2011

CITY OF UNION CITY

amended sewer use regulations of the Union City Public Works Department

SEWER ORDINANCE

ORDINANCE NO. 147-15

AMENDED SEWER USE REGULATIONS OF
THE UNION CITY PUBLIC WORKS DEPARTMENT OF
THE CITY OF UNION CITY, TENNESSEE

"AN ORDINANCE TO AMEND ORDINANCE NO. 8-99 IN ITS ENTIRETY ENTITLED 'AN ORDINANCE TO AMEND SECTIONS 1, 2, 5 AND 6 OF ORDINANCE NO. 9-85 ENTITLED "AN ORDINANCE TO PROVIDE A COMPREHENSIVE SEWER USE ORDINANCE FOR THE CITY OF UNION CITY, TENNESSEE; TO PROVIDE FOR PENALTIES AND CIVIL REMEDIES FOR VIOLATIONS OF THE ORDINANCE; AND, TO REPEAL SECTION 13-201 THROUGH 13-227, INCLUSIVE OF THE UNION CITY MUNICIPAL CODE, 1963, AS AMENDED AND SECTION 13-206 OF THE UNION CITY MUNICIPAL CODE, 1963, PERTAINING TO CIVIL PENALITIES, FALSIFYING INFORMATION, AND PUBLIC NUISANCE"'"

WHEREAS, it appears to be in the public interest that an amended comprehensive Sewer Use Ordinance be adopted for the City of Union City, Tennessee;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF UNION CITY, TENNESSEE, that the following Sewer Use Ordinance be adopted by striking Ordinance No. 8-99 and substituting in lieu thereof the following:

SECTION 1 – GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system of the City of Union City, Tennessee (hereinafter referred to as "the City") and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act of 1972, as amended, and the General Pretreatment Regulations (40 CFR Part 403).

The objectives of this Ordinance are:

1. To prevent the introduction of pollutants into the Publicly Owned Treatment Works (POTW) that will interfere with the operation of the system or contaminate any sludge resulting from the treatment of wastewater;

2. To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;

3. To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

4. To improve the opportunity to recycle and reclaim wastewater and sludges from the POTW;

5. To provide for equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and

6. To provide the City of Union City, Tennessee to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

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

This Ordinance shall apply to the City and to persons outside the City who are, by contract or agreement with the City, Users of the POTW.

1.2 Administration

Except as otherwise provided herein; the Control Authority shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Control Authority may be delegated by the Control Authority to a Duly Authorized Representative of the City.

1.3 Abbreviations

The following abbreviations, when used in this Ordinance, shall have the designated meanings:

BOD_5	Biochemical Oxygen Demand – 5 day
BMP	Best Management Practice
BMR	Baseline Monitoring Report
CFR	*Code of Federal Regulations*
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
EPA	U.S. Environmental Protection Agency
FOG	Fats, Oil, and Grease
gpd	gallons per day
IU	Industrial User
lb	Pounds
mg/L	milligrams per liter
NAICS	North American Industry Classification System
NH_3-N	Ammonia Nitrogen
NPDES	National Pollutant Discharge Elimination System
NSCIU	Non-Significant Categorical Industrial User
POTW	Publicly Owed Treatment Works
RCRA	Resource Conservation and Recovery Act
SIU	Significant Industrial User
SNC	Significant Noncompliance
TSS	Total Suspended Solids
U.S.C.	United States Code

1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

A. Act or "the Act" – The Federal Water Pollution Control Act, enacted by Public Law 92-500, October 18, 1972, 33 USC 1251 et seq.; as amended.

B. Approval Authority – The Commissioner of the Tennessee Department of Environment and Conservation or his Authorized Representative.

C. Authorized or Duly Authorized Representative of the User

(1) 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 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

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

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

(3) 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.

(4) The individuals described in paragraphs (1) through (3), above, may designate a "Duly Authorized Representative" if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the City.

D. Biological Oxygen Demand – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20^0 centigrade expressed in terms of weight (lbs) and/or concentration (mg/l).

E. Best Management Practices (BMPs) – Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.9 [Tennessee Rule 0400-40-14-.05(1)(a) and (2)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e. management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.

F. Building Sewer – A sewer conveying wastewater from the premises of a User to the POTW.

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

H. Categorical Pretreatment Standards or Categorical Standard – Limitations on pollutant discharges to POTW's promulgated by EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to specified process wastewaters of particular industrial categories defined at 40 CFR 403.6 and at 40 CFR Chapter I, Subchapter N, Parts 405 through 471.

I. Categorical Industrial User – An Industrial User subject to Categorical Pretreatment Standards or Categorical Standard.

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

K. Chronic Violation – Chronic violations of discharge limits, defined here as those which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period on a rolling quarter basis exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits.

L. City – The City of Union City, Tennessee.

M. City Council – The persons elected Council of Mayor and Aldermen.

N. Control Authority – The City of Union City, Tennessee, or a Duly Authorized Representative of the City of Union City, Tennessee.

O. Conventional Pollutants – Wastewater characteristics including carbonaceous biochemical oxygen demand (CBOD), biochemical oxygen demand (BOD_5), suspended solids (TSS), fecal coliform bacteria, oil and grease, and pH as defined at 40 CFR 401.16; and Ammonia Nitrogen (NH_3-N), Total Kjeldahl Nitrogen (TKN), and E. Coli bacteria.

P. Cooling Water – The water discharged from any use such as air conditioning, cooling or refrigeration, or which the only pollutant added is heat.

Q. Daily Maximum Limit – The maximum allowable discharge of a pollutant during a calendar day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where maximum daily limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

R. Direct Discharge – The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

S. Domestic Wastewater – Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent containing sanitary facilities for the disposal of wastewater and used for residential purposes only and/or restroom wastes from commercial, institutional and Industrial Users.

T. Environmental Protection Agency (EPA) – The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other Duly Authorized Representative of said agency.

U. Existing Source – Any source of discharge that is not a "New Source."

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

W. Grease Interceptor – An interceptor whose rated flow exceeds 50 gpm and is located outside the building.

X. Grease Trap – An interceptor whose rated flow is 50 gpm or less and is typically located inside the building.

Y. Holding Tank Waste – Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Z. Indirect Discharge – The discharge or the introduction of pollutants from any source regulated under Section 307(b), (c), or (d) of the Act, into the POTW (including Holding Tank Waste discharged into the POTW).

AA. Industrial User (IU) or User – Any person(s) who contributes causes or permits the contribution of wastewater into the City's POTW, including the owner of any private property having a building sewer connected to the POTW sewer system.

BB. Instantaneous Maximum Limit – The maximum allowable concentration of a pollutant discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the wastewater flow rate and the duration of the sampling event.

CC. Interceptor – A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous, or undesirable matter

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from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity.

DD. Interference – A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; or exceeds the design capacity of the POTW Treatment Plant or the POTW wastewater transportation system.

