Same as Class 1 except booster pumps may be installed in connection from the street mains.

(c) Class 3: Direct connection to public water supply mains in addition to any one or more of the following: elevated storage tanks; fire pumps taking suction from above ground covered reservoirs or tanks; and pressure tanks.

(d) Class 4: Directly supplied from public water supply mains, similar to Class 1 and Class 2, with an auxiliary water supply dedicated to fire department use and available to the premises, such as an auxiliary supply located within 1700 feet of the pumper connection.

(e) Class 5: Directly supplied from public water supply mains and interconnection with auxiliary supplies such as pumps taking suction from reservoirs exposed to contamination, or from rivers, ponds, wells or industrial water systems; where antifreeze or other additives are used.

(f) Class 6: Combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

(17) "General manager." General Manager of Shelbyville Power, Water & Sewerage System.

(18) "Hazard, degree of." A term derived from evaluation of the potential risk to public health and the adverse effect of the hazard upon the public water system.

(19) "Hazard, health." A cross connection or potential cross connection involving any substance that could, if introduced in the public water supply, cause death, illness, spread disease.

(20) "Hazard, plumbing." A cross-connection in a customer's potable water system plumbing that is not properly protected by an approved air gap or back flow prevention assembly.

(21) "Hazard, non-health." A cross-connection or potential cross connection involving any substance that would not be a health hazard but would constitute a nuisance or be aesthetically objectionable if introduced into the public water supply.

(22) "Industrial fluid." Any fluid or solution that may be chemically, biologically or otherwise contaminated or polluted in a form or concentration that could constitute a health, system, pollution or plumbing hazard if introduced into the public water supply. This shall include, but is not limited

to: polluted or contaminated water; all type of process water or used water originating from the public water system and that may have deteriorated in sanitary quality; chemicals; plating acids and alkalis; circulating cooling water connected to an open cooling tower; cooling towers that are chemically or biologically treated or stabilized with toxic substance; contaminated natural water systems; oil, gases, glycerin, paraffin, caustic and acid solutions, and other liquids or gases used in industrial processes, or for fire purposes.

(23) "Inter-connection." Any system of piping or other arrangement whereby a public water supply is connected directly with a sewer, drain, conduit, or other device which does, or may, carry sewage or other liquid or waste which would be capable of imparting contamination to the public water supply.

(24) "Pollution." The presence of a foreign substance in water that degrades its quality so as to constitute a health or non-health hazard or impair the usefulness of water.

(25) "Potable water." Water that is safe from human consumption as prescribed by the Tennessee Department of Environment and Conservation.

(26) "Public water supply." Shall mean the Shelbyville Water System, which furnishes potable water to the City of Shelbyville for general use and which is recognized as the public water supply by the Tennessee Department of Environment and Conservation, Water Supply.

(27) "Pressure vacuum breaker." An assembly consisting of one or two independently operating spring loaded check valve(s) and an independently operating spring loaded air inlet valve located on the discharge side of the check valve(s), with tightly closing shut-off valve(s) on each side of the check valves and properly located test cocks for testing the check valves.

(28) "Public water system." A water system furnishing water to the public for general use which is recognized as a public water supply by the state.

(29) "Reduced pressure principle assembly." An assembly consisting of two independently acting approved check valves together with hydraulically operating, mechanically independent, pressure differential relief valve located between the check valves and below the first check valve. These units shall be located between two tightly closing resilient seated shutoff valves as an assembly and equipped with properly located resilient seated test cocks.

(30) "Reduced pressure principle detector assembly." A specially designed assembly composed of a line-size approved reduced pressure principle back flow prevention assembly with a bypass containing a water meter and approved reduced pressure principle back flow prevention assembly specifically designed for such application. The meter shall register accurately for very low rates of flow up to 3 gallons per minute and shall show registration for all rates of flow. This assembly shall only be used to protect against non-health hazard or a health hazard.

(31) "Service connection." The point of delivery to the customer's water system; the terminal end of a service connection from the public water system where the water department loses jurisdiction and control over the water.

"Service connection" shall include connections to fire hydrants and all other temporary or emergency water service connections made to the public water system.

(32) "State." The State of Tennessee, or Tennessee Department of Environment and Conservation, Bureau of Environment, Division of Water Supply.

(33) "Water system." The water system operated by the City of Shelbyville, whether located inside or outside the corporate limits thereof, shall be considered as made up of two (2) parts, the utility system and the customers system.

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

(b) The customer system shall include those parts of the facilities beyond the termination of the water department distribution system that are utilized in conveying water to point of use. (1979 Code, § 8-401, as replaced by Ord. #705, Jan. 2003)

8-402. Water system operation. (1) The Shelbyville water system shall be operated at all times in compliance with Tennessee Code Annotated, § 68-221-101, et seq., and Regulations for Public Systems and Drinking Water Quality, Tennessee Department of Environment and Conservation, as amended from time to time.

(2) Prior to executing any work order for a new customer, or for any change in service to an existing customer, notification shall be given to the office of cross-connection control. Said inspectors, from the cross-connection office, shall make an immediate determination in writing to the customer, of the type of back flow prevention device(s) the customer needs to have installed. Water service shall not be established or maintained until all necessary back flow devices are installed. (1979 Code, § 8-402, as replaced by Ord. #705, Jan. 2003)

8-403. Responsibility for water system. (1) Notwithstanding any provisions of a plumbing code adopted by the City of Shelbyville, the general manager shall be responsible for protecting the system from contamination or pollution due to back flow through service connections and is hereby granted authority for implementation and enforcement of this chapter. Such authority shall extend beyond the service connection to whatever extent is necessary to meet the requirements of this chapter.

(2) The authority to terminate water service for violation of any provision of this chapter shall rest solely with the General Manager of Shelbyville Power, Water & Sewerage System. In the absence or incapability



of the general manager, the systems office manager or his/her designee shall have authority to take action to protect the public health and safety.

(3) This section shall not be construed to prevent other officers or employees of the city from terminating water service for failure to pay for water service, or for violating any other provision of the city code. (1979 Code, § 8-403, as replaced by Ord. #705, Jan. 2003)

8-404. Applicability. The requirements contained herein shall apply to all customers of the Shelbyville Power, Water & Sewerage System, whether located inside or outside the corporate limits of the city, and are hereby made a part of the conditions required to be met, before water service is provided to any customer. This chapter shall be strictly enforced since it is essential for the protection of the public water supply against contamination. (1979 Code, § 8-404, as replaced by Ord. #705, Jan. 2003)

8-405. Back flow prevention and cross connections. (1) It shall be unlawful for any person to cause a cross connection, auxiliary intake, bypass or inter-connection to be made, or allow one to exist for any purpose unless the construction and operation of same has been approved by the general manager and the State of Tennessee, and the operation of such cross-connection, auxiliary intake, bypass or inter-connection is at all times under the direction of the general manager.

(2) It shall be unlawful to install or allow any unprotected takeoffs from the water service line ahead of any meter or back flow prevention device located directly after the service connection, to a customer's water system.

(3) Service of water to any premises shall be discontinued if an approved back flow prevention assembly required by this chapter is not installed, tested and maintained, or, if it is found that a back flow prevention assembly has been removed, bypassed, altered or not kept in proper working condition, or, if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected. Disconnection of water service may be in addition to any other civil or criminal penalties imposed by law or this chapter.

(4) If, in the judgment of the general manager or his/her designated representative, a back flow prevention assembly is required at a customer's service connection, or within the customer's water system, for the safety of the public water supply, the general manager or his/her designated representative shall give notice in writing to said customer to install a back flow prevention assembly at specific location(s) on his premises.

(5) For existing installations, the cross-connection coordinator may cause water service to be discontinued until such time as the customer complies with all requirements of state law and this chapter.

(6) For new commercial or industrial construction or renovation of a commercial or industrial property, the cross-connection coordinator or inspector

shall inspect the site and review plans in order to determine the type(s) of back flow prevention device, and notify the owner(s) in writing of the type of required device(s). Such device(s) shall be tested immediately upon connection to the public water system.

(7) The customer shall immediately install approved assembly(s) at his/her own expense. Failure, refusal or inability on the part of the customer to install, and maintain such an assembly shall be cause for discontinuance of, or refusal of, water service to the premises until such requirements are satisfactorily met.

(8) For all existing customers, the cross-connection coordinator or inspector from the cross-connection office shall perform evaluations and inspections and shall require correction of violations in accordance with this chapter.

(9) No installation, alteration or change(s) shall be made to any back flow prevention device connected to the public water supply without first securing permission from the cross-connection coordinator. (1979 Code, § 8-405, as replaced by Ord. #705, Jan. 2003)

8-406. Inspection, testing and repair of customer's system. (1) The general manager or his/her designated representative shall have the right to enter at any reasonable time any property served by the public water system for the purpose of inspecting the piping system therein for cross-connections, auxiliary intakes, bypasses or inter-connections, or for the testing of back flow prevention device(s). Upon request, the owner, lessee or occupant of any property so served shall furnish any pertinent information regarding the piping system on such property. Refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections.

(2) When cross connections, other structural or sanitary hazards, or any violation of this chapter becomes known, the general manager or his/her designated representative, shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with this chapter.

(3) It shall be the duty of the cross-connection coordinator that at any premises where back flow prevention assemblies are installed on internal pipelines carrying potable water, waste water, process water, or any other liquid, gas or undesirable substance, to have certified inspections and operational tests made at least once per year. In those instances where the cross-connection coordinator deems the hazard to be great enough, inspections may be required at more frequent intervals.

(4) All inspections, tests and repairs shall be at the expense of the customer and shall be performed by a person certified by the State of Tennessee and has the authority from the water purveyor. It shall be the duty of the general manager or his/her designated representative to see that these tests, or repairs are made in a timely manner. Assemblies found to be defective shall be

repaired, overhauled or replaced at the expense of the customer. Copies of all records of tests, repairs and overhaul shall be supplied to the cross-connection control office for retention.

(5) Failure to maintain a back flow prevention device in proper working order shall be grounds for discontinuance of water service. The removal, bypassing or altering of a protective device or the installation thereof so as to render a device ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the general manager or his/her designated representative. (1979 Code, § 8-406, as replaced by Ord. #705, Jan. 2003)

8-407. Corrections of violations. (1) Any customer having cross connections, auxiliary intakes, bypasses or interconnection(s) in violation of this chapter shall, after a thorough investigation of existing conditions and an appraisal of the time required, complete the work within the time designated by the cross-connection coordinator, but in no case shall the time for correction exceed ninety (90) days.

(2) Failure to comply with any order of the general manager or his/her designated representative within the time set out therein shall result in the termination of water service.

(3) Where cross connections, auxiliary intakes, bypasses or inter-connections are found to constitute an extreme hazard of immediate concern of contaminating the public water system, the general manager or his/her designated representative shall require immediate corrective action be taken to eliminate the threat. Expeditious steps shall be taken to disconnect the public water system from the customer's piping system unless the extreme hazard is corrected immediately.

(4) Upon written request by the customer, the general manager shall provide a hearing regarding any order of termination or refusal of water service; provided however, that when an order is issued pursuant to sub-section (3) of this section, such hearing may be held after such termination or refusal, but not later than five (5) working days after receipt of the request. Any customer aggrieved by such an order may appear in person, or by legal counsel, and show cause why an order to terminate water service, or to refuse water service, should be rescinded.

