

ORDINANCE 2019-1044

AN ORDINANCE TO AMEND TITLE 18 OF THE MOUNT PLEASANT MUNICIPAL  
CODE RELATING TO SEWER USE BY REPEALING CHAPTER 2  
IN ITS ENTIRETY AND REPLACING TITLE 18, CHAPTER 2  
WITH A NEW CHAPTER PERTAINING TO SEWER USE

BE IT ORDAINED BY THE CITY OF MOUNT PLEASANT, TENNESSEE,  
AS FOLLOWS:

Section 1. That Title 18, Chapter 2 of the City of Mount Pleasant's Municipal Code is hereby deleted in its entirety and replaced with a new Title 18, Chapter 2 as follows:

**CHAPTER 2**

**WASTEWATER REGULATIONS**

**SECTION**

- 18-201. Purpose and policy.
- 18-202. Definitions.
- 18-203. Connection to public sewers.
- 18-204. Septic tank effluent pump or grinder pump wastewater systems.
- 18-205. Private domestic wastewater disposal.
- 18-206. Regulation of holding tank waste disposal or trucked in waste.
- 18-207. Discharge regulations.
- 18-208. Application for domestic wastewater connection and industrial wastewater discharge permits.
- 18-209. Industrial user monitoring, inspection reports, records access, and safety.
- 18-210. Enforcement and abatement.
- 18-211. Fees and billing.
- 18-212. Validity.

**18-201. Purpose and policy.** This chapter sets forth uniform requirements for the disposal of wastewater in the service area of the City of Mount Pleasant, Tennessee wastewater treatment system. The objectives of this chapter are:

- (1) To protect the public health;
- (2) To provide problem free wastewater collection and treatment service;
- (3) To prevent the introduction of pollutants into the municipal wastewater treatment system, which will interfere with the system operation, which will cause the system discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements, or which will cause physical damage to the wastewater treatment system facilities;
- (4) To provide for full and equitable distribution of the cost of the wastewater treatment system;
- (5) To enable the city to comply with the provisions of the Federal Water Pollution Control Act, the General Pretreatment Regulations (40 C.F.R. part 403), and the Tennessee Water Quality Control Act, Tennessee Code Annotated, § 69-3-123, et seq.;
- (6) To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment system.

In meeting these objectives, this chapter provides that all persons in the service area of the city must have adequate wastewater treatment either in the form of a connection to the municipal wastewater treatment system or, where the system is not available, an appropriate private disposal system. The chapter also provides for the issuance of permits to system users, for the regulations of wastewater discharge volume and characteristics, for monitoring and enforcement activities, and for the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein. This chapter shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the municipal wastewater treatment system. Except as otherwise provided herein, the local administrative officer of the city shall administer, implement, and enforce the provisions of this chapter. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010)

**18-202. Definitions.** Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

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

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

(3) "Authorized representative of industrial user." An authorized representative (for signatory requirements for industrial user reports) of an industrial user shall be signed as follows:

(a) By a responsible corporate officer, if the industrial user submitting the reports (required by paragraphs (2), (4), and (5) of Tennessee Rule 400-40-14-.12(12)) is a corporation. For the purpose of this section, a responsible corporate officer means:

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

(ii) The manager of one (1) or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) By a general partner or proprietor if the industrial user submitting the reports (required by paragraphs (2), (4), and (5) of Tennessee Rule 400-40-14-.12) is a partnership or sole proprietorship, respectively;

(c) By a duly authorized representative of the individual designated in subsections (a) or (b) of this section if:

(i) The authorization is made in writing by the individual designated in subsections (a) or (b) of this section;

(ii) The authorization specifies either an individual or a position

having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(iii) The written authorization is submitted to the control authority.

(d) If an authorization under Tennessee Rule 400-40-14-.12(12)(c) 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 authorization satisfying the requirements of Tennessee Rule 400-40-14-.12(12)(c) must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

(4) "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Tennessee Rule 400-40-14-.05(1)(a) and (2). BMPs also 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. (Tennessee Rule 400-40-14.03(1)).

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

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

(7) "Categorical standards." The national categorical pretreatment standards or pretreatment standard.

(8) "City." The City of Mount Pleasant or the board of commissioners.

(9) "Commissioner." The commissioner of the Department of Environment and Conservation or the commissioner's duly authorized representative and, in the event of the commissioner's absence or a vacancy in the office of commissioner, the deputy commissioner.

(10) "Compatible pollutant." Shall mean BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or may in the future be specified and controlled in the city's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(11) "Commercial customer." Shall mean any business or company that sells goods or services to the general public whose wastewater stream contains compatible pollutants only, as defined in item (10) above. Educational facilities whose wastewater stream contains compatible pollutants only will be considered as commercial customers as well.