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

FF. Medical Waste – Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

GG. Monthly Average – The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

HH. Monthly Average Limit – The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" during that month.

II. National Pollutant Discharge Elimination System (NPDES) Permit – A permit issued to a POTW pursuant to Section 402 of the Act.

JJ. National Pretreatment Standard or Standard – Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Federal Clean Water Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to Tennessee Rule 0400-40-14-.05.

KK. National Prohibited Discharges – Prohibitions applicable to all nondomestic dischargers regarding the introduction of pollutants into POTW's set forth in 40 CFR 403.5.

LL. New Source

1. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed National Pretreatment Standards promulgated under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that Section provided that:

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

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

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

2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Section 1.(b) or (c) above, but otherwise alters, replaces or adds to existing process or production equipment.

3. Construction of a New Source as defined under this Section has commenced if the owner or operator has:

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

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

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MM. Noncontact Cooling Water – Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

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

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

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

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

RR. Pollutant – Any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged to water.

SS. Pollution – The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

TT. Pretreatment – The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except as prohibited by Tennessee Rule 0400-40-14-.06(4). Appropriate pretreatment technology includes control equipment, such as equalization tanks

or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with Tennessee Rule 0400-40-14-.06(5).

UU. Pretreatment Requirements – Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User, including but not limited to discharge, sampling requirements, analytical requirements, reporting requirements, and compliance schedules.

VV. Pretreatment Standard or Standards – Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

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

XX. POTW Treatment Plant, Wastewater Treatment Plant, or Treatment Plant – That portion of the POTW designed to provide treatment of wastewater.

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

ZZ. Shall is mandatory: May is permissive.

AAA. Significant Industrial User (SIU)

Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:

(1) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N; and

(2) Any other industrial user that:

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

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

c. Is designated as such by the Control Authority on the basis that is has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement (in accordance with TCA 0400-40-14-.08(6)(f).

(3) The Control Authority may determine that an Industrial User subject to categorical Pretreatment Standards under Tennessee Rule 0400-40-14-.06 and 40 CFR Chapter 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 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 Control Authority's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

b. The Industrial User annually submits the certification statement(s) required in Section 7.14 [Tennessee Rule 0400-40-14-.12(17)], together with any additional information necessary to support the certification statement; and

c. The Industrial User never discharges any untreated concentrated wastewater.

(4) Upon finding that a User meeting the criteria in Subsection (b) of this part has no reasonable potential for adversely affecting the POTW's operation of for violating any Pretreatment Standard or Requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in Tennessee Rule 0400-40-14-.08(6)(f), determine that such User is not a Significant Industrial User.

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

(1) Violations of Wastewater Discharge Limits

a. Chronic Violations;

b. Technical Review Criteria (TRC) Violations;

c. Any other violation(s) of an individual wastewater discharge permit effluent limit that the Control Authority believes has caused, alone or in combination with other discharges, interferences (e.g., slug loads) or pass-through; or endangered the health of the POTW personnel or the public; or

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

(2) 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.

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

(4) Failure to accurately report noncompliance.

(5) Violation or a group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

CCC. Significant Violation – A violation which remains uncorrected forty five (45) days after notification of noncompliance; which is part of a pattern of noncompliance over a twelve (12) month period; or which involves a failure to accurately report noncompliance; or which resulted in the POTW exercising its emergency authority under 40 CFR 403.8(f)(2)(vi)(B) and 403.8(f)(2)(vii).

DDD. Slug Control Plan – A plan to control slug discharges, which shall include, as a minimum:

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

(2) Description of stored chemicals;

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

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

EEE. Slug Load or Slug Discharge – Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2 of this Ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including, but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

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

GGG. State – State of Tennessee.

HHH. Storm Water – Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

III. Surcharge – A fee charged to Industrial users in excess of the normal Sewer User Charge to cover the additional expenses incurred by the POTW for treating conventional pollutants of a higher concentration than the POTW Treatment Plant was designed to treat.

JJJ. Technical Review Criteria (TRC) Violation – Technical Review Criteria (TRC) violations, defined here as those in which thirty three percent (33%) or more of the wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 1.4 of this Ordinance multiplied by the applicable TRC (TRC = 1.4 for BOD_5, TSS, COD, TKN, NH_3-N, fats, oil and grease, and 1.2 for all other parameters except pH).

KKK. Total Suspended Solids or Suspended Solids – The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids; and which is removable by laboratory filtering.

LLL. Toxic Pollutant – Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of Section 307(a) of the Act (40 CFR Part 403, Appendix B).

MMM. Upset – An exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed

treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

NNN. User or Industrial User – Any person(s) who contributes causes or permits the contribution of wastewater into the City's POTW, including the owner of any private property having a building sewer connected to the POTW sewer system.

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

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

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SECTION 2 – GENERAL SEWER USE REQUIREMENTS

2.1 Connection to Public Sewer

A. Requirements for Proper Waste Disposal

(1) It shall be unlawful for any Person to place, deposit or permit to be deposited in any unsanitary manner any Wastewater on public or private property within the service area of the City.

(2) This paragraph is held in reserve.

(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) Except as provided in Section 2.1A.(5), the owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes abutting on any street, alley or right-of-way in which there is now located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within sixty (60) days after the date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the owner's property.

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

(6) Where a public sanitary sewer is not available under the provisions of Section 2.1A.(4), the Building Sewer shall be connected to a private subsurface sewage disposal system complying with the provisions of State law and regulations governing subsurface sewage disposal systems.

B. Physical Connection of Building Sewers to the POTW

(1) No unauthorized person shall uncover, make any connections with or opening into, use, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Control Authority as required by this Ordinance.

(2) All costs and expenses incident to the installation, connection, and inspection of Building Sewers shall be borne by the User. The User shall

indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer.

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

(4) Old Building Sewers may be used in connection with a new building only when they are found, on examination and testing by the Control Authority, to meet all requirements of this Ordinance. All others must be sealed to the specifications of the Control Authority.

(5) Building Sewers shall conform to the following requirements:

a. The minimum size of a Building Sewer for connection of residential users to the POTW shall be four (4) inches.

b. The minimum size of Building Sewer for connection of commercial, institutional, and industrial users to the POTW shall be six (6) inches.

c. The minimum depth of cover above a Building Sewer shall be eighteen (18) inches.

d. Four (4) inch Building Sewers shall be laid on grade greater than ¼-inch per foot. Six (6) inch Building Sewers shall be laid on a grade greater than 1/8-inch per foot. Larger Building Sewers shall be laid on a grade that will produce a velocity when flowing full of at least 3.0 feet per second.

e. Slope and alignment of all Building Sewers shall be neat and regular.

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

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

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

i. The Building Sewer may be brought into the building below the basement floor when the Building Sewer can be constructed at the grade required in Section 2.1B.(5)d. from the building to the public sewer. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the public sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the User. In all buildings in which any Building Sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such Building Sewer shall be lifted by an approved means such as a grinder pump and discharged to the Building Sewer at the expense of the User.