(5) Failure to correct conditions threatening the safety of the public water system as prohibited by this chapter or Tennessee Code Annotated, § 68-221-711 within the time limits set by the general manager or this chapter, shall be cause for denial or termination of water service. If proper protection is not provided after a reasonable time, the general manager or his/her designated representative shall give the customer written notification that water service is to be discontinued, and thereafter physically separate the public water system from the customer's system in such manner that the two systems cannot again

be connected by an unauthorized person. (1979 Code, § 8-407, as replaced by Ord. #705, Jan. 2003)

8-408. Statement of non-existence of unapproved connections. Any customer who has on the same premises a well or other auxiliary water supply, or who stores water in an uncovered or unsanitary storage reservoir from which the water is circulated through a piping system, shall file with the cross-connection coordinator a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypassed or inter-connections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass or inter-connection will be permitted upon the premises until the construction and operation of same has been approved by the state, and operation and maintenance of same has been placed under direct supervision of the General Manager of Shelbyville Power Water & Sewerage Systems. Such statement shall also include the location of all additional water sources utilized on premises and how they are used. Maximum backflow protection shall be required on all public water sources supplied to the premises. (1979 Code, § 8-408, as replaced by Ord. #705, Jan. 2003)

8-409. Determination of need for back flow prevention. An approved back flow prevention assembly shall be installed on each service line to a customer's premises at or near the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line, if it is impractical to provide effective air-gap separation, when any of the following conditions exist:

(1) Premises where industrial fluids or any other non-potable substances are handled in such a manner as to create actual or potential hazard to the public water system; or

(2) Premises having internal cross connections that cannot be permanently corrected and controlled, intricate plumbing and piping arrangements, or where entry to all portions of the premises is not readily accessible for inspection purposes making it impracticable or impossible to ascertain whether or not cross connections exist; or

(3) Premises having an auxiliary water supply, including but not limited to a well, cistern, spring or pond, rivers or creeks that is not, or may not be, of safe bacteriological or chemical quality and that is not acceptable as an additional source by the general manager or his/her designated representative; or

(4) The plumbing from a private well or other water supply enters the building served by the public water supply, or is connected, directly or indirectly, to the public water supply; or

(5) The owner or occupant of the premises cannot, or is not willing, to demonstrate that the water use and protective features of the plumbing are such as to pose no threat to the safety or portability of the water; or

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

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

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

(9) Any premises having service and fire flow connections, most commercial and educational buildings, construction sites, all industrial, institutional and medical facilities; lawn irrigation systems, public or private swimming pools, private fire hydrant connections used by any fire department in combating fires, photographic laboratories, standing ponds or other bodies of water, or auxiliary water supplies; or

(10) Any premises having fountains, water softeners or other point of use treatment systems, hot tubs or spas, or other type(s) of water using equipment; or

(11) Premises otherwise determined by the general manager or his/her designated representative to create an actual or potential hazard to the public water supply. (1979 Code, § 8-409, as replaced by Ord. #705, Jan. 2003)

8-410. Approved back flow prevention devices. All back flow prevention devices shall be fully approved by the foundation for cross connection control and hydraulic research, and listed as acceptable by the State of Tennessee as to manufacture, model, size and application. The method of installation of back flow prevention devices shall be approved by the cross-connection control office prior to installation and shall comply with installation criteria set forth by the State of Tennessee Cross-Connection Control Manual. Installation shall be at the sole expense of the owner or occupant of the premises.

The type of protective assembly required by this chapter shall depend upon the degree of hazard that exists as follows:

(1) A back flow prevention assembly shall be installed on each fire service line at or near the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line wherever any of the following conditions exist:

(a) Class 1 fire protection systems generally shall require a double check detector assembly; provided however, that a reduced pressure principle detector assembly shall be required where:

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

(ii) Premises have unusually complex piping systems; or

(iii) Pumpers connecting to the system have corrosion inhibitors or other chemicals added to the tanks of the fire trucks; or

(iv) The piping system(s) has corrosion inhibitors or other chemicals added to prevent freezing; or

(v) An auxiliary water supply exists within 1700 feet of any likely pumper connection.

(b) Class 2, Class 3, Class 4, Class 5 and Class 6 fire protection systems shall require an air gap, or, a reduced pressure principle detector assembly, as determined by the cross-connection coordinator.

(c) Where a fire sprinkler system is installed on the premises, a minimum of a double check detector assembly shall be required.

(d) Where a fire sprinkler system uses chemicals, such as liquid foam, to enhance fire suppression a reduced pressure principle detector assembly shall be required.

(e) The cross-connection coordinator may require internal or additional back flow prevention devices where it is deemed necessary to protect potable water supplies within the premises.

(2) In the case of any premises with an auxiliary water supply as set out in § 8-409(3), and not subject to any of the following rules, the public water system shall be protected by an air gap separation or a reduced pressure principle back flow prevention assembly.

(3) In the case of any premises where there is water or substances that would be objectionable but not hazardous to health if introduced in to the public water system, a double check valve assembly shall protect the public water system.

(4) In the case of any premises where there is any material dangerous to health that is handled in such a fashion as may create an actual or potential hazard to the public water system, the public water system shall be protected by an air gap separation or a reduced pressure principle back flow prevention assembly. Premises where such conditions may exist include but is not limited to: sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries and planting plants.

(5) In the case of any premises where there are uncontrolled cross connections, either actual or potential, the public water system shall be protected by an air gap separation or a reduced pressure principle back flow prevention assembly at the service connection.

(6) In the case of any premises where, because of security requirements or other prohibitions or restrictions it is impossible or impractical to make a complete cross connection survey, the public water system shall be protected against back flow from the premises by either an air gap separation or a reduced pressure principle back flow prevention assembly on each service line to the premises.

(7) In the case of any premises where toxic substances are present that could pose an undue health hazard, the general manager or his designated representative may require an air gap at the service connection to protect the public water system. In making this determination, the general manager or his

designated representative shall consider the degree of hazard. (1979 Code, § 8-410, as replaced by Ord. #705, Jan. 2003)

8-411. Installation requirements. Minimum acceptable criteria for installation of back flow prevention assemblies, or other devices requiring regular inspection and testing by this chapter, shall include the following:

(1) All back flow prevention devices shall be installed in a horizontal run of pipe. No vertical installation of back flow prevention devices shall be allowed unless such device is approved for such installation by the University of Southern California Foundation for Cross Connection Control and Hydraulic Research, and the Tennessee Department of Environment and Conservation, Division of Water Supply, approved list.

(2) Installation of back flow prevention devices shall be performed only by persons certified by the state and has the authority from the water purveyor. All backflow prevention devices installed on a fire protection system, the installers must have a states contractor's license. Evidence of current certification/license must be on file, with the cross-connection control office before any installation or testing of the device can be done.

(3) All devices shall be installed in accordance with the manufacturer's installation instructions and by the State of Tennessee installation guide; from the state manual on cross-connection, unless such instructions are in conflict with this chapter, in which case the chapter shall control, and shall possess all test cocks and fittings required for testing the device. All test cock will be fitted with caps and all fittings shall permit direct connection to test devices used by the department.

(4) The entire assembly including test cocks and valves shall be easily accessible for testing and repair, and shall meet all confined space requirements of OSHA/TOSHA.

(5) Reduced pressure back flow prevention devices shall be located so that the relief valve discharge port is a minimum of twelve (12") inches, plus the nominal diameter of the supply line, above the ground floor surface. Maximum height above the floor surface shall not exceed sixty (60") inches.

(6) Clearance of devices from wall surfaces or other obstructions shall be a minimum of six (6) inches; or, if a person must enter the enclosure for repair or testing, the minimum distance shall be twenty-four (24) inches.

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

(8) Devices shall be positioned where discharge from a relief port will not create undesirable conditions. An approved air-gap shall separate the relief port from any drainage system. Such air-gap shall not be altered without the specific approval of the department.

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

(10) All devices shall be adequately supported to prevent sagging.

(11) An approved strainer, fitted with a test cock, shall be installed immediately upstream of all back flow devices or shut-off valves except on fire lines, using only non-corrosive fittings (e.g., brass or bronze) in the device assembly.

(12) Gravity drainage is required on all installations. Below ground installations shall not be permitted.

(13) Fire hydrant drains shall not be connected to the sanitary sewer, and fire hydrants shall not be installed in such manner that back-siphonage or back flow through the drain may occur.

(14) Where jockey (low volume-high pressure) pumps are utilized to maintain elevated pressure, as in a fire protection system, the discharge of the pump shall be on the downstream side of any check valve or back flow prevention device. Where the supply for the jockey pump is taken from the upstream supply side of the check valve or back flow prevention device, a backflow prevention device of the same type(s) required on the main line shall be installed on the supply line.

(15) Fixed position, high volume fire pumps shall be equipped with a suction limiting control to modulate the pump if the residual line pressure reaches 20 psi. If line pressure drops below 20 psi the pump will shut off to protect the distribution system. This shut off system must be tested annually for proper operation and a report of the test must be sent to the office of cross-connection control. (as added by Ord. #705, Jan. 2003)

8-412. Inspection and testing of devices. Backflow prevention device(s) shall be tested at least annually by a person(s) possessing valid certification from the state for the testing of such devices. The cross-connection office shall maintain records of all tests and state certification.

Any company that has a state license from the state fire marshal office and a certificate from the State of Tennessee Department of Environment and Conservation, Division of Water Supply will test backflow devices that are installed on fire protection systems. Each company will have a copy of their license/certificate on file at the cross-connection office.

The general manager or his/her designated representative shall have the right to inspect and test any device(s) whenever he/she deems necessary. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises. (as added by Ord. #705, Jan. 2003)

8-413. Safety standards--duplicate equipment in parallel required. Where the use of water is critical to the continuation of normal operations or protection of life, property or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair a back flow prevention device. Until such time as a parallel unit has been installed where the continuance of service is critical, the general manager or his/her designated



representative shall notify the occupant of the premises, in writing, or plans to interrupt water service and arrange for a mutually acceptable time to test or repair the device. (as added by Ord. #705, Jan. 2003)

8-414. Existing protection devices. All presently installed back flow prevention assemblies which were previously acceptable by the state, that complies with the installation, testing and maintenance requirements of this article, and in the sole discretion of the general manager or his/her designated representative, adequately protect the public water system from back flow, and that were approved assemblies for the purpose described herein at the time of installation may be retained in service.

Location or space requirements shall not be cause for re-location or replacement unless such location or space limitations constitute a safety hazard, in the opinion of the general manager or his/her designated representative.

Any back flow prevention device that is presently installed in a vertical run of pipe shall be replaced, or re-installed, in an approved manner in a horizontal run of pipe.

Whenever an existing assembly is moved from the present location, or when the inspector finds that the condition of the assembly constitutes a health hazard, the unit shall be replaced by a back flow prevention assembly meeting the requirements of this chapter. (as added by Ord. #705, Jan. 2003)

8-415. Inspection and testing fees. (1) Fees for initial or annual tests of a back flow prevention device shall be established by the water board based on the recommendations of the general manager to reflect the cost of conducting such test.

(2) In the event that a back flow prevention device fails the initial or annual test, or there are deficiencies in the installation either from failure to conform to the installation criteria specified in this chapter, or from deterioration, then the general manager or his/her designated representative shall issue a written notice of failure or deficiency. There shall be no fee for re-inspection by the city provided the failure or deficiency is corrected within thirty (30) days of the written notice.

(3) Whenever a failure or deficiency mentioned in subsection (2) is not corrected within thirty (30) days of written notification, a fee of \$50.00 shall be charged for retesting.

(4) The fee shall be assessed each time a device is retested by the city subsequent to failure or deficiency after the initial thirty (30) days period set out in subsection (2). Where a second re-inspection or re-testing is required to correct violations or deficiencies, the fee shall be \$150.00. If a third or more re-inspection or re-testing is required, a re-inspection or re-testing fee of \$300.00 for each successive re-inspection or re-testing shall be charged to the customer in addition to other enforcement actions if all of the deficiencies have still not been corrected.