(12) "Cooling water." The discharge from air conditioning, cooling or refrigeration, or to which the only pollutant added is heat. Water used for cooling which does not come into direct contact with raw material, intermediate product, waste product, or finished product.

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

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

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

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

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

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

(19) "Grab sample." A sample which is taken from a waste stream on a one (1) time basis with no regard to the flow in the waste stream and is collected over a period of time not to exceed fifteen (15) minutes.

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

(21) "Grease trap." An interceptor whose rated flow is fifty (50) g.p.m. or less and is located inside the building.

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

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

(24) "Indirect discharge." The discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 17), into the POTW (including holding tank waste discharged into the system).

(25) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402, of the Act (33 U.S.C. 42).

(26) "Industrial customer." Shall mean any business or company that manufactures or warehouses goods whose wastewater stream contains compatible pollutants and/or incompatible pollutants, as defined in items (10) and (23) above. Commercial customers whose wastewater stream contains incompatible pollutants (or compatible pollutants at excessive concentrations) will be automatically considered as industrial customers, and charged the industrial rate for wastewater discharges. Additionally, the commercial customer may be required to be permitted as an industrial customer (as determined by the superintendent).

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

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

(29) "Interference." Interference means 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 treatment works or the collection system. (400-40-14-.03)

(30) "Local administrative officer." The chief administrative officer of the local hearing authority: the sewer system operations manager ("system manager").

(31) "Local hearing authority." The board of commissioners or such person or persons appointed by the board to administer and enforce the provisions of this chapter and conduct hearings pursuant to § 18-210.

(32) "National pretreatment standard," "pretreatment standard," or "standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Federal Clean Water Act (33 U.S.C. § 1347), which applies to industrial users. This term includes prohibitive discharge limits established pursuant to Tennessee Rule 400-40-14-.05.

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

(34) "New source" means:

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

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

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

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

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

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

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

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

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

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation

within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this section.

(35) "Non-domestic, non-industrial water." Water which may be utilized by a person for irrigation, agricultural or recreational purposes which does not enter or contribute to Mount Pleasant's wastewater stream.

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

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

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

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

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

(41) "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration may be obtained by physical, chemical, biological processes, process changes or by other means, except as prohibited by Tennessee Rule 400-40-14-.06(4) or through dilution as prohibited by 40 C.F.R. section 403.6(d). 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 400-40-14-.06(5).

(42) "Pretreatment coordinator." The person designated by the local hearing authority or its authorized representative to supervise the operation of the pretreatment program.

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

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

contract or agreement with the city users of the city's POTW. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharge to and the discharge from such a treatment works.

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

(46) "Residential customer." Shall mean any single or multi-family homes, apartments, duplexes, triplexes, condominiums, trailers, or other dwelling units (deemed "residential" by the system manager whose wastewater stream contains compatible pollutants only, as defined in item (9).

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

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

(a) All industrial users subject to categorical pretreatment standards under 40 C.F.R. 403.6 and 40 C.F.R. chapter I, subchapter N; or

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

(49) "Significant noncompliance." See 40 C.F.R. 403.8(f)(2)(viii) and Tennessee Rule 400-40-14-.08(6)(b)8. Comply with the public participation requirements of 40 C.F.R. part 25 in the enforcement of national pretreatment standards. These procedures shall include provision for at least annual public notification, in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, of industrial users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, a significant industrial user (or any industrial user which violates subsections (iii), (iv), or (viii) of this section) is in significant noncompliance if its violation meets one (1) or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined in Tennessee Rule 400-40- 05;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by Tennessee Rule 400-40-05 multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required by this rule;

(c) Any other violation of a pretreatment standard or requirement as defined by Tennessee Rule 400-40-14-.08 that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the

POTW's exercise of its emergency authority under Tennessee Rule 1200-4-14-.08(6)(a)6(ii) to halt or prevent such a discharge;

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

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

(g) Failure to accurately report noncompliance;

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

(50) "Slug." Any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violates the POTW's regulations, local limits, or permit conditions; or any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations of flows during normal operation or any discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

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

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

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

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

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

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

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

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

(59) "User." The owner, tenant, or occupant of any lot or parcel of land connected to a sanitary sewer.



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

(61) "Wastewater treatment systems." Defined the same as POTW.

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

(63) "WWF treatment plant" means that portion of the wastewater facilities which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste. When "WWF" is used, it has the same definition as "POTW." (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010)

**18-203. Connection to public sewers.** (1) Requirements for proper wastewater disposal. (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the city any human or animal excrement, garbage, or other objectionable waste.

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

(c) Except as herein 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.