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

k. An installed Building Sewer shall be gastight and watertight.

(6) All excavations for Building Sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

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

C. Inspection of Connections

(1) The connection of the Building Sewer to the public sewer and all Building Sewers from the building to the public sewer main line shall be inspected by the Control Authority or his Duly Authorized Representative before the underground portion is covered.

(2) The applicant for discharge shall notify the Control Authority when the Building Sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Control Authority or his Duly Authorized Representative.

D. Maintenance of Building Sewers

Each individual User of the POTW shall be entirely responsible for the maintenance of the Building Sewer located on private property to insure that the Building Sewer is watertight. This maintenance will include repair or replacement of the Building Sewer as deemed necessary by the Control Authority to meet the requirements of this Ordinance. If, upon smoke testing or visual inspection by the Control Authority, roof downspout connections, exterior foundation drains, area drains, basement drains, Building Sewer leaks, or other sources of rainwater, surface runoff, or groundwater entry into the POTW are identified on Building Sewers on private property, the Control Authority may take any of the following actions:

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(1) 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 completed within sixty (60) days from the date of the written notice and entirely at the expense of the User.

(2) 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 used will be charged to the User. The City will be responsible for bringing any excavations back to original grade, replacing topsoil and hand raking all disturbed areas; however, the property owner shall be responsible for final landscaping, including but not limited to seeding, fertilizing, watering, mulching, sodding, and replacing any shrubbery or trees displaced or damaged by the City during the execution of the work.

2.2 Prohibitions on Storm Drainage and Groundwater

Storm water, groundwater rain water, street drainage, roof top drainage, basement drainage, subsurface drainage, or yard drainage, if unpolluted, shall not be discharged to the POTW.

2.3 Unpolluted Water

Unpolluted water, including, but not limited to cooling water or process water, shall not be discharged to the POTW unless such discharge is permitted by the User's wastewater discharge permit.

2.4 Limitations of the Use of Garbage Grinders

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

2.5 Limitation on Point of Discharge

No Person shall discharge any substance directly into a manhole or other opening in a POTW sewer other than through an approved Building Sewer unless a temporary permit by the Control Authority has been issued. The Control Authority shall incorporate in such temporary permit such conditions as the City deems reasonably necessary to insure compliance with the provisions of this article and the User shall be required to pay applicable charges and fees thereof.

2.6 Septic Tank Pumping, Hauling, and Discharge

No Person owning vacuum or "cesspool" pump truck or other liquid waste transport truck shall discharge such sewage into the POTW, unless waste transport trucks have applied for and received a Truck Discharge Operation Permit from the Control Authority. All applicants for a Truck Discharge Operation Permit shall complete such forms as required by the Control Authority, pay appropriate fees, and agree in writing to abide by the provisions of this article and any special conditions or regulations established by the Control Authority. The owners of such vehicles shall affix and display the permit number on the side of each vehicle used for such purposes. Such permits shall be valid for a period of one (1) year from date of issuance provided such permit shall be subject to revocation by the Control Authority for violation of any provision of this article or reasonable regulation established by the Control Authority. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste. The

Control Authority shall designate the locations and times where such trucks may be discharged, and may refuse to accept any truckload of waste where it appears that the waste could interfere with the effective operation of the POTW treatment works or any sewer line or appurtenance thereto. The Control Authority shall incorporate in such Truck Discharge Operation Permit such conditions necessary to insure compliance with the provisions of this article and the charge (on a volume basis) for disposal of wastewater or sludge removed from septic tanks into the POTW.

2.7 Other Holding Tank Waste

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

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2.8 On-Site Wastewater Disposal Facilities

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

2.9 Prohibited Discharge Standards

A. General Prohibitions

No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other Federal, State, or local Pretreatment Standards or Requirements.

B. Specific Prohibitions

No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(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 POTW system (or at any point in the POTW) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter or have a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test methods specified in 40 CFR 261.21;

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

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference but in no cases solids greater than one-half inch(es) (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers from slaughter houses; ashes or cinders from sawmills;

sand, spent lime, stone or marble dust from stone work facilities; metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil; mud, or glass grinding or polishing waxes from any industry or agricultural facility; towels, rags, or sanitary wipes from health care facilities;

(4) Pollutants, including oxygen-demanding pollutants (BOD_5, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;

(5) Wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius);

(6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference with the POTW or Pass Through;

(7) 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;

(8) Trucked or hauled pollutants, except at discharge points designated by the Control Authority in accordance with Section 2.6 of this Ordinance;

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

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

(11) 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;

(12) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Control Authority;

(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

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

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

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

(17) Any Fats, Oils, or Grease of animal or vegetable origin and Waste Food and Sand that cause an upset, interference, or the POTW to violate its NPDES permit in concentrations greater than specified at Table 1: Industrial Wastewater Specific Pollutant Limitations and the table insert Threshold Limitations on Wastewater Strength Exceedances that may be subject to surcharge Refer to the specific guidelines for control at Section 2.10.

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: 1) advise the User(s) of the impact of the contribution on the POTW and 2) develop effluent limitations for such User(s) 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.

2.10 Fats, Oils, and Grease, Waste Food, and Sand Guidelines

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

A. Interceptors

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

(1) 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 750 gallons located on the exterior of the building. Approval of the installation of a grease trap instead of a grease interceptor at a new food service facility can be obtained for those facilities where inadequate space is available for the installation of a grease interceptor. Design criteria shall conform to the standard in accordance with any provisions of the plumbing Code as adopted by the City of Union City and Tennessee Department of Environment and Conservation engineering standards or applicable local guidelines.

b. Existing Food Service Facilities

On or after the effective date of 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 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.

(2) 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

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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.

(3) 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 ½-inch 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 Southern Plumbing Code and Tennessee Department of Environment and Conservation engineering standards or applicable local guidelines. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance and inspection. Control equipment shall be maintained by the owner or operator of the facility to prevent a stoppage of the public sewer, and the accumulation of FOG in the POTW. If the Control Authority is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, or lack thereof, the owner or operator shall be required to refund the labor, equipment, materials and overhead costs to the Control Authority. Nothing in this section shall be construed to prohibit or restrict any other remedy the Control Authority has under this 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 re-inspection. If all of the deficiencies have not been corrected, a first re-inspection fee of $50 shall be charged to the facility. If a second re-inspection is required, a second re-inspection fee of $150 shall be charged to the facility if all of the deficiencies have still not been corrected. If three or more re-inspections are required, a re-inspection fee of $300 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.

2.11 National Categorical Pretreatment Standards

Users must comply with the categorical Pretreatment Standards found at 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 Section 2.11E. and 2.11F. as allowed at 40 CFR 403.6(c).

B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Control Authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users as allowed at 40 CFR403.6(c)(2).