(5) The general manager may waive any fees and/or any cost that should be appropriately relieved. (as added by Ord. #705, Jan. 2003)

8-416. Relief valves. All storage water heaters operating above atmospheric pressure shall be provided with an approved, self-closing (levered) pressure relief and temperature valve or combination thereof, except for nonstorage instantaneous heaters. Such valves shall be installed in the shell of the water heater tank or may be installed in the hot water outlet, provided the thermo-bulb extends into the shell of the tank. Temperature relief valves shall be so located in the tank as to be actuated by the water in the top 1/8 of the tank served.

For installations with separate storage tank, said valve shall be installed on the tank and there shall not be any type of valve installed between the water and the storage tank. There shall not be a check valve or shut off valve between a relief valve and the heater or tank which it serves. The relief valve shall not be used as a means of controlling thermal expansion. (as added by Ord. #705, Jan. 2003)

8-417. Thermal expansion control. A device for the control of thermal expansion shall be installed on the customers water system where the thermal expansion of the water in the system will cause the water pressure to exceed the pressure setting of the pressure relief valve of the water heater. The thermal expansion device shall control the water pressure too less than the pressure setting of the pressure relief valve on the water heater. (as added by Ord. #705, Jan. 2003)

8-418. Non-potable supplies. (1) Any water outlet connected to auxiliary water sources, industrial fluid systems, or other piping containing non-potable liquids or gases, which could be used for potable or domestic purposes, shall be labeled in a conspicuous manner as:

#### WATER UNSAFE FOR DRINKING

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

(3) Color coding of piping in accordance with Occupational Safety and Health Act guidelines may be required in locations where, in the judgment of the inspector, such color coding is necessary to identify and protect the potable water supply. (as added by Ord. #705, Jan. 2003)

8-419. Conflicting provisions. If any provision of this chapter is found to conflict with any provision of any other ordinance or city code, then the provision of this chapter shall control. That, should any part, or parts of this chapter be

declared invalid for any reason, no other part, or parts, of this chapter shall be affected thereby. (as added by Ord. #705, Jan. 2003)

8-420. Penalties. Any person responsible for a violation of this chapter shall, upon conviction in the city court, may be subject to a civil penalty of not less than \$50.00 nor more than \$500.00. Each day a violation occurs shall constitute a separate offense. In addition to the foregoing fines and penalties, the General Manager of Shelbyville Power, Water & Sewerage System shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or inter-connection, and service shall not be restored until such cross-connection, auxiliary-intake, by-pass, or inter-connection has been discontinued. (as added by Ord. #705, Jan. 2003)

## CHAPTER 5

NUISANCES

## SECTION

8-501. Nuisances generally.

8-502. Repealed.

8-503. Smoke, soot, etc., creating a nuisance.

8-501. Nuisances generally. Whenever the city council shall, by any means, have knowledge or receive notice of the existence of any unhealthy, unsanitary, unsafe, dangerous, hazardous, obnoxious, or offensive condition, structure, or situation in connection with or in relation to any building, structure, fixture, land, lot, property, or other thing whatsoever owned, operated, controlled, or managed by any person in the city or within its police jurisdiction, the city council may, by proper resolution, declare the existence or continuance of such unhealthy, unsanitary, unsafe, hazardous, noisy, obnoxious, or offensive condition, structure, or situation, adversely affecting the public health, safety, welfare, or happiness, a nuisance, and give notice thereof to all such persons interested in such resolution. The city council may, by the same or other and different resolutions, direct the persons (whether one or more) owning, operating, controlling, or managing the building, structure, fixture, land, lot, property, or other thing in connection with which or in relation to which, such nuisance exists or is maintained, to remedy (within such reasonable time as may be prescribed in such resolution) the unhealthy, unsanitary, unsafe, dangerous, hazardous, noisy, obnoxious, or offensive condition, structure, or situation, so as fully to abate the nuisance so declared by resolution to be a nuisance. The "reasonable time" mentioned in this section shall be of such duration as will afford the person against whom such resolution may be directed, a reasonable opportunity to be heard with reference to the same, but the decision of the city council on such hearing shall not be reviewable, except when arbitrary and capricious.

Without limitation of the generality of this section, this section is specifically intended to apply:

(1) to any unhealthy, unsanitary, unsafe, dangerous, hazardous, noisy, obnoxious, or offensive condition or situation existing in or in connection with any such building, structure, fixture, lot, land, property, or other thing on, in, above, over, under, or near, any public street, road, alley, pavement, sidewalk, or other public place;

(2) to any awning or marquee similar to those usually or customarily placed above the pavement in front of store buildings and other public buildings; and

(3) to any condition or situation arising in connection with any manufacturing business or establishment.

The enumeration in this section of certain unhealthy, unsanitary, unsafe, dangerous, hazardous, noisy, obnoxious, or offensive conditions or situations, shall not be held or construed to exclude others within the meaning of the general terms of this section, nor in anywise to limit the full application of the general terms hereof.

It shall be unlawful and a misdemeanor for any person to fail to comply with any resolution directing the remedying of any unhealthy, unsanitary, unsafe, dangerous, hazardous, noisy, obnoxious, or offensive condition.

Upon the failure of any person to comply within the time specified with each and every resolution directing the remedying of any unhealthy, unsanitary, unsafe, dangerous, hazardous, noisy, obnoxious, or offensive condition or situation, the city council may itself abate such nuisance at the expense of such person without further notice, the sum so expended to be recovered by suit. (1979 code, § 8-601)

8-502. (Repealed.) This section was repealed in its entirety by ord. No. 403.

8-503. Smoke, soot, etc., creating a nuisance. The emission or escape into the open air within the City of Shelbyville of fly ash, dust, soot, cinders, acids, fumes, or gases caused by and directly resulting from the combustion of fuel or refuse in such manner or in such amounts as shall be detrimental to or shall endanger the health, comfort, safety, or welfare of the public, or shall cause injury to property or business, is hereby declared to be and shall constitute a public nuisance. It shall be unlawful for any person or persons, firm or corporation to cause, permit, or maintain any such public nuisance.

Any person or persons, firm or corporation violating any of the provisions of this section, and all persons participating in any such violation, whether as owners, lessees, agents, tenants, officers, or employees, or otherwise, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined under the general penalty clause for this code. (1979 code, § 8-603)

## CHAPTER 6

PRIVATE COLLECTORS OF SOLID WASTE

## SECTION

8-601. Application.

8-602. [Deleted.]

8-603. Issuance.

8-604. Effective period and fee.

8-605. Changes in fee.

8-606. Display of decals and vehicle identification.

8-601. Application. Any person desiring to secure a permit for the private collection of garbage, rubbish or industrial waste shall submit an application therefor to the director of Public Works. The application shall contain the following information:

(1) Private collector's name, home address, business address and telephone numbers.

(2) A description of the vehicle to be used by the private collector within the City of Shelbyville, including a full description thereof.

(3) The date upon which the applicant desires the permit to be issued.

(4) Proof of public liability insurance issued by a company authorized to do business in the State of Tennessee in the amount of \$100,000.00 for death or injury to any one person in one accident; \$300,000.00 for death or injury to more than one person in any one accident and \$50,000.00 property damage.

(5) Such other and further information as the director may require. (as added by ord. No. 446)

8-602. [Deleted.] This section was deleted by Ord. #521, March 1995.

8-603. Issuance. Upon verification of the information contained in the application and successfully passing the safety and sanitary inspection, the director shall issue a permit. (as added by ord. No. 446)

8-604. Effective period and fee. The private garbage collection permit shall be effective for the fiscal year beginning on July 1 until the next ensuing thirtieth day of June on and after which date it shall be null and void. The licensed private collector shall pay an annual fee of twenty-five dollars (\$25.00). The fee is per vehicle engaged in hauling of solid waste within the

City of Shelbyville payable annually in advance. If an applicant applies for a permit at a point in time after July 1 but before December 31, he must pay the full fee. Application made anytime after December 31 but prior to the issuance date for new permits may pay a fee of one half the established annual fee. Any permit holder who discontinues business or discontinues use of a permitted vehicle shall not be entitled to a refund. (as added by ord. No. 446)

8-605. Changes in fee. The annual fee may be increased or decreased by resolution of the council of the City of Shelbyville from time to time as deemed warranted by the council. Such change in fees will become effective at the beginning of the next fiscal year. (as added by ord. No. 446)

8-606. Display of decals and vehicle identification. (1) The issuance of a permit shall be evident by displaying a permit decal issued by the City of Shelbyville. Such decal shall be securely affixed to the lower left hand corner of the vehicle windshield.

(2) Each permitted vehicle shall have painted on the doors of each side in letters no smaller than three inches (3") the name of the company and the permit number. (as added by ord. No. 446)

## CHAPTER 7

SOLID WASTE TRANSFER STATION

## SECTION

8-701. Eligibility to use transfer station.

8-702. Fee.

8-703. Tipping fee.

8-704. No requirement to use transfer station.

8-705. Director of public works authorized to develop rules and regulations.

8-701. Eligibility to use transfer station. Any individual or firm engaged in the business of transporting solid waste, or any individual transporting waste he himself generated, or any employee or owners of a business enterprise transporting waste generated by the business activity, shall be eligible to dispose of his waste at the Shelbyville transfer station provided he pays the established tipping fee and abides by the rules and regulations adopted by the director of public works. (as added by ord. No. 447)

8-702. Fee. The fee for disposal of waste at the transfer station shall be \$8.50 per cubic yard. Cubic yards of waste shall be measured by the capacity of the vehicle. The customer shall pay the appropriate tipping fee based on the capacity of the vehicle regardless of the amount of waste in the vehicle. (as added by ord. No. 447)

8-703. Tipping fee. The amount of the tipping fee may be changed from time to time by resolution of the council of the City of Shelbyville. The fee may be changed at any time the council deems a change is necessary. (as added by ord. No. 447)

8-704. No requirement to use transfer station. Nothing in this chapter shall be interpreted as requiring waste haulers to use the transfer station. They may continue to directly transport waste to the landfill. (as added by ord. No. 447)

8-705. Director of public works authorized to develop rules and regulations. The director of public works is hereby authorized to develop such rules and regulations as may be advisable or necessary to ensure collection of tipping fees, the efficient operation of the transfer station and the safe and sanitary collection and transportation of solid waste within the City of Shelbyville. (as added by ord. No. 447)



## CHAPTER 8

### STORMWATER DRAINAGE<sup>1</sup>

#### SECTION

- 8-801. General drainage.
- 8-802. Regulations and technical guidelines.
- 8-803. Master drainage basin plans.
- 8-804. Inspection of private drainage systems.
- 8-805. Limitation on construction.
- 8-806. City engineer review of building permits.
- 8-807. Grading plans required.
- 8-808. Flood plain regulations.
- 8-809. Alterations of flood plain land and drainage channels.
- 8-810. Development within floodways.
- 8-811. Degree of flood protection.
- 8-812. Penalties and injunctive relief.

8-801. General drainage. (1) Storm water drainage shall be separate from the sanitary sewer system.

(2) Surface water drainage facilities, either by pipe or open ditch, shall be approved by the city manager.

(3) All work by the city shall be confined to a dedicated drainage easement, same to conform to the lines of such water course and of such width as will be adequate.

(4) All culverts or other structures to be constructed to provide said drainage shall be approved by the city manager, city engineer or authorized agent.

(5) Drainage as provided in subsection (2) shall be provided by city personnel. All drainage culverts or structures shall be at the expense of the property owner, size of same to be determined by the city manager. Work done in said areas shall be provided in accordance with 12-103.

(6) The minimum diameter for all storm drains shall be 15 inches. (1979 Code, § 12-502, as amended by Ord. #760, Dec. 2004)

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<sup>1</sup>Ord. No. 453 purports to add chapter 7 to title 8 of the Shelbyville Municipal Code. However Ord. No. 446 added a chapter 7 to title 8, and Ord. No. 447 was added by the compiler as chapter 8, to title 8. Therefore, Ord. No. 453 was added as this chapter, chapter 9, to title 8.

Ord. #2013-927, amends this chapter by referencing the adoption of the City of Shelbyville Stormwater Management Program under 2010 General Permit.

8-802. Regulations and technical guidelines. The city manager shall develop and implement written regulations and technical guidelines to

(1) Control storm drainage facilities, grading, excavation, clearance, and other alteration of the land in order to limit the dangers of personal injury or property damage that may be caused by stormwater runoff;

(2) Meet the requirements of any National Pollutant Discharge Elimination System General Permit to which the City of Shelbyville is subject, and

(3) Implement the provisions of title 11, chapter 4 of this code, the flood damage prevention ordinance, or any successor ordinance for flood damage prevention, to ensure eligibility for the City of Shelbyville under the National Flood Insurance Program. Upon adoption by motion of the city council, no person shall take any action that violates these regulations. (as added by Ord. #453, and replaced by Ord. #760, Dec. 2004)

8-803. Master drainage basin plans. The city manager shall have the authority to prepare, or require to have prepared, master plans for drainage basins and such details as may be needed to carry out said master plans. (as added by Ord. #453, and replaced by Ord. #760, Dec. 2004)

8-804. Inspection of private drainage systems. Private drainage systems shall be maintained in accordance with regulations adopted pursuant to this chapter. The director of public works shall have the authority to inspect private drainage systems within City of Shelbyville, and to order such corrective actions to said private drainage systems as are necessary to maintain properly the major and minor drainage systems within City of Shelbyville. (as added by Ord. #453, and replaced by Ord. #760, Dec. 2004)

8-805. Limitation on construction. No construction or property improvement, whether by private or public action, shall be performed in such a manner as to materially increase the degree of flooding in its vicinity or in other areas whether by flow restrictions, increased runoff or by diminishing retention capacity. (as added by Ord. #453, and replaced by Ord. #760, Dec. 2004)

8-806. City engineer review of building permits. All building permit applications, unless exempted by regulations issued pursuant to this ordinance, shall be referred to the city engineer by the department of codes administration to determine whether there is a need for plans for drainage, grading, or erosion control. The city engineer shall have authority to review all building permit applications which shall be referred to him. No building permit shall be issued until required drainage, grading, or erosion control plans have been approved by the city engineer. (as added by Ord. #453, and replaced by Ord. #760, Dec. 2004)

8-807. Grading plans required. Detailed grading and drainage plans, with supporting calculations prepared by a registered engineer, shall be submitted to the city engineer for review and approval prior to the initiation of work by persons responsible for the development of any property, subject to the provisions and exemptions provided for in the regulations issued pursuant to § 8-802. Where applicable, an erosion control plan prepared by a design professional or soil scientist shall be included in order to prevent sedimentation from reducing the flow carrying capacity of the downstream drainage system. For purposes of this section, the development of any property shall include the grading, excavation, clearance or other alteration of the landscape, whether or not a building application has been filed, and whether or not subdivision of the land or construction on the land is contemplated in the near future. (as added by Ord. #453, and replaced by Ord. #760, Dec. 2004)

8-808. Flood plain regulations. Uses permitted within the flood plain shall be in accordance with regulations issued pursuant to this chapter. The regulations and controls for flood plain developments shall be applied within the areas designated on the FEMA map or on special overlays thereto. However, nothing contained herein shall prohibit the application of the regulations to lands which can be demonstrated by competent engineering survey, using the adopted profiles from which the flood protection elevation is derived, to lie within any flood plain, and conversely, or require the application of the regulations to any lands which can be demonstrated by competent engineering to lie beyond the flood plain regulations. Any lands within the areas designated as flood plains on the zoning map or special overlays thereto shall be subject to the regulations and controls pertaining to flood plains as set forth in this chapter. (as added by Ord. #453, and replaced by Ord. #760, Dec. 2004)

8-809. Alterations of flood plain land and drainage channels. No alterations of flood plain land and drainage channels may be made without the written approval of the city engineer and in accordance with regulations issued pursuant to this chapter. (as added by Ord. #760, Dec. 2004)

8-810. Development within floodways. No development will be allowed within floodways that would impair their capability to carry and discharge a 100-year flood except where it can be shown by a registered professional engineer that the effect on flood heights is fully offset by stream improvements. (as added by Ord. #760, Dec. 2004)

8-811. Degree of flood protection. The degree of flood protection intended to be provided by this chapter and regulations issued pursuant thereto is considered reasonable for regulatory purposes, and is based on engineering and scientific methods of study. Larger floods may occur on occasions, or the flood height may be increased by man-made or natural causes, such as bridge

openings restricted by debris. This chapter does not imply that areas outside flood plain zoning district boundaries or land uses permitted within such district will always be totally free from flooding or flood damages. Nor shall this chapter create a liability on the part of or a cause of action against the City of Shelbyville or any officer or employee; thereof, for any flood damages that may result from implementation of this chapter. (as added by Ord. #760, Dec. 2004)

8-812. Penalties and injunctive relief. Any violations of this chapter or the regulations issued pursuant thereto shall be punishable by a fine for each and every violation. Any person who violates this chapter is subject to civil penalties under and pursuant to Tennessee Code Annotated, § 68-221-1106. Every day that said violation continues shall be a separate offense. In addition to all other remedies provided by law, the City of Shelbyville shall have the right to injunctive relief for any violation of this chapter or regulations issued pursuant thereto. (as added by Ord. #760, Dec. 2004, and replaced by Ord. #861, Oct. 2008)

## CHAPTER 9

SLUM CLEARANCE<sup>1</sup>

## SECTION

- 8-901. Findings of board.
- 8-902. Definitions.
- 8-903. "Public officer" designated; powers.
- 8-904. Initiation of proceedings; hearings.
- 8-905. Orders to owners of unfit structures.
- 8-906. When public officer may repair, etc.
- 8-907. When public officer may remove or demolish.
- 8-908. Lien for expenses; sale of salvage materials; other powers not limited.
- 8-909. Basis for a finding of unfitness.
- 8-910. Service of complaints or orders.
- 8-911. Enjoining enforcement of orders.
- 8-912. Additional powers of public officer.
- 8-913. Powers conferred are supplemental.

8-901. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the city council finds that there exists in the Town of Shelbyville structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of such municipality. (Ord. #536, Nov. 1995)

8-902. Definitions. (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(2) "Governing body" shall mean the board of mayor and aldermen charged with governing the city.

(3) "Municipality" shall mean the City of Shelbyville, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

(4) "Owner" shall mean the holder of title in fee simple and every mortgagee of record.

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 13, chapter 21.

(5) "Parties of interest" shall mean all individuals, associations, corporations and others who have interests of record in a dwelling and any who are in possession thereof.

(6) "Place of public accommodation" means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited.

(7) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the city or state relating to health, fire, building regulations, or other activities concerning structures in the city.

(8) "Public officer" shall mean the officer or officers who are authorized by this chapter to exercise the powers prescribed herein and pursuant to Tennessee Code Annotated, § 13-21-101, et seq.

(9) "Structures" shall mean any building or structure, or part thereof, used for human occupation and intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. (as added by Ord. #536, Nov. 1995)

8-903. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building inspector of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector. (as added by Ord. #536, Nov. 1995)

8-904. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or the public officer may designate that the hearing be held before the city judge) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer. (as added by Ord. #536, Nov. 1995)

8-905. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation or use, he

shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupation or use or to vacate and close the structure for human occupation or use; or

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent [50%] of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (as added by Ord. #536, Nov. 1995)

8-906. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (as added by Ord. #536, Nov. 1995)

8-907. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (as added by Ord. #536, Nov. 1995)

8-908. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer, as well as reasonable fees for registration, inspections and professional evaluations of the property shall be assessed against the owner of the property, and shall, upon the certification of the sum owed being presented to the municipal tax collector, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any

court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom said costs have been assessed and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the Chancery Court of Bedford County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the City of Shelbyville to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (as added by Ord. #536, Nov. 1995, and amended by Ord. #873, July 2009)

8-909. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Shelbyville, such conditions may include but are not limited to the following: defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanness. (as added by Ord. #536, Nov. 1995)

8-910. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Bedford County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (as added by Ord. #536, Nov. 1995)

8-911. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a suit in chancery court for an injunction restraining the public officer from carrying out



the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (as added by Ord. #536, Nov. 1995)

8-912. Additional powers of public officer. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

(1) To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;

(2) To administer oaths, affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (as added by Ord. #536, Nov. 1995)

8-913. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (as added by Ord. #536, Nov. 1995)

## CHAPTER 10

### SEWER USE ORDINANCE

#### SECTION

- 8-1001. General provisions.
- 8-1002. General sewer use requirements.
- 8-1003. Pretreatment of wastewater.
- 8-1004. Fees.
- 8-1005. Individual wastewater discharge permits and general permits.
- 8-1006. Individual wastewater discharge and general permit issuance.
- 8-1007. Reporting requirements.
- 8-1008. Compliance monitoring.
- 8-1009. Confidential information.
- 8-1010. Publication of users in significant noncompliance.
- 8-1011. Administrative enforcement remedies.
- 8-1012. Judicial enforcement remedies.
- 8-1013. Affirmative defenses to discharge violations.
- 8-1014. Miscellaneous provisions.

8-1001. General provisions. (1) Purpose and policy. This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Shelbyville, Tennessee, hereinafter referred to as "the city." The control authority is the Shelbyville Power, Water and Sewerage Board also referred to as "the board," and enables the city to comply with all applicable state laws and regulations and federal laws required by the Federal Water Pollution Control Act of 1972 and its subsequent amendment, and the general pretreatment regulations (40 CFR, part 403).

The objectives of this ordinance are:

- (a) To prevent the introduction of pollutants into the Publicly Owned Treatment Works (POTW) system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the POTW system in amounts which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) To protect both the POTW system personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (d) To improve the opportunity to recycle and reclaim wastewaters and sludge from the POTW system;
- (e) To provide fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW system; and

(f) To enable the Shelbyville Power, Water and Sewerage System to comply with its national pollutant discharge elimination system permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW system is subject.

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

This ordinance shall apply to the City of Shelbyville and to persons outside the city who are, by contract or agreement with the control authority, users of the POTW. Except as otherwise provided herein; the general manager of the POTW shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the general manager may be delegated by the general manager to a duly authorized representative of the city.

(2) Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the meaning hereinafter designated:

(a) "Act" or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC section 1251, et seq.

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

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

(i) If the user is a corporation:

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

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

requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

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

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

(d) "Biochemical Oxygen Demand (BOD<sub>5</sub>).\" The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at two hundred degrees (200°) centigrade expressed in terms of weight (lbs) and/or concentration (mg/l).

(e) "Best Management Practices (BMPs)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 8-1002(3)(a) and (b) [Tennessee Rule 1200-4-14-.05(1)(a) and (2)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e. management plans) of complying with, or in place of certain established categorical pretreatment standards and effluent limits.

(f) "Board." The Shelbyville Power Water and Sewerage Board.

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

(h) "Categorical pretreatment standard or categorical standard." 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.

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

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

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

(l) "City." City of Shelbyville.

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

(n) "Control authority." The term "control authority" shall refer to the general manager or a duly authorized representative of the Shelbyville Power, Water and Sewerage Board.