C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Control Authority shall impose an alternate limit in accordance with Tennessee Rule 0400-40-14-.06(5).

D. A CIU may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraphs of this Section as allowed at 40 CFR 403.15.

(1) 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 paragraph (2) of this Section are met.

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

b. Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.

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

E. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Control Authority. The City may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 2.11E.(1)a. through 2.11E.(1)e. below.

(1) To be eligible for equivalent mass limits, the Industrial User must:

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

b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;

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

d. Not have daily flow rates, production levels or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and

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e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

(2) An Industrial User subject to equivalent mass limits must:

a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

c. Continue to record the facility's production rates and notify the Control Authority whenever production rates are expected to vary by more than 20 percent (20%) from its baseline production rates determined in paragraph 2.11E.(1)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 paragraphs 2.11E.(1)a. of this Section so long as it discharges under an equivalent mass limit.

(3) When developing equivalent mass limits, the Control Authority:

a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;

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

c. May retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 2.16. The Industrial User must also be in compliance with Section 12.3 regarding the prohibition of bypass.

F. The Control Authority may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Control Authority. When converting such limits, the Control Authority will use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by Section 2.16 of this Ordinance (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)).

G. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section (2.11) in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.

H. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

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

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2.12 Modification of National Pretreatment Standards

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

2.13 State Pretreatment Standards

Users must comply with Tennessee Pretreatment Standards codified at *T.C.A. §§ 69-3-101 et seq.* and *4-5-201 et seq.*

2.14 Local Limits

A. The Control Authority is authorized to establish Local Limits pursuant to Tennessee Rule 0400-40-14-.05(3).

B. Specific Pollutant Limitations

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

(1) An exception has been granted by the Control Authority to the User; or

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

Analyses for all pollutants listed at Table 1: Industrial Wastewater Specific Pollutant Limits (refer to Appendix A) shall be conducted in accordance with the

requirements of 40 CFR Part 136 or equivalent methods approved by the United States Environmental Protection Agency.

C. Criteria to Protect the POTW Treatment Plant Influent

The City shall monitor the treatment works influent for each parameter listed in Appendix A (latest revision), Table 2: Criteria to Protect the Treatment Plant Influent. Analyses for all pollutants listed at Table 2: Criteria to Protect the Treatment Plant Influent (refer to Appendix A) shall be conducted in accordance with the requirements of 40 CFR Part 136 or equivalent methods approved by the United States Environmental Protection Agency. Industrial Users shall be subject to the reporting and monitoring requirements set forth in Section 6 and 7 of this Ordinance as to these parameters. In the event that the influent at the treatment works reaches or exceeds the levels established by Table 2: Criteria to Protect the Treatment Plant Influent (refer to Appendix A), the Control Authority shall initiate technical studies to determine the cause of the influent violation and shall recommend to the City such remedial measures as are necessary, including, but not limited to recommending the establishment of new or revised pretreatment levels for these pollutants. The Control Authority shall also recommend changes to any of these criteria in the event the POTW effluent standards are modified or in the event that there are changes in any applicable law or regulation affecting same or in the event changes are needed to more effectively operate of the POTW.

D. Conventional Pollutants

(1) BOD_5, TSS, and NH_3-N

The POTW treatment plant was designed to accommodate specific waste load concentrations and mass amounts of biochemical oxygen demand (BOD_5), total suspended solids (TSS) and ammonia nitrogen (NH_3-N). If an Industrial User discharges concentrations of these pollutants in excess of the Threshold Limitations on Wastewater Strength at Table 1: Industrial Wastewater Specific Pollutant Limitations, added operation and maintenance costs will be incurred by the POTW. Therefore, any Industrial User who discharges concentrations in excess of the Threshold Limitations on Wastewater Strength at Table 1: Industrial Wastewater Specific Pollutant Limitations listed at Appendix A of this Ordinance for any conventional pollutants such as BOD_5, TSS and/or NH_3-N will be subject to a surcharge. The formula for this surcharge is listed in Section 13.4 of this Ordinance. The City also reserves the right to, at any time, place specific mass or concentration limits for BOD_5, TSS, and/or NH_3-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.

(2) 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.

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

If a User discharges concentrations of "Free" Oil and Grease in excess of the Threshold Limitations on Wastewater Strength at Table 1: Industrial Wastewater Specific Pollutant Limitations at Appendix A of this

Ordinance for "Free" Oil and Grease, added operation and maintenance costs will be incurred by the POTW. Therefore, any User who discharges concentrations in excess of the Threshold Limitations on Wastewater Strength at Table 1: Industrial Wastewater Specific Pollutant Limitations at Appendix A for "Free" Oil and Grease will be subject to a surcharge. The formula for this surcharge is listed at Section 13.4 of this Ordinance. The City also reserves the right to, at any time, place specific mass or concentration limits for "Free" Oil and Grease on the User if the User's discharge of the excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit.

2.15 City's Right of Revision

The City reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW system if deemed necessary consistent with the purpose of this Ordinance.

2.16 Dilution

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Control Authority and/or his designated representative may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases when the imposition of mass limitations is appropriate.

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2.17 Accidental Discharges

A. Protection from Accidental Discharge

Each Industrial User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this 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 24 hours of becoming aware of the violation and shall include the location of the discharge, type of waste, concentration and volume, and corrective actions. The Industrial User shall repeat the sample within five (5) days, perform an analysis, and report the results of the sample analysis to the Control Authority within thirty (30) days of becoming aware of the violation (refer to 40 CFR 403.12(g))

(1) Written Notice

Within five (5) days following an accidental discharge, the Industrial User shall submit to the Control Authority a detailed written report describing the cause of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification

relieve the Industrial User of any civil penalties, administrative penalties, or other liability which may be imposed by this Ordinance or other applicable law.

(2) 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.

SECTION 3 – PRETREATMENT OF WASTEWATER

3.1 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 Section 2 of this Ordinance within the time limitations specified by EPA, the State, or Control Authority, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Control Authority for review, and shall be acceptable to the Control Authority before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User for the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this Ordinance.

3.2 Additional Pretreatment Measures

A. Whenever deemed necessary, the Control Authority may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this 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 may be issued solely for flow equalization.

C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Control Authority, they are necessary for the proper handling of wastewater containing excessive amounts of grease, oil, and/or sand; except that such interceptors shall not be required for residential users. All interception units shall be a type and capacity approved by the Control Authority, shall comply with Section 2.10 of this Ordinance, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with Section 2.10 by the User at their expense.

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

3.3 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 Section 6.6 of this Ordinance; and

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

SECTION 4 – INDIVIDUAL WASTEWATER DISCHARGE PERMITS

4.1 Wastewater Analysis

When requested by the Control Authority, a User may submit information on the nature and characteristics of its wastewater within fifteen (15) days of the request. The Control Authority is authorized to prepare a form for this purpose and may periodically require Users to update this information.