(o) "Conventional pollutants." Biochemical Oxygen Demand (BOD<sub>5</sub>), Total Suspended Solids (TSS), fecal coliform bacteria, oil and grease, and pH (40 CFR 401.16).

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

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

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

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

(t) "Environmental Protection Agency or EPA." The U.S. Environmental Protection Agency, or where appropriate, the regional water management division director, the regional administrator, or other duly authorized official of said agency.

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

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

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

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

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

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

(aa) "Industrial User (IU) or user." A source of non-domestic waste. Any non-domestic source discharging pollutants to the POTW.

(bb) "Individual wastewater discharge and general permit." As set forth in § 8-1005 of this chapter.

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

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

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

(ff) "Local limit." Specific discharge limits developed and enforced by the board 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).

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

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

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

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

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

(ll) "National prohibitive discharges." Prohibitions applicable to all non-domestic dischargers regarding the introduction of pollutants into POTWs set forth in 40 CFR 403.5.

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

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

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

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

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

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

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

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

(2) Significant site preparation work including clearing, excavation or removal of existing

buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or

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

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

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

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

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

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

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

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



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

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

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

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

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

(zz) "Prohibited discharge standards or prohibited discharges." Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 8-1002 of this chapter.

(aaa) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act (33 USC section 1292), which is owned by the Shelbyville Power, Water and Sewerage Board. This definition includes any devices or systems used in collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city, who are, by contract or agreement with the city, users of the POTW.

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

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

(ddd) "Sanitary sewer system utility easement." A right held by one (1) person or entity to make use of the land of another for a limited purpose including laying sewer lines and ingress/egress to monitor, operate, and maintain. For the Shelbyville Sewer System, maintenance may include washing the sewer main through access points (manholes), clearing of debris such as trees, shrubs, underbrush or any type of vegetation, repair of the main or complete replacement of the main.

Types of cover allowed over a sewer line include the following: grass, pavement, sidewalks. All other items must be approved by the control authority. Under no circumstances shall any structure be allowed to be built in the easement. The standard width of the Shelbyville Sewerage System Utility Easement is twenty (20) linear feet. The easement is centered on the sewer line and manholes. The control authority has obtained easements in two (2) different ways. The first being described as an implied easement where there is no written descriptive easement or record recorded. The second is a recorded easement on a form provided by the control authority or shown on a recorded plat or descriptive easement based on bearings and distances or based on construction drawings recorded with a deed.

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

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

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

(ii) Any other industrial user that:

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

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

(C) Is designated as such by the Shelbyville Power, Water, or Sewerage Board on the basis that it has a reasonable potential for adversely affecting the POTW's

operation or for violating any pretreatment standard or requirement (in accordance with Tennessee Code Annotated, § 1200-4-14-.08(6)(f).

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

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

(B) The industrial user annually submits the certification statement(s) required in § 8-1007(14) [Tennessee Rule 1200-4-14-.12(17)], together with any additional information necessary to support the certification statement; and

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

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

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

(i) Violations of wastewater discharge limits:

(A) Chronic violations;

(B) Technical Review Criteria (TRC) violations;

(C) Any other violation(s) of an industrial wastewater discharge permit or general permit effluent limit that the control authority believes has caused, alone or in combination with other discharges, interferences (e.g., slug loads) or pass through; or endangered the health of the POTW personnel or the public; or

(D) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

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

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

(iv) Failure to accurately report noncompliance.

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

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

(iii) "Slug load" or "slug discharge." Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in § 8-1002 of this chapter. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

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

(kkk) "State." State of Tennessee.

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

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

(nnn) "Technical Review Criteria (TRC) violation." Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken

for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by subsection (2) of this section, multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other parameters except pH).

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

(ppp) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of section 307(a) of the Act (40 CFR 403 Appendix B).

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

(rrr) "User or industrial user." Any person(s), who contributes, causes or permits the contribution of wastewater into the city's POTW, including the owner of any private property having a building sewer connected to the POTW sewer system.

(sss) "Wastewater." The liquid and water-carried industrial or domestic wastes from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, together with any groundwater, surface water and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

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

(3) Abbreviations. The following abbreviations shall have the designated meanings:

BOD <sub>5</sub>	Biochemical Oxygen Demand 5-day
BMP	Best Management Practice
BMR	Baseline Monitoring Report
CFR	<u>Code of Federal Regulations</u>
CIU	Categorical Industrial User

COD	Chemical Oxygen Demand
EPA	U.S. Environmental Protection Agency
FOG	Fats, Oil and Grease
gpd	Gallons per day
IU	Industrial User
l	Liter
lb	Pounds
mg	Milligrams
mg/l	Milligrams per liter
NAICS	North American Industry Classification System
NH <sub>3</sub> -N	Ammonia nitrogen
NPDES	National Pollutant Discharge Elimination System
NSCIU	Non-Significant Categorical Industrial User
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIU	Significant Industrial User
SNC	Significant Noncompliance
SWDA	Solid Waste Disposal Act, 42 USC 6901, <u>et. seq.</u>
TSS	Total Suspended Solids
USC	United States Code

(Ord. #528, Sept. 1995, as replaced by Ord. #706, Jan. 2003, Ord. #758, Dec. 2004, and Ord. #863, Nov. 2008, and amended by Ord. #891, Dec. 2010)

8-1002. General sewer use requirements. (1) Use of public sewers. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City of Shelbyville, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.

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

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

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

Where a POTW sanitary sewer is not available up to or even with the property line, the building sewer shall be connected to a private subsurface sewage disposal system complying with the provisions of this ordinance and the Tennessee Department of Environment and Conservation, and Amended Rules, Regulations to Govern Subsurface Sewage Disposal Systems.

The owner of any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation necessary to obtain a grade equivalent to one-eighth inch (1/8") per foot in the building sewer, but is otherwise accessible to a public sewer as provided in subsection (1) of this section shall provide a private sewage pumping station (grinder pump) to convey wastewater into the POTW sanitary sewer.

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

All cost and expense incidental to the installation and connection of the building sewer to the POTW sanitary sewer shall be borne by the user. The user shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

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

Old building sewers may be used in connection with new buildings only when they are found, on examination and testing by the general manager, meeting all requirements of this ordinance. All others must be sealed to the specifications of the general manager.

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

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

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

(iii) Six inch (6") building sewers shall be laid on a grade equal to or greater than one-eighth inch (1/8") per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') per second.

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

(v) Building sewers shall be constructed only of:

(A) Cast iron soil pipe or ductile iron pipe with compression joints; or

(B) Polyvinyl chloride pipe with rubber compression joints. Under no circumstances will cement mortar joints be acceptable.

(vi) Cleanouts shall be located on building sewers as follows: one (1) located no closer than eighteen inches (18") to the building and no more than five feet (5') outside the building, one (1) at the tap onto the POTW sanitary sewer if the main is on the user side of the street, if the main is on the opposite side of street the cleanout shall be placed on the right-of-way of the user's property and one (1) at each change of direction of the building sewer which is greater than forty-five degrees (45°). Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of six inch (6") nominal diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wye) and one-eighth (1/8) bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4") on a six inch (6") pipe.

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

(viii) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the POTW sanitary sewer is at a grade of one-eighth inch (1/8") per foot or more, if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the user. In all buildings in which any building drain is too low to permit gravity flow to the POTW sanitary sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the owner/user.



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

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

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

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

(c) Inspection of connections. (i) The connection to the POTW sanitary sewer and all building sewers from the building to the POTW sanitary sewer shall be inspected by the general manager before the underground portion is covered.

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

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

(i) Notify the user in writing of the nature of the problem(s) identified on the user's building sewer and the specific steps required to bring the building sewer within the requirements of this ordinance. All steps necessary to comply with this ordinance

must be complete within sixty (60) days from the date of the written notice and entirely at the expense of the user.

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

(3) Prohibited discharge standards. (a) General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not the user is subject to categorical pretreatments standards or any other national, state or local pretreatment standards or requirements.

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

(i) Any liquids, solids or gases which, by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At not time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the POTW system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter or have a closed-cup flashpoint of less than one hundred forty degrees (140°) F (sixty degrees (60°) C) using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides and any other substance which the city, the state, or EPA has notified the user is a fire hazard or a hazard to the system.

(ii) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not

limited to: grease garbage with particles greater than one-half inch (1/2") or one and twenty-seven hundredths (1.27) centimeters in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing waxes.

(iii) Any wastewater having a pH less than five (5) or wastewater having any other corrosive property (such as pH over ten (10)) capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

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

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

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

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

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

(ix) Any wastewater heat in amounts which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case heat in such quantities that the

temperature at the POTW exceeds forty degrees (40°) C (one hundred four degrees (104°) F).

(x) Any pollutants, including oxygen demanding pollutants, such as BOD<sub>5</sub>, NH<sub>3</sub>-N, and oil and grease, released at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference to the POTW. In no case shall a discharge to the POTW have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

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

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

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

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

(xv) Any trucked or hauled pollutants except at discharge points designated by the POTW in accordance with § 8-1003(4) of this chapter.

(xvi) Fats, oils, and grease, waste food, and sand. Refer to § 8-1002(4) for guidelines.

When the control authority determines that a user is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the control authority shall:

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

(b) Develop effluent limitation(s) for such user to correct the interference with the POTW.

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

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

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

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

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

(B) Existing food service facilities. On or after the effective date of this ordinance, existing food service facilities or food service facilities which will be expanded or renovated shall install a grease trap or grease interceptor when, in the opinion of the control authority, necessary for the control of FOG and food waste. Upon notification, the facility must be in compliance within ninety (90) days

(unless due case of hardship may be proven). The facility must service and maintain the equipment in order to prevent adverse impact upon the POTW. If in the opinion of the control authority the user continues to impact the POTW, additional pretreatment measures may be required.

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

(iii) Laundries. Where directed by the control authority commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the POTW of solids one-half inch (1/2") or larger in size such as strings, rags, buttons, or other solids detrimental to the POTW.

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

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

There shall be no charge for random inspections conducted by the control authority personnel on traps or interceptors. If a trap or interceptor has to be re-inspected because of deficiencies found during the previous inspection by the control authority personnel, and all of the

deficiencies have been corrected, there shall be no charge for the reinspection. If all of the deficiencies have not been corrected, a first re-inspection fee of fifty dollars (\$50.00) shall be charged to the facility. If a second re-inspection is required, a second reinspection fee of one hundred fifty dollars (\$150.00) shall be charged to the facility if all of the deficiencies have still not been corrected. If three (3) or more re-inspections are required, a re-inspection fee of three hundred dollars (\$300.00) for each successive re-inspection shall be charged to the facility in addition to other enforcement actions if all of the deficiencies have not been corrected.

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

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

(a) Where a categorical pretreatment standard is expressed in terms of either the mass or the concentration of a pollutant in wastewater, the control authority may impose equivalent concentration or mass limits in accordance with § 8-1002(5)(e) and (f) as allowed at 40 CFR 403.6(c).

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

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

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

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

(ii) Criteria. (A) Either:

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

(2) The industrial user demonstrates that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in absence of pollutants in the intake waters.

(B) Credit for generic pollutants such as Biochemical Oxygen Demand (BOD<sub>5</sub>), Total Suspended Solids (TSS), and oil and grease shall not be granted unless the industrial user demonstrates that the constituents of the generic measure in the user's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

(C) Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standard(s), up to a maximum value equal to the influent value. Additional monitoring (at the person's, applying for credit, expense) may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

(A) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration-based daily maximum and monthly average

standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;

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

(C) May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to subsection (10). The industrial user must also be in compliance with § 8-1013(3) regarding the prohibition of bypass.

(D) The control authority may convert the mass limits of the categorical pretreatment standards of 40 CFR parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users. The conversion is at the discretion of the control authority. When converting such limits, the control authority will use the concentrations listed in the applicable subparts of 40 CFR parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited in § 8-1002(10) of this chapter (see 40 CFR 403.6(d)). In addition, the control authority will document how the equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available (see 40 CFR 403.6(c)(7)).

(E) Once included in its permit, the industrial user must comply with the equivalent limitations developed in this § 8-1002(5) 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 for calculating monthly average, or four (4) day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

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

(6) Modification of national pretreatment standards. If the POTW system achieves consistent removal of pollutants limited by the national pretreatment standards, the board may apply to the approval authority for modifications of specific limits in the national pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the POTW system to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in 40 CFR section 403.7(a)(3)(ii) part 403 - General Pretreatment Regulations for Existing and New Sources of Pollution, promulgated pursuant to the Act. The city may then modify pollutant discharge limits in the national pretreatment standards if the requirements continued in 40 CFR, part 403, section 403.7, are fulfilled and approval is obtained from the approval authority.

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

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

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

(c) Criteria to protect the POTW treatment plant influent. The general manager and/or his designated representative shall monitor the POTW treatment plant influent for each parameter in Table A2: Criteria to Protect the POTW Treatment Plant Influent contained in Appendix A (latest revision). Analyses for all pollutants listed at Table A2 shall be conducted in accordance with the requirements of 40 CFR part 136 or equivalent methods approved by the United States Environmental Protection Agency. All industrial users shall be subject to the reporting and monitoring requirements set forth in § 8-1007, Reporting Requirements, and § 8-1008, Compliance Monitoring, as to these

parameters. In the event that the influent at the POTW treatment plant reaches or exceeds the levels established by said table, the control authority shall initiate technical studies to determine the cause of the influent violation, and shall recommend to the Shelbyville Power, Water and Sewerage Board such remedial measures as are necessary, including, but not limited to recommending the establishment of new or revised pretreatment levels for these parameters. The control authority shall also recommend changes to any of these criteria in the event the POTW effluent standards are changed or in the event that there are changes in any applicable law or regulation affecting same or in the event changes are needed for more effective operation of the POTW.

(d) Conventional pollutants. (i) BOD<sub>5</sub>, TSS and NH<sub>3</sub>-N. The POTW treatment plant was designed to accommodate specific waste load concentrations and mass amounts of Biochemical Oxygen Demand (BOD<sub>5</sub>), Total Suspended Solids (TSS), and Ammonia Nitrogen (NH<sub>3</sub>-N). If an industrial user discharges concentrations of these pollutants in excess of the criteria to protect the POTW treatment plant influent listing at Table A2 in the appendix (latest revision) of this ordinance, added operation and maintenance costs will be incurred by the POTW. Therefore, any industrial user who discharges concentrations in excess of the criteria to protect the POTW treatment plant influent listed at Table A2 in the appendix (latest revision) of this ordinance for any of the conventional pollutants such as BOD<sub>5</sub>, TSS, and/or NH<sub>3</sub>-N will be subject to a surcharge. The formula for this surcharge is listed in § 8-1004(3) of this chapter. The board also reserves the right to, at any time, place specific mass or concentration limits for BOD<sub>5</sub>, TSS and/or NH<sub>3</sub>-N on the industrial user if the industrial user's discharge of the excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit.

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

If an industrial user discharges concentrations of total oil and grease in excess of the criteria to protect the POTW treatment plant influent listed in § 8-1002(7)(c) of this chapter for total oil and grease, added operation and maintenance cost will be incurred by the POTW. Therefore, any industrial user who discharges concentrations in excess of the criteria to protect the POTW treatment plant influent listed in § 8-1002(7)(c) for total oil and grease will be subject to a surcharge. The formula for this surcharge is listed in § 8-1004(3) of this chapter. The board also reserves the right to, at any time, place specific mass or

concentration limits for total oil and grease on the industrial user if the industrial user's discharge of the excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit.

(e) The control authority and/or his designated representative may develop Best Management Practices (BMPs), in individual wastewater discharge permits or in general permits, to implement local limits and the requirements of § 8-1002(3).

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

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

(11) Accidental discharges. (a) Protection from accidental discharge. Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the industrial user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the control authority for review, and shall be approved by the control authority before construction of the facility. No industrial user who commences contribution to the POTW after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the control authority. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the industrial user's facility as necessary to meet the requirements of this ordinance.

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

report the results of the sample analysis to the control authority within thirty (30) days of becoming aware of the violation [(40 CFR 403.12)(g)].

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

(ii) Notice to employees. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous accidental discharge. Industrial users shall insure that all employees who may cause such a dangerous discharge to occur or may suffer such are advised of the emergency notification procedure. (Ord. #528, Sept. 1995, as replaced by Ord. #706, Jan. 2003, Ord. #758, Dec. 2004, and Ord. #863, Nov. 2008, and amended by Ord. #869, April 2009)

8-1003. Pretreatment of wastewater. (1) Pretreatment facilities. Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in § 8-1002 of this chapter within the time limitations specified by EPA, the state, or the control authority and/or his designated representative, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the control authority for review, and shall be acceptable to the control authority before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the board under the provisions of this ordinance.

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

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

(c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the control authority and/or his designated representative, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the control authority and/or his designated representative, shall comply with § 8-1002(4) of this chapter, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with § 8-1002(4) by the user at their expense.

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

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

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

(b) Description of stored chemicals (which shall include cleaning supplies);

(c) Procedures for immediately notifying the control authority of any accidental or slug discharge, as required by § 8-1007(6) of this chapter; and

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

(4) Hauled wastewater. (a) Septic tank waste may be introduced into the POTW only at locations designated by the control authority, and as such times as established by the control authority and/or his designated representative. Such waste shall not violate § 8-1002 of this chapter or

any other requirements established by the board. The control authority may require septic tank haulers to obtain individual wastewater discharge permits or general permit.

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

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

(d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. (Ord. #528, Sept. 1995, as replaced by Ord. #706, Jan. 2003, Ord. #758, Dec. 2004, and Ord. #863, Nov. 2008)

8-1004. Fees. (1) Purpose. It is the purpose of this chapter to provide for the recovery of costs from users of the board's wastewater disposal system for the administration, operation, maintenance, amortization of debt, and depreciation of the POTW. The applicable charges or fees are set forth by the board's schedule of charges and fees.

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

(a) Fees for reimbursement of costs of setting up and operating the POTW's pretreatment program;

(b) Fees for monitoring, inspections and surveillance procedures associated with industrial users;

(c) Fees for reviewing accidental/slug discharge procedures/control plans and construction plans and specifications for industrial users;

(d) Fees for permit applications;

(e) Fees for FOG plan submittals;



- (f) Fees for inspection of building sewer connections;
- (g) Fees for cleaning/removing stoppages from FOG, sand, soil, oil, and laundry interceptors;
- (h) Fees for filing appeals of enforcement actions taken by the board;
- (i) Fees for treating conventional pollutants discharged to the POTW by industrial users with strengths in excess of the design capacity of the POTW treatment plant for individual conventional pollutants;
- (j) Charges to users for recovery of costs associated with normal operation, maintenance, administration, amortization of debt and depreciation of the POTW;
- (k) Other fees as the board may deem necessary to carry out the requirements contained herein.

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

(3) Surcharge fees. If an industrial user discharges in excess of the criteria to protect the POTW treatment plant influent set out for the conventional pollutants BOD<sub>5</sub>, TSS, NH<sub>3</sub>-N, and/or oil and grease in Table A2 of Appendix A (latest revision), additional operation and maintenance costs will be incurred by the Shelbyville Power, Water and Sewerage Board. Therefore, any user who discharges in excess of the limits for any of these parameters will be subject to a surcharge. Surcharges shall be in addition to normal user fees. The formula for this surcharge is listed below.

$$\left\{ \begin{array}{l} \text{Base Sewer Bill for} \\ \text{Monthly Usage} \end{array} \right\} \times \frac{\text{Actual Average BOD} \\ \text{Concentration (mg/L)}}{350 \text{ mg/L}} \left\{ \begin{array}{l} \text{ } \end{array} \right\} - \text{Base Sewer Bill for} \\ \text{Monthly Usage}$$

As an alternate to this formula, the Shelbyville Power, Water and Sewerage Board may calculate surcharge fees based on actual cost caused by the discharge of excessive strength conventional pollutants. The Shelbyville Power, Water and Sewerage Board also reserves the right to, at any time, place limits which may not be exceeded on the industrial user's discharge if the industrial user's discharge of the excessive strength wastewater cause to the POTW treatment plant to violate its NPDES permit. (Ord. #528, Sept. 1995, as replaced by Ord. #706, Jan. 2003, Ord. #758, Dec. 2004, and Ord. #863, Nov. 2008)

8-1005. Individual wastewater discharge permits and general permits.

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

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

(a) For connection of residential, commercial and institutional users to the POTW; and

(b) For connection of industrial users to the POTW.

In either case, the owner of the facility or residence wishing to connect a building sewer to the POTW or his agent shall make application on a special form furnished by the Shelbyville Power, Water and Sewerage Board. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the control authority. A permit and inspection fee shall be paid to the Shelbyville Power, Water and Sewerage Board at the time the application is filed as set out in the Shelbyville Power, Water and Sewerage Board's schedule of charges and fees.

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

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

(c) Any violation of the terms and conditions of an individual wastewater discharge permit or general permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in §§ 8-1010 through 8-1012 of this chapter. Obtaining an individual wastewater discharge permit or general permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements with any other requirements of federal, state, and local law.

(3) Individual wastewater discharge and general permitting: existing connections. Any user required to obtain an individual wastewater discharge permit or general permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the control authority for an individual wastewater discharge permit or general permit in accordance with § 8-1005(5) of this chapter, and shall not cause or

allow discharges to the POTW to continue after forty-five (45) days of the effective date of this ordinance except in accordance with an individual wastewater discharge permit or general permit issued by the control authority.

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

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

(i) Identifying information.

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

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

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

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

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

(F) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains,

and appurtenances by size, location, and elevation, and all points of discharge.

(iv) Time and duration of discharges.

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

(vi) Flow measurement. Information showing the measured average daily, maximum daily flow, and thirty (30) minute peak flow in gallons per day, (including daily, monthly and seasonal variations, if any) to the POTW from regulated process streams and other streams, as necessary to allow use of the combined wastestream formula set out in § 8-1002(5)(c) (Tennessee Rule 1200-4-14-.06(5)).

(vii) Measurement of pollutants.

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

(B) Wastewater constituents and characteristics (nature and concentration, and/or mass) in the discharge from each regulated process including but not limited to those mentioned in § 8-1002 and Appendix A of this chapter as determined by a reliable analytical laboratory; sampling and analyses shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR, part 136, as amended.

(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 § 8-1007(10) of this chapter. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the control authority or the applicable standards to determine compliance with the standard.

(E) Sampling must be performed in accordance with procedures set out in § 8-1007(11) of this chapter.

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

and/or additional pretreatment is required for the industrial user to meet applicable pretreatment standards.

(viii) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on § 8-1007(4)(b) [2300-4-14-.12(5)(b)].

(ix) Statement of duly authorized representative(s). Wastewater constituents and characteristics including but not limited to those mentioned in § 8-1002 of this chapter as determined by a reliable analytical laboratory; sampling and analyses shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR, part 136, as amended.

(x) Any other information as may be deemed necessary by the control authority to evaluate the permit application. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

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

(i) Involve the same or substantially similar types of operations;

(ii) Discharge the same types of wastes;

(iii) Require the same effluent limitations;

(iv) Require the same or similar monitoring; and

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

(b) To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with § 8-1007(4)(b) for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the control authority has provided written notice to the SIU that such a waiver request has been granted in accordance with § 8-1007(4)(b).