There shall be two (2) classes of Building Sewer permits: (a) for connection of residential, commercial, and institutional users to the POTW, and (b) for connection of Industrial Users to the POTW. In either case, the owner of the facility or residence wishing to connect a Building Sewer to the POTW or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Control Authority. A permit and inspection fee shall be paid to the City at the time the application is filed as set out in the City's schedule of charges and fees.

4.2 Individual Wastewater Discharge Permit Requirement

A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the Control Authority, except that a Significant Industrial User that has filed a timely application pursuant to Section 4.3 of this Ordinance may continue to discharge for the time period specified therein.

B. The Control Authority may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this Ordinance.

C. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this Ordinance and subjects the wastewater discharge permittee to the sanctions set out in Section 9 through 12 of this Ordinance. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

4.3 Individual Wastewater Discharge Permitting: Existing Connections

Any non-permitted User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of 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 in accordance with Section 4.5 of this Ordinance, 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 issued by the Control Authority.

4.4 Individual Wastewater Discharge Permitting: New Connections

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Any User required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with Section 4.5 of this Ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

4.5 Individual Wastewater Discharge Permit Application Contents

All Users required to obtain an individual wastewater discharge permit must submit a permit application. The Control Authority may require Users to submit all or some of the following information as part of the permit application:

A. Identifying Information

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

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

B. A list of any environmental control permits held by or for the facility.

C. Description of Operations

(1) 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.

(2) 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.

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

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

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

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

D. Time and duration of discharges.

E. The location for monitoring all wastes covered by this permit.

F. Information showing the measured average daily, maximum daily and 30-minute peak flow in gallons per day (including daily, monthly and seasonal variations, if any) to the POTW from regulated process streams and other streams, as necessary to allow use of the combined wastestream formula set in Section 2.11C. (Tennessee Rule 0400-40-14-.06(5)).

G. Measurement of Pollutants

(1) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

(2) 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 Section 2 and Appendix A of this

Ordinance 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.

(3) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.

(4) The sample shall be fully representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this Ordinance. 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.

(5) Sampling must be performed in accordance with procedures set out in Section 6.11 of this Ordinance.

(6) Where known, the nature and concentration of any pollutants in the discharge which are limited by any local, State or National Pretreatment Standards, and a statement regarding whether or not the Pretreatment Standards are being met on a consistent basis and, if not, whether additional Operation and Maintenance (O & M) and/or additional pretreatment is required for the Industrial User to meet applicable Pretreatment Standards

H. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 6.4B. of this Ordinance and Tennessee Rule 0400-40-14-.12(5)(b).

I. Statement of Duly Authorized Representative(s).

J. Any other information as may be deemed necessary by the Control Authority to evaluate the permit application.

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

4.6 Application Signatories and Certifications

A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement found in Section 6.14A. of this Ordinance.

B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Control Authority prior to or together with any reports to be signed by an Authorized Representative.

4.7 Individual Wastewater Discharge Permit Decisions

The Control Authority will evaluate the data furnished by the User and may require additional information. If sufficient data was not received to determine a User's category, the Control Authority may submit a Category Determination Request to the Approval Authority as set out in Tennessee Rule 0400-40-14-.06(1). After evaluation and acceptance of the data furnished, the Control Authority will determine whether to issue an individual wastewater discharge permit. The Control Authority may deny any application for an individual wastewater discharge permit.

SECTION 5 – INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE

5.1 Individual Wastewater Discharge Permit Duration

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

5.2 Individual Wastewater Discharge Permit Contents

An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Control Authority to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. Individual wastewater discharge permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulation, charges, and fees established by the City.

A. Individual wastewater discharge permits shall contain:

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

(2) A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Section 5.4 of this Ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;

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

(5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 6.4B. of this Ordinance.

(6) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

(7) Requirements to control Slug Discharge, if determined by the Control Authority to be necessary.

(8) Any grant of the monitoring waiver by the Control Authority (Section 6.4B.) shall be included as a condition in the User's permit.

(9) 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;

(10) Requirements for notification of excessive discharges such as described in Section 2.16 of this Ordinance;

(11) Requirements to immediately report noncompliance to the Control Authority, and to immediately resample for any parameter(s) out of compliance in accordance with 40 CFR 403.12(g).

B. Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

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

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

(3) 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;

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

(5) The unit charge or schedule of User Charges and fees for the management of the wastewater discharged to the POTW;

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(7) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal or State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit; and

(8) Other conditions as deemed appropriate by the Control Authority to ensure compliance with this Ordinance, and Federal and State laws, rules, and regulations.

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5.3 Permit Modification

The Control Authority may modify an individual wastewater discharge permit for good cause including, but not limited, the following reasons:

A. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

B. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

D. Information indicating that the permitted discharge poses a threat to the City's POTW, City Personnel, or the receiving waters;

E. Violation of any terms or conditions of the individual wastewater discharge permit;

F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

G. Revisions of a grant variance from categorical Pretreatment Standards pursuant to Tennessee Rule 0400-40-14-.13;

H. To correct typographical or other errors in the individual wastewater discharge permit; or

I. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 5.4 of this Ordinance.

5.4 Individual Wastewater Discharge Permit Transfer

Individual wastewater discharge permits are issued to a specific User for a specific operation. An individual wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without prior notice and approval from the Control Authority, and provision of a copy of the existing control mechanism (Individual Wastewater Discharge Permit) to the new owner or operator. Any succeeding owner or User shall also comply with the terms and conditions of the existing permit. The notice to the Control Authority must include a written certification by the new owner or operator which:

A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

B. Identifies the specific date on which the transfer is to occur;

C. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit; and

D. Submits a Duly Authorized to Sign.

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

5.5 Individual Wastewater Discharge Permit Revocation

The Control Authority may revoke an individual wastewater discharge permit for good cause, including, but not limited to the following reasons:

A. Failure to notify the Control Authority of significant changes to the wastewater prior to the changed discharge;

B. Failure to provide prior notification to the Control Authority of changed conditions pursuant to Section 6.5 of this Ordinance;

C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

D. Falsifying self-monitoring reports and certification statements;

E. Tampering with monitoring equipment;

F. Refusing to allow the Control Authority timely access to the facility premises and records;

G. Failure to meet effluent limitations;

H. Failure to pay penalties;

I. Failure to pay sewer charges;

J. Failure to meet compliance schedules;

K. Failure to complete a wastewater survey or the wastewater discharge permit application;

L. Failure to provide advanced notice of the transfer of business ownership of a permitted facility; and

M. Violation of a Pretreatment Standard or Requirement, or any terms of the individual wastewater discharge permit or this Ordinance.

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

5.6 Individual Wastewater Discharge Permit Reissuance

A User with an expiring individual wastewater discharge permit shall apply for a permit reissuance by submitting a complete permit application in accordance with Section 4.5 of this Ordinance, a minimum of ninety (90) days prior to the expiration of the User's

existing individual wastewater discharge permit. The terms and conditions of the permit may be subject to modification by the Control Authority during the term of the permit as limitations and/or requirements as identified in Section 2 are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change unless this allows Federal due dates to be violated. Any change(s) or new conditions in the permit shall include a reasonable time schedule for compliance.