(c) The control authority will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in § 8-1005(6)(a)(i)--(v) and applicable

state regulations, and a copy of the user's written request for coverage for three (3) years after the expiration of the general permit.

(d) The control authority may not control an SIU through a general permit where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the combined wastestream formula (§ 8-1002(5)(c)) or net/gross calculations (§ 8-1002(5)(d)).

(7) Application signatories and certifications. (a) All wastewater discharge permit applications, user reports and certification statements must be signed by a duly authorized representative or the user and contain the certification statement in § 8-1007(14)(a).

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

(c) A facility determined to be a non-significant categorical industrial user by the control authority pursuant to § 8-1001(2)(fff)(iii) must annually submit the signed certification statement in § 8-1007(14)(b).

(8) Individual wastewater discharge and general permit decisions. The control authority will evaluate the data furnished by the user and may require additional information. If sufficient data was not received to determine an industry's category, the control authority may submit a category determination request to the approval authority as set out in Tennessee Rule 1200-4-14.06(1). After evaluation and acceptance of the data furnished, the control authority will determine whether to issue an individual wastewater discharge permit or a general permit. The control authority may deny any application for an individual wastewater discharge permit or a general permit. (Ord. #528, Sept. 1995, as replaced by Ord. #706, Jan. 2003, Ord. #758, Dec. 2004, and Ord. #863, Nov. 2008)

8-1006. Individual wastewater discharge and general permit issuance.

(1) Individual wastewater discharge and general permit duration. An individual wastewater discharge permit or a general permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A permit may be issued for less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modifications as limitations or requirements are modified or other just cause exists. The user shall be informed

of any proposed changes in his permit at least thirty (30) days prior to the effective date of change unless this allows federal due dates to be violated. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. Each individual wastewater discharge permit or general permit will indicate a specific date upon which it will expire.

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

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

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

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

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

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

(v) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge according to § 8-1007(4)(b);

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

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

(viii) Any grant of the monitoring waiver by the control authority (§ 8-1007(4)(b)) must be included as a condition in the user's permit;

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

(x) Requirements for notification of excessive discharges such as described in § 8-1002(10) of this chapter;

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

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

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

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

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

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

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

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

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

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

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



- (a) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
- (b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit or the general permit issuance;
- (c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (d) Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;
- (e) Violation of any terms or conditions of the individual wastewater discharge permit or the general permit;
- (f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (g) Revision of a grant of variance from categorical pretreatment standards pursuant to Tennessee Rule 1200-4-14-.13;
- (h) To correct typographical or other errors in the individual wastewater discharge permit or the general permit; or
- (i) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with subsection (4) of this section.

(4) Individual wastewater discharge and general permit transfer.

Individual wastewater discharge and general permits are issued to a specific user for a specific operation. An individual wastewater discharge permit or a general permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without prior notice and approval of the control authority, and provision of a copy of the existing control mechanism (SIU permit) to the new owner or operator. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. The notice to the control authority must include a written certification by the new owner or operator which:

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

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

(5) Individual wastewater discharge and general permit revocation.

The control authority may revoke an individual wastewater discharge permit or

a general permit for good cause, including, but not limited to, the following reasons:

- (a) Failure to notify the control authority of significant changes to the wastewater prior to the changed discharge;
- (b) Failure to provide prior notification to the control authority of changed conditions pursuant to § 8-1007(5) of this chapter;
- (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (d) Falsifying self-monitoring reports and certification statements;
- (e) Tampering with monitoring equipment;
- (f) Refusing to allow the control authority timely access to the facility premises and records;
- (g) Failure to meet effluent limitations;
- (h) Failure to pay fines;
- (i) Failure to pay sewer charges;
- (j) Failure to meet compliance schedules;
- (k) Failure to complete a wastewater surveyor the wastewater discharge permit application;
- (l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (m) Violation of any pretreatment standard or requirement, or any terms of the individual wastewater discharge permit, the general permit, or this ordinance.

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

(6) Individual wastewater discharge and general permit reissuance. A user with an expiring individual discharge or general permit shall apply for permit reissuance by submitting a complete permit application in accordance with § 8-1005(5) of this chapter, a minimum of ninety (90) days prior to the expiration of the user's existing individual wastewater discharge or general permit. The terms and conditions of the permit may be subject to modification by the control authority during the term of the permit as limitations or requirements as identified in § 8-1002 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change unless this allows federal due dates to be violated. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(7) Regulation of waste received from other jurisdictions. (a) If another municipality, or user located within another municipality,

contributes wastewater to the POTW, the control authority shall enter into an intermunicipal agreement with the contributing municipality.

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

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

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

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

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

(i) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits, including Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in § 8-1002(8) of this chapter. The requirement shall specify that such an ordinance and limits must be revised as necessary to reflect changes made to the board's ordinance and local limits;

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

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

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

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

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

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

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

The intermunicipal agreement may contain provisions for the control authority has the right to take action to enforce the terms of the contributing municipality's ordinances or to impose and enforce pretreatment standards and requirements directly against discharges of the contributing municipality. (as added by Ord. #863, Nov. 2008)

8-1007. Reporting requirements. (1) Baseline monitoring reports.

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

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

(i) All information required in §§ 8-1005(5)(a)(i)(A), 8-1005(5)(a)(ii), 8-1005(5)(a)(iii)(A), and 8-1005(5)(a)(vi).

(ii) Measurement of pollutants.

(A) The user shall provide the information required in § 8-1005(5)(a)(vii)(A) through (D);

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

(C) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula in Tennessee Rule 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 § 8-1007(10);

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

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

(iii) Compliance certification. A statement, reviewed by the user's authorized representative as defined in § 8-1001(2)(c) and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(iv) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 8-1007(2) of this chapter.

(v) Signature and report certification. All baseline monitoring reports must be certified in accordance with section § 8-1007(14)(a) of this chapter and signed by an authorized representative as defined in § 8-1001(2)(c).

(2) Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by § 8-1007(1)(b)(iv) of this chapter:

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

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

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

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

(3) Reports on compliance with categorical pretreatment standard deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the control authority a report containing the information described in §§ 8-1005(a)(vi) and 8-1007(1)(b)(ii) of this chapter. For users subject to equivalent mass or concentration limits established in accordance with the procedures in § 8-1002(5), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 8-1007(14)(a) of this chapter. All sampling will be done in conformance with § 8-1007(11).

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

(a) All users must, at a frequency determined by the control authority, submit no less than twice per year (on dates specified) reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the control authority or the pretreatment standard necessary to determine the compliance status of the user.

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

1200-4-14-.12(5)(b)] This authorization is subject to the following conditions:

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

(ii) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five (5) years. The user must submit a new request (including the requirements of § 8-1007(4)(b)(iii) for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See § 8-1005(5)(a)(viii).

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

(iv) The request for monitoring waiver must be signed in accordance with § 8-1001(2)(c), and include the certification statement in § 8-1007(14)(a) [Tennessee Rule 1200-4-14.06(1)(b)(2)].

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

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

(vii) Upon approval of the monitoring waiver and revision of the user's permit by the control authority, the industrial user must include on each submitted report the certification statement in § 8-1007(14)(c) below, that there has been no increase in the pollutant in its wastestream due to activities of the industrial user.

(viii) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately comply with the monitoring requirements of § 8-1007(4)(a), or other more frequent monitoring requirements imposed by the control authority, and notify the control authority.

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

(c) All periodic compliance reports must be signed and certified in accordance with § 8-1007(14)(a) of this chapter. A chain of custody form must be submitted with all reports.

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

(e) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the control authority, using the procedures prescribed in § 8-1007(11) of this chapter; the results must be included in the report for the corresponding reporting period.

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

(a) The control authority may require the user to submit such information as may be deemed as necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 8-1005(5) of this chapter.

(b) The control authority may issue an individual wastewater discharge permit or general permit under § 8-1006(6) of this chapter or modify an existing wastewater discharge permit under § 8-1006(3) of this chapter in response to changed conditions or anticipated changed conditions.

(6) Reports of potential problems. (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a uncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the control authority of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user. The control authority may request a sample for analysis be collected at the moment of accidental discharge.

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



relieve the user of any expense, loss, damage, or other liability which may incur as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any 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 (a), above. Employers shall ensure that all employees are advised of the emergency notification procedure.

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

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

(8) Notice of violation/repeat sampling and reporting. If sampling performed by a user indicates a violation, the user must notify the control authority within twenty-four (24) hours of becoming aware of the violation, the user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within thirty (30) days after becoming aware of the violation. Repeat sampling by the industrial user is not required if the control authority performs sampling at the user's facility at least once a month, or if the control authority performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the control authority receives the results of this sampling, or if the control authority has performed the sampling and analysis in lieu of the industrial user. If sampling performed by the control authority indicates a violation, the control authority may opt to notify the user of the violation and require the user to perform the repeat sampling and analysis [40 CFR 403.12(g)(2)].

(9) Notification of the discharge of hazardous waste. (a) Any user who commences the discharge of hazardous waste shall notify the control authority, the EPA regional water management division director, and state hazardous waste authorities, in writing, of any discharge to the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream

discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under § 8-1007(5) of this section. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of § 8-1007(1), (3) and (4) of this section.

(b) Discharges are exempt from the requirements of subsection (a), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.20(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one (1) time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the control authority, the EPA regional waste management waste division director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

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

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

(10) Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 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 using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the control authority or other parties approved by EPA.

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

(a) Except as indicated in subsections (b) and (c) below, the user must collect wastewater samples using twenty-four (24) hour flow proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the control authority. Where time proportional sampling or grab sampling is authorized by the control authority, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 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 the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the control authority, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits [40 CFR 403.12(g)(3)].

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

(c) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in § 8-1007(1) and (3) [Tennessee Rule 1200-4-14-.12(2) and (4)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical data are available, the control authority may authorize a lower minimum. For the reports required by § 8-1007(4) [Tennessee Rule 1200-4-14-.12(5) and (8)], the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

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

(13) Retention of records. Users subject to the reporting requirements of this 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, and documentation associated with best management practices, as set out in

individual wastewater discharge or general permits. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years after the expiration date of the user's permit. This period shall be automatically extended for the duration of any litigation concerning the user or the control authority, or where the user has been specifically notified of a longer retention period by the control authority.

(14) Certification statements. (a) Certification of permit applications, user reports and initial monitoring waiver. The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with § 8-1005(6); users submitting baseline monitoring reports under § 8-1007(1) [40 CFR 403.12 (1)]; users submitting reports on compliance with the categorical pretreatment standard deadlines under § 8-1007(3) [40 CFR 403.12 (d)]; users submitting periodic compliance reports required by § 8-1007(4) [40 CFR 403.12 (e) and (h)], and users submitting an initial request to forego sampling of a pollutant on the basis of § 8-1007(4) [40 CFR 403.12 (e) (2) (iii)]. The following certification statement must be signed by an authorized representative as defined in § 8-1001(2)(c):

"I certify under the penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or the person(s) directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of 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 control authority pursuant to §§ 8-1001(2)(fff)(ii) and 8-1005(6)(c) [40 CFR 403.3 (v) (2)] must annually submit the following certification statement signed in accordance with the signatory requirements in § 8-1001(2)(c) [40 CFR 403.120 (1)]. This certification must accompany an alternative report required by the control authority:

"Based on my inquiry of the person(s) directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR Part \_\_\_, I certify that, to the best of my

knowledge and belief that during the period from \_\_\_\_\_, \_\_\_\_ to \_\_\_\_\_, \_\_\_\_ [month, days, year(s)]:

(i) The facility described as \_\_\_\_\_ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in § 8-1001(2)(fff)(iii);

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

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

This compliance certification is based on the following information:

\_\_\_\_\_  
\_\_\_\_\_ "

(c) Certification of pollutants not present. Users that have an approved monitoring waiver based on § 8-1007(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(s) directly responsible for managing compliance with the Pretreatment Standard for 40 CFR Part(s) \_\_\_\_\_, I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ in the wastewaters due to the activities at the facility since filing of the last periodic report under § 8-1007(4)(a)." (as added by Ord. #863, Nov. 2008)

8-1008. Compliance monitoring. (1) Right of entry: inspection and sampling. The control authority shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any individual wastewater discharge and general permit or order issued hereunder. Users shall allow the control authority or his representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(a) Where a user has security measures in force which would require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guard(s) so that, upon presentation of suitable identification, personnel from the control authority, approval authority and EPA shall be permitted to

enter, without delay, for the purposes of performing their specific responsibilities (40 CFR 403.12).

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

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

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

(e) Unreasonable delays in allowing the control authority access to the user's premises shall be a violation of this ordinance. (as added by Ord. #863, Nov. 2008)

8-1009. Confidential information. Information and data on a user obtained from reports, surveys, permit applications, individual wastewater discharge or general permits and monitoring programs, and from the control authority's inspections and sampling activities, shall be available to the public or other governmental agency without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the control authority, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user under applicable state law. Any such request must be asserted at the time of submission of the information or data.

When requested and demonstrated by the user furnishing a report, that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon written request to governmental agencies for uses related to this ordinance, the National

Pollutant Discharge Elimination System (NPDES) permit, and/or the state pretreatment program, and that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302, shall not be recognized as confidential information and shall be available to the public without restriction. (as added by Ord. #863, Nov. 2008)

8-1010. Publication of users in significant noncompliance. The control authority shall publish, at least annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of users, which at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, a significant industrial user (or any user which violates subsections (3), (4), or (8) of this section) is in significant noncompliance if its violation meets one (1) or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period exceed on a rolling quarterly basis (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in § 8-1001(2);

(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 § 8-1001(2) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other parameters except pH);

(3) Any other violation of a pretreatment standard or requirement as defined by § 8-1001(2) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel and/or the general public);

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

(5) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in an individual wastewater discharge permit or general 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, required reports such as baseline monitoring reports, ninety (90) day compliance

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

(7) Failure to accurately report noncompliance; or

(8) Any other violation or group of violations, which may include a violation of best management practices, which the control authority determines will adversely affect the operation or implementation of the local pretreatment program. (as added by Ord. #863, Nov. 2008, and amended by Ord. #869, April 2009)

8-1011. Administrative enforcement remedies. All administrative enforcement actions taken against a significant industrial user, including procedures, orders, and complaints, shall be in accordance with the Tennessee Water Quality Control Act of 1977 and its amendments, specifically Tennessee Code Annotated, § 69-3-123, and enforcement per the Enforcement Response Plan (ERP).

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

(2) Consent orders. The Shelbyville Power, Water and Sewerage Board is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period also specified by the document. Consent orders shall have the same force and effect as the administrative orders issued pursuant to sections §§ 8-1004 and 8-1005 of this chapter and shall be judicially enforceable.

(3) Show cause hearing. The control authority may order a user which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit or general permit, or order issued hereunder, or any other pretreatment standard or requirement to appear before the Shelbyville Power, Water and Sewerage Board and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why



this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user as defined in § 8-1001(2)(c) and required by § 8-1005(7). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued. Hearings shall be conducted in accordance with the provisions of Tennessee Code Annotated, § 69-3-124.

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

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

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

(6) Administrative penalties. (a) Notwithstanding any other section of this ordinance, when the control authority finds that a user has

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

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

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

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

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

(a) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution of process wastewater to the POTW. In the event of a user's failure to immediately comply voluntarily with the suspension order, the control authority may take such steps as deemed necessary, including immediate severance of the building sewer connection to the POTW, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals.

The Shelbyville Power, Water and Sewerage Board may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the control authority that the period of endangerment has passed, unless the termination proceedings set forth in subsection (8) of this section are initiated against the user.

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

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

(8) Termination of discharge. In addition to the provision in § 8-1007(6) of this chapter, any user who violates the following conditions is subject to permit termination:

(a) Violation of individual wastewater discharge permit or general permit conditions;

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

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

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

(e) Violation of the pretreatment standards in § 8-1002 of this chapter.

Such user(s) will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under subsection (3) of this section why the proposed action should not be taken. Exercise of this option by the control authority shall not be a bar to, or a prerequisite for, taking any other action against the user. (as added by Ord. #863, Nov. 2008)

8-1012. Judicial enforcement remedies. (1) Injunctive relief. (a) If any person discharges sewage, industrial wastes, or other wastes into the POTW contrary to the provisions of this ordinance or any order or individual wastewater discharge permit or general permit issued hereunder, the Shelbyville Power, Water and Sewerage Board, through the board attorney, may commence an action for appropriate legal and/or equitable relief in the Chancery Court of Bedford County. Any judicial proceedings and relief shall be in accordance with the provisions of Tennessee Code Annotated, § 69-3-127.

(b) When the control authority finds that a user has violated, or continues to violate, any provisions of this ordinance, an individual

wastewater discharge permit or general permit, order issued hereunder, or any other pretreatment standard or requirement, the Shelbyville Power, Water and Sewerage Board, through the board attorney, may petition the court for the issuance of a temporary or permanent injunction or both (as may be appropriate) which restrains or compels the specific performance of the individual wastewater discharge or general permit, order, or other requirement imposed by this ordinance on activities of the user.

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

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

(b) The Shelbyville Power, Water and Sewerage Board may recover reasonable attorneys' fees, court costs, engineering fees, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the board.

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

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

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

(4) Remedies nonexclusive. The remedies provided for in this ordinance are not exclusive. The control authority may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Shelbyville Power, Water and Sewerage Board enforcement response plan. However, the control authority may take other action against any user when the circumstances warrant. Further, the control authority is empowered to take

more than one (1) enforcement action against any noncompliant user. (as added by Ord. #863, Nov. 2008)

8-1013. Affirmative defenses to discharge violations. (1) Treatment upset. (a) Any significant industrial user which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation, shall inform the control authority thereof immediately upon becoming aware of the upset.

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

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

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

(iii) The user has submitted the following information to the control authority within twenty-four (24) hours of becoming aware of the upset (where such information is provided orally, a written report thereof shall be filed by the user within five (5) days).

The report shall contain:

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

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

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

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

(d) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided.

This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(2) Prohibited discharge standards. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 8-1002(3)(a) of this chapter or the specific prohibitions in § 8-1002(3)(b)(i) through (xvi) of this chapter if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

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

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

The affirmative defense outlined in this section does not apply to the specific prohibitions in § 8-1002(3)(b)(i), (iii) and (xv) of this chapter.

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

(i) Bypass means the intentional diversion of wastestreams from any portion of a user's treatment facility.

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

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

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

(ii) A user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the control authority within twenty-four (24) hours from the time the user becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration to the bypass, including

exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The control authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

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

(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 facilities, retention of untreated wastes, or maintenances during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The user properly notified the control authority as required by subsection (3)(c) of this section.

The control authority may approve an anticipated bypass, after considering its adverse effects, if the control authority determines that it will meet the three (3) conditions listed in subsection (d)(i) of this section. (as added by Ord. #863, Nov. 2008)

8-1014. Miscellaneous provisions. (1) Pretreatment charges and fees. The Shelbyville Power, Water and Sewerage Board may adopt reasonable fees for reimbursement of costs of setting up and operating the board's pretreatment program, which may include:

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

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

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

(d) Fees for filing appeals;

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

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

(2) Severability. If any provision, paragraph, word, section or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

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

(4) Effective date. This ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law. (as added by Ord. #863, Nov. 2008)



## CHAPTER 11

### MUNICIPAL SEPARATE STORM SEWER SYSTEM<sup>1</sup>

#### SECTION

8-1101. Definitions.

8-1102. Discharges must be authorized by permit.

8-1103. Prohibition of non-storm water discharges.

8-1104. Allowable storm water discharges.

8-1105. Exceptions.

8-1106. Enforcement.

8-1107. Inspections.

8-1108. Violations.

8-1101. Definitions. (1) "Municipal separate storm sewer system, or MS4" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains) designed or used for collecting or conveying storm water; provided, however, that sanitary and combined sewers are not included in the definition of the municipal separate storm sewer system.

(2) "Non-storm water discharge" means any discharge to the municipal separate storm sewer system except stormwater discharges permitted under the permit.

(3) "Permit" means the State of Tennessee National Pollution Discharge Elimination System (NPDES) General Permit for Discharges from Small Municipal Separate Storm Sewer Systems issued February 27, 2003, and any renewal thereof. (as added by Ord. #759, Dec. 2004)

8-1102. Discharges must be authorized by permit. Stormwater discharges into the MS4 of the City of Shelbyville are permitted unless not authorized under section 1.5 of the permit. (as added by Ord. #759, Dec. 2004)

8-1103. Prohibition of non-storm water discharges. Non-storm water discharges into the MS4 of the City of Shelbyville are prohibited and are declared to be unlawful unless authorized by this chapter or the permit. (as added by Ord. #759, Dec. 2004)

8-1104. Allowable storm water discharges. The following non-storm water discharges into the MS4 of the City of Shelbyville are permitted unless the Division of Water Pollution Control of the Tennessee Department of

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<sup>1</sup>Ord. #2013-927, amends this chapter by referencing the adoption of the Shelbyville Stormwater Management Program under 2010 General Permit.

Environment and Conservation has identified them as a source of pollutants to the waters of the State of Tennessee:

- (1) Water line flushing;
- (2) Landscape irrigation;
- (3) Diverted stream flows;
- (4) Rising ground waters;
- (5) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)) to separate storm sewers;
- (6) Uncontaminated pumped ground water;
- (7) Discharges from potable water sources;
- (8) Foundation drains;
- (9) Air conditioning condensate;
- (10) Irrigation water;
- (11) Springs;
- (12) Water from crawl space pumps;
- (13) Footing drains;
- (14) Lawn watering;
- (15) Individual residential car washing;
- (16) Flows from riparian habitats and wetlands;
- (17) De-chlorinated swimming pool discharges;
- (18) Street wash waters resulting from normal street cleaning operations; or,
- (19) Discharges or flows from fire fighting activities. (as added by Ord. #759, Dec. 2004)

8-1105. Exceptions. Discharges pursuant to a valid and effective NPDES permit issued by the State of Tennessee are not prohibited by this chapter. (as added by Ord. #759, Dec. 2004)

8-1106. Enforcement. The city manager shall have the authority to implement this chapter by appropriate regulations approved by the city council. (as added by Ord. #759, Dec. 2004)

8-1107. Inspections. Personnel authorized by the city manager may enter upon the premises of any land or facility within the City of Shelbyville for the purpose of inspecting impacts or potential impacts to stormwater quality or for violations of the permit, this chapter, or regulations issued for its implementation. (as added by Ord. #759, Dec. 2004)

8-1108. Violations. Violations of this chapter (including the City of Shelbyville Enforcement Response Plan)<sup>1</sup> shall subject the violator to civil

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<sup>1</sup>The City of Shelbyville Enforcement Response Plan is of record in the  
(continued...)

penalties for each day the violation continues. Each day of violation shall constitute a separate violation. In addition to any other remedies at law, the City of Shelbyville shall have the right to seek injunctive relief for any violation of this chapter or regulations issued pursuant thereto. (as added by Ord. #759, Dec. 2004, and amended by Ord. #2013-97, Nov. 2013)

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<sup>1</sup>(...continued)  
office of the city recorder.