5.7 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 paragraph A. of this Section, the Control Authority shall request the following information from the contributing municipality:

(1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

(2) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and

(3) Such other information deemed necessary by the Control Authority.

C. An Intermunicipal agreement, as required by paragraph A. of this Section shall contain the following conditions;

(1) 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 Section 2.14 of this Ordinance. The requirement shall specify that such an ordinance and limits must be revised as necessary to reflect changes made to the City's Ordinance and Local Limits;

(2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;

(3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the Control Authority; and which of these activities will be conducted jointly by the contributing municipality and the Control Authority;

(4) 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;

(5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

(6) Requirements for monitoring the contributing municipality's discharge;

(7) A provision ensuring the Control Authority access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties necessary by the Control Authority; and

(8) A provision specifying remedies available for breach of the terms of the Intermunicipal agreement.

The Intermunicipal agreement may contain provisions giving the Control Authority the right to take action to enforce the terms of the contributing municipality's ordinances or to impose and enforce Pretreatment Standards and Requirements directly against discharges of the contributing municipality.

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SECTION 6 – REPORTING REQUIREMENTS

6.1 Baseline Monitoring Requirements

A. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under Tennessee Rule 0400-40-14-.06(1)(d), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Control Authority a report which contains the information listed in paragraph B., below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Control Authority a report which contains the information listed in paragraph B., below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described in paragraph A., above, shall submit the information set forth below:

(1) All information required in Section 4.5A.(1), Section 4.5B., Section 4.5C.(1), and Section 4.5F. of this Ordinance.

(2) Measurement of Pollutants

a. The User shall provide the information required in Section 4.5G.(1) through 4.5G.(4).

b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in Tennessee Rule 0400-40-14-.06(5) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with Tennessee Rule 0400-40-14-.06(5) this adjusted limit along with supporting data shall be submitted to the Control Authority;

d. Sampling and analysis shall be performed in accordance with Section 6.10;

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.

(3) Compliance Certification – A statement, reviewed by the User's Authorized Representative as defined in Section 1.4C. 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.

(4) 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 Section 6.2 of this Ordinance.

(5) Signature and Report Certification – All baseline monitoring reports must be certified in accordance with Section 6.14A. of this Ordinance and signed by an Authorized Representative as defined in Section 1.4C. of this Ordinance.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1B. (4) of this Ordinance:

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

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

C. The User shall submit a progress report to the 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.

6.3 Reports on Compliance with Categorical Pretreatment Standards Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to Control Authority a report containing the information described in Section 4.5F., 4.5G., and 6.1B.(2) of this Ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 2.11, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.14A. of this Ordinance. All sampling will be done in conformance with Section 6.11.

6.4 Periodic Compliance Reports

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

A. All SIUs and NSCIUs must, at a frequency determined by the Control Authority, submit no less than twice per year (on dates specified) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the

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Control Authority or the Pretreatment Standard necessary to determine the compliance status of the User.

B. The City may authorize a SIU or NSCIU subject to a categorical Pretreatment Standard (upon the Approval Authority's approval) to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. [Tennessee Rule 0400-40-14-.12(5)(b)] This authorization is subject to the following conditions:

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

(2) The monitoring waiver is valid only for the duration of the effective period of the industrial wastewater discharge permit, but in no case longer than five (5) years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 4.5H. of this Ordinance.

(3) 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.

(4) The request for a monitoring waiver must be signed in accordance with Section 1.4C. of this Ordinance, and include the certification statement in Section 6.14A. of this Ordinance (Tennessee Rule 0400-40-14-.06(1)(b)(2)).

(5) 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.

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

(7) Upon approval of the monitoring waiver and revision of the User's permit by the Control Authority, the Industrial User must certify on each report with the statement in Section 6.14B. of this Ordinance, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.

(8) 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 Section 6.4A., or other more frequent monitoring requirements imposed by the Control Authority, and notify the Control Authority.

(9) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standards.

C. All periodic compliance reports must be signed and certified in accordance with Section 6.14A. of this Ordinance and a Chain of Custody form must be submitted with all reports.

D. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly

operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

E. If a User subject to the reporting requirement in this Section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Control Authority, using the procedures prescribed in Section 6.11 of this Ordinance, the results of this monitoring shall be included in the report for the corresponding reporting period.

6.5 Reports of Changed 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 necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this Ordinance.

B. The Control Authority may issue an individual wastewater discharge permit under Section 5.6 of this Ordinance or modify an existing wastewater discharge permit under Section 5.3 of this Ordinance in response to changed conditions or anticipated changed conditions.

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6.6 Reports of Potential Problems

A. In the case of any discharge, including, but not limited to accidental discharges, discharges of a nonroutine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Control Authority of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, and corrective actions taken by the User. The Control Authority may request a sample be collected for analysis at the time of accidental discharge.

B. Within five (5) days following such discharge, the User shall, unless waived by the Control Authority, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may incur as a result of damage to the POTW, natural resources, or any other damage to personal property; nor shall such notification relieve the User of any penalties or other liability which may be imposed pursuant to this Ordinance.

C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A. above. Employers shall ensure that all employees 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.

6.7 Reports from Non-permitted Users

All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the Control Authority as the Control Authority may require.

6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the Control Authority within twenty-four (24) hours of becoming aware of the violation. The User

shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the City performs sampling at the User's facility at least once a month, or if the City performs sampling at the User's facility between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User. If sampling performed by the City indicates a violation, the City may opt to notify the User of the violation and require the User to perform the repeat sampling and analysis [40 CFR 403.12(g)(2)].

6.9 Notification of the Discharge of Hazardous Waste

A. Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Water Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph needs to be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 6.5 of this Ordinance. 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 Section 6.1, 6.3, and 6.4 of this Ordinance.

B. Dischargers are exempt from the requirements of paragraph A. above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.

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

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

E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, an IWDP permit issued, or any applicable Federal or State law.

6.10 Analytical Requirements

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

6.11 Sample Collection

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

A. Except as indicated in Section B. and C. below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits (40 CFR 403.12(g)(3)).

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

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3 [Tennessee Rule 0400-40-14-.12(2) and (4)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Control Authority may authorize a lower minimum. For reports required by Section 6.4 paragraphs (Tennessee Rule 0400-40-14-.12(5) and (8)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

6.12 Date of Receipt Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed using the United States Postal Service, the date of receipt of the report shall govern.

6.13 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 the 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 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

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litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Control Authority or Approval Authority.

6.14 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 Section 4; Users submitting baseline monitoring reports under Section 6.1 [40 CFR 403.12(l)]; Users submitting reports on compliance with categorical Pretreatment Standard deadlines under Section 6.3 [40 CFR 403.12(d)]; Users submitting periodic compliance reports required by Section 6.4A. through 6.4C. [40 CFR 403.12(e) and (h)]; and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 6.4B.(4) [CFR 403.12(e)(2)(iii)]. The following certification statement must be signed by an Authorized Representative as defined in Section 1.4C. of this Ordinance:

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

B. Annual Certification for Non-Significant Categorical Industrial Users – A facility determined to be a Non-Significant Categorical Industrial User by the Control Authority pursuant to Section 1.4 AAA (3) and Section 4.6 C. [40 CFR 403.3 (v) (2)] must annually submit the following certification statement signed in accordance with the signatory requirements in Section 1.4 C. [40 CFR 403.120 (1)]. This certification must accompany an alternative report required by the Control Authority:

"Based on my inquiry of the person(s) directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR Part _____ _____, I certify that, to the best of my knowledge and belief, the period from _____, _____ to _____, _____ [month, days, year(s)]:

(i) The facility described at _____ [facility name] met the definition of Non-Significant Categorical Industrial User as described in 1.4 AAA (3);
(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 Section 6.4B. of this Ordinance must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

"Based on my inquiry of the person(s) directly responsible for managing compliance with the Pretreatment Standard for 40 CFR Part (s) _____ [specify applicable National Pretreatment Standard part(s)], *I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____* [list pollutant(s)] *in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 6.4A."*

SECTION 7 – COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Testing

The Control Authority shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Ordinance and any individual wastewater discharge permit or order issued hereunder. Users shall allow the Control Authority ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, and copying, and the performance of any additional duties.

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

B. The Control Authority, Approval Authority, and/or EPA shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct compliance monitoring/sampling and/or metering of the User's operations.

C. The Control Authority may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at his own expense. All devices used to measure wastewater flow and quality shall be calibrated annually (unless otherwise specified) to ensure their desired accuracy. The location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and on-site analysis (where necessary), whether constructed on public or private property. The monitoring facilities should be provided in accordance with the Control Authority's requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such a manner to enable the Control Authority to perform independent monitoring activities.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Control Authority and shall not be replaced. The costs of clearing such access shall be borne by the User.

E. Unreasonable delays in allowing the Control Authority access to the User's premises shall be a violation of this Ordinance.

SECTION 8 – CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits and monitoring programs, and from the Control Authority's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Control Authority, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person

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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.

SECTION 9 – PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Control Authority shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial user that violates paragraphs C., D., or H. of this Section) is in significant noncompliance if its violation meets one or more of the following criteria:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period on a rolling quarterly basis exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 1.4;

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 1.4 multiplied by the applicable criteria (TRC=1.4 for BOD_5, TSS, fats, oils and grease, NH_3-N and 1.2 for all other pollutants except pH);

C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 1.4 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that Control Authority determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

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

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

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

G. Failure to accurately report noncompliance; or

H. Any other violation(s), 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.

SECTION 10 – ADMINISTRATIVE ENFORCEMENT REMEDIES

All administrative enforcement actions taken against a Significant Industrial User, including procedures, order, and complaints, shall be in accordance with the Tennessee Water Quality Control Act of 1977 and its amendments, specifically *TCA 69-3-123*, and enforcement per the Enforcement Response Plan (ERP).

10.1 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 order issued hereunder, or any other Pretreatment Standard or Requirement, the Control Authority may serve upon that User a written Notice of Violation. Within ten (10) days of the

receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Control Authority. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Control Authority to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.2 Consent Orders

The Control Authority may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this ordinance and shall be judicially enforceable.

10.3 Show Cause Hearing

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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 order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Control Authority and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 1.4 and required by Section 4.6. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User. Whether or not a duly notified User appears as noticed, immediate enforcement action may be pursued. Hearings shall be conducted in accordance with the provisions of *TCA 69-3-124*.

10.4 Compliance Order

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 order issued hereunder, or any other Pretreatment Standard or Requirement, the Control Authority may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time period. If the User does not show compliance within the specified time, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated to allow compliance with this ordinance. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, the installation of pretreatment system(s), and management practices designed to minimize the amount of pollutant(s) discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.5 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 order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Control Authority may issue an order to the User directing it to cease and desist all such violations and directing the User to:

A. Immediately comply with all requirements; and/or

B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist

order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.6 Administrative Penalties

A. Notwithstanding any other Section of this Ordinance, any Significant Industrial User who is found to have violated any provision of this Ordinance, or permits and orders issued hereunder, shall be subject to a civil penalty of up to ten thousand dollars ($10,000.00) per violation. Such penalties shall be assessed on a per violation, per day basis in accordance with the provisions of *TCA 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 City shall utilize such other collection remedies as available to collect other service charges.

B. Unpaid charges and penalties shall constitute a lien against the individual User's property.

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

D. Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.7 Emergency Suspensions

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

B. Any User notified of a suspension of the wastewater treatment service and/or the individual wastewater discharge permit shall immediately stop or eliminate its contribution of process wastewater to the POTW. In the event of a User's failure to immediately comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings set forth in Section 10.8 of this ordinance are initiated against the User.

C. A User which is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit to the City a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence within five (5) days after notification of suspension of service or prior to the date of the hearing described in Section 10.3.

Nothing in this Section shall be interpreted as requiring a hearing prior to Emergency Suspension under this Section.

10.8 Termination of Discharge

In addition to the provisions in Section 5.5 of this Ordinance, any User who violates the following conditions is subject to discharge termination:

A. Violation(s) of individual wastewater discharge permit conditions;

B. Failure to accurately report the wastewater constituents and characteristics of its discharge;

C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling;

E. Violation of Pretreatment Standards in Section 2 of this Ordinance.

Such User(s) will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this Ordinance why the proposed action should not be taken. Exercise of this option by the Control Authority shall not be bar to, or a prerequisite for, taking any other action against the User.

SECTION 11 – JUDICIAL ENFORCEMENT REMEDIES

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If any User 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 issued hereunder, the City through the City Attorney, may commence an action for appropriate legal and/or equitable relief in the Chancery Court for Obion County. Any judicial proceedings and relief shall be in accordance with the provisions of *TCA 69-3-127.*

11.1 Injunctive Relief

Whenever a User has violated or continues to violate the provisions of this Ordinance or individual wastewater discharge permit, order issued hereunder, or any other Pretreatment Standard or Requirement ,the City, through the City Attorney, may petition the Court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the specific performance of the individual wastewater discharge permit or other requirement imposed by this ordinance on activities of the User. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

11.2 Civil Penalties

A. A User who has violated or continues to violate any provision of this Ordinance or any permit or order issued hereunder, or any Pretreatment Standard or Requirement shall be liable to the City for a civil penalty of up to ten thousand dollars ($10,000.00), plus actual damages incurred by the POTW per violation, per day for as long as the violation continues. In addition to the above described penalty and damages provided herein, the City may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the User(s) found to have violated this Ordinance or the orders, rules, regulations and permits issued hereunder.

B. The City shall petition the Court to impose, assess and recover such sums. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to the extent of the harm caused by the violation, the magnitude and duration, the economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

11.3 Criminal Prosecution

Pursuant to Section 69-3-115(4)(c) of the Tennessee Code Annotated, violators will be prosecuted for a Class E Felony and punished by a penalty of not more than twenty five thousand dollars ($25,000.00) or incarceration, or both.

11.4 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 City's Enforcement Response Plan. However, the City may take other action against any User when the circumstances are warranted. Further, the City is empowered to take more than one enforcement action against any noncompliant User.

SECTION 12 – AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

12.1 Treatment Upset

A. Any User which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation, shall inform the Control Authority thereof immediately upon becoming aware of the upset.

B. A User who wishes to establish affirmative defense of a treatment upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the User can identify the cause(s) of the upset;

(2) 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

(3) The User has submitted the following information to the Control Authority within twenty-four (24) hours of becoming aware of the upset (where such information is provided orally, a written report thereof shall be filed by the User within five (5) days).

The report shall contain:

a. A description of the indirect discharge and cause of noncompliance;

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

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

C. An Industrial User which complies with the notification provisions of this Section in a timely manner shall have affirmative defense to any enforcement action brought by the City for any noncompliance with this Ordinance, or an order or individual wastewater discharge permit issued hereunder to the Industrial User, which arises out of violations attributable and alleged to have occurred during the period of the documented and verified upset.

D. In any enforcement proceeding, the Industrial User seeking to establish the occurrence of an upset shall have the burden of proof.

E. Industrial Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

F. The Industrial User shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

12.2 Prohibited Discharge Standards

A User shall have affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.9A. of this Ordinance or the specific prohibitions in Section 2.9B. of this Ordinance 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 <u>does not apply</u> to the specific prohibitions in Section 2.9B.(1), (3), and (14) of this Ordinance.

12.3 <u>Bypass</u>

A. For the purposes of this Section:

(1) Bypass means the intentional diversion of waste streams from any portion of a User's treatment facility.

(2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of bypass. Sever 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 paragraphs C. and D. of this Section.

C. Bypass Notification

(1) 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.

(2) A User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Control Authority within twenty four (24) hours from the time the User becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Control Authority may waive the written report on a case-by-case basis if the oral report has been received within twenty four (24) hours.

D. Prohibition of Bypass

(1) Bypass is prohibited, and the Control Authority may take enforcement action against the User for a bypass, unless:

a. The bypass was unavoidable to prevent loss of life, personal injury, or sever property damage;

b. There was no feasible alternative to the bypass, including the use of auxiliary treatment facilities, retention of untreated wastes, or maintenances during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment

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should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

c. The User properly notified the Control Authority as required by paragraph C. above.

(2) The Control Authority may approve an anticipated bypass, after considering its effects, if the Control Authority determines that it will meet the three conditions listed in paragraph D.(1) of this Section.

SECTION 13 – FEES

13.1 Purpose

It is the purpose of this Section to provide for the recovery of costs from Users of the City's POTW system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the City's Schedule of Charges and Fees.

13.2 Pretreatment Charges and Fees

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program, which may include:

A. Fees for wastewater discharge permit applications including the cost of processing such applications;

B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements by Users;

C. Fees for reviewing accidental discharge procedures and construction plans and specifications for construction;

D. Fees for filing appeals;

E. Fees to recover administrative and legal costs (not included in Section 13.2 B.) associated with the enforcement activity taken by the Control Authority to address Industrial User noncompliance;

F. Fees for inspection of Building Sewer connections;

G. Charges to Users for recovery of costs associated with normal operation, maintenance, administration, amortization of debt and depreciation of the POTW; and

H. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Ordinance and are separate from all other fees and penalties chargeable by the City.

13.3 Fair User Charge System

User fees for discharge of wastewater to the POTW shall be based on the fair user charge system approved by the State of Tennessee for use by the City. The fair user charge fee schedule shall be updated annually to reflect changes in the actual cost of maintaining and operating the POTW, and the depreciation of facilities and debt amortization. The fair user charge fee schedule shall be based on an equitable distribution of the costs of "Accounting and Collecting" and "Administration and General" to all customers connected to the POTW and to each lot, parcel of land or premises which may now or hereinafter be located within two hundred (200) feet of a sanitary sewer owned by the City; and an equitable distribution of the costs of operating expenses, debt amortization and depreciation to all customers connected to the POTW based on water usages as determined by water meters owned by the City. The Users obtaining water from a source or sources other than through a meter of the City, which

water is discharged into the POTW, shall install without cost to the City, a meter or meters to measure the quantity of water received from any such source or sources, and shall pay the same fees as provided in this Section. No meter shall be installed or used for such purpose without the approval of the Control Authority.

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

13.4 Surcharge Fee

If a Significant Industrial User discharges in excess of the Threshold Limitations on Wastewater Strength set for the pollutants BOD_5, TSS, NH_3-N, and/or free oil and grease at Appendix A Table 1, additional operation and maintenance costs will be incurred by the City. Therefore, any Significant Industrial User who discharges in excess of the threshold limitations for any of these pollutants will be subject to a surcharge. The formula for this surcharge is listed below. Surcharges shall be in addition to normal user fees.

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

The City also reserves the right to, at any time, place limits which may not be exceeded on the Significant Industrial User's discharge if the Significant Industrial User's discharge of the excessive strength wastewater causes the POTW Treatment Plant to violate its NPDES permit.

As an alternate to this formula, the City may calculate surcharge fees based on actual costs caused by the discharge of excessive strength conventional pollutants.

SECTION 14 – SEVERABILITY

If any provision, paragraph, word, section, or chapter 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.

SECTION 15 – REPEAL OF EXISTING MUNICIPAL CODE SECTIONS AND INSERTION OF NEW SECTIONS IN LIEU OF

BE IT FURTHER ORDAINED that ORDINANCE 8-99, inclusive, of the Union City Municipal Code, 1963, as amended, be repealed in its entirety and that the Sections of the Amended Comprehensive Sewer Use Ordinance as set out hereinbefore be inserted in lieu thereof.

SECTION 16 – ADOPTION AND EFFECTIVE DATE

This Ordinance shall be in full force and effect ten (10) days from and after its passage on second and final reading, and after publication in the official City newspaper, as provided by law.

16.1 Adoption

This Ordinance adopted 11/20/14 First Reading
12/02/14 Second Reading.

ORDB007

16.2 Effective Date

Effective Date: December 12, 2014.

CITY OF UNION CITY, TENNESSEE

HONORABLE TERRY L. HAILEY
MAYOR

Attest: _____
CITY CLERK

APPROVED AS TO FORM AND LEGALITY

_____
CITY ATTORNEY