(d) Except as provided in § 18-203(1)(e) below, and subject to any state mandated moratorium the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area and located within one hundred feet (100') of the property line and upon a lot or property in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of the chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred feet (100') of the property line over public access. The city shall install up to one hundred feet (100') of sewer service line from a sewer main to serve property owners as consideration for the within described connection fee. Provided further, sewer service shall be considered available where the first floor of the building above or on ground level can be served in accordance with the city's rules and regulations and general practices. All costs of installation over one hundred feet (100') to serve the property shall be reimbursed by the property owner.

(e) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided that it 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.

(f) Where a public sanitary sewer is not available under the provisions of § 18-203(1)(d) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-205 of this chapter.

(g) Users have a duty to comply with the provisions of this ordinance in order for the city to fulfill the stated policy and purpose. Significant Industrial Users must comply with the provisions of this ordinance and applicable state and

federal rules according to the nature of the industrial discharge.

(2) Physical connection to public sewer. (a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof. The city shall make all connections to the public sewer and will install service lines to the property of the owner after first submitting a connection application and payment of the connection to the city as required by § 18-208 of this chapter.

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

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

(c) A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Buildings, or structures, under one (1) continuous roof may be deemed to be a single building, i.e. duplexes, apartments, attached garages, etc.

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

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

(i) The minimum size of a building sewer shall be as follows:

Conventional sewer system - four inches (4").

Existing septic tanks shall not become an integral part of the collection and treatment system unless they are first proven and tested to be completely water-tight by specifications of the consulting engineer of the wastewater system. The minimum size influent line of septic tanks shall be four inches (4") and the minimum size of septic tank shall be one thousand five hundred (1,500) gallons. Septic tanks shall be constructed of water-tight material and protected from flotation. The city shall have the right, privilege, and authority to locate, inspect, operate, and maintain septic tanks which are an integral part of the collection and treatment system.

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

(iii) Building sewers shall be laid on the following grades: Four-inch (4") sewers - one-eighth inch (1/8") per foot. (one percent (1%) grade).

Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') per second.

(iv) Slope and alignment of all building sewers shall be uniform.

(v) Building sewers shall be constructed only of ductile iron pipe class 50, or above, with sewer lining such as a forty (40) millimeter thickness of polyethylene or equivalent or polyvinyl chloride pipe SDR-35

(or Schedule 40) for gravity sewers and SDR-21 for pressure sewers. Joints shall be solvent-welded or compression gaskets designed for the type of pipe used. No other joints shall be acceptable.

(vi) A cleanout shall be located five feet (5') outside of the building, one (1) as it crosses the property line and one (1) at each change of direction of the building sewer which is forty-five degrees (45E) or greater. Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of four inch (4") or six inch (6") nominal diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed and protected from damage. A 2-way shall be used for the cleanout base. Cleanouts shall be of the same size as the pipe they are serving or are connected but not smaller than four (4") inches.

(vii) Connections of building sewers to the public sewer system shall be made only by the city and shall be made at the appropriate existing wyes or tee branch using compression type couplings or collar type rubber joint with stainless steel bands. Fernco boot with stainless steel screw type clamps may also be allowed for connections at the discretion of the system manager. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting using flexible neoprene adapters with stainless steel bands of a type approved by the superintendent. Taps on the main line may be installed by utilizing a rotary cutter and sealed tee or wye fittings. All such connections shall be made gastight and watertight. Bedding must support pipe to prevent damage or sagging.

(viii) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of one-eighth inch (1/8") per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a step or grinder pump and discharged to the building sewer at the expense of the owner, pursuant to § 18-204.

(ix) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications of the ASTM and Water Environment Federation Manual of Practice FD-5. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

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

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

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

public sanitary sewer.

(h) Inspection of connections. (i) The building sewer connection to the public sewer and all building sewers from the building to the public sewer lateral at the city's cleanout shall be inspected and tested before the underground portion is covered by the city's building inspector or his authorized representative (who must be a certified plumbing inspector), in accordance with the International Plumbing Code. The lateral sewer connection to the sewer main line and all line installed by the city to serve the property, normally installed to the cleanout installed at the property line, shall be inspected by the system manager or his designated representative.

(ii) The applicant for discharge shall notify the city building inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the city building inspector or his representative and by the system manager or his representatives as appropriate.

(3) Maintenance of building sewers. (a) Each individual property owner or user of the POTW shall be entirely responsible for the maintenance which will include repair or replacement of the building sewer as deemed necessary by the system manager to meet specifications of the city. Users failing to maintain or repair building sewers or who allow storm water or ground water to enter the sanitary sewer may face enforcement action by the system manager up to and including discontinuation of water and sewer service.

(b) The City may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with.

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

(4) Sewer extensions. All expansion or extension of the public sewer constructed by property owners or developers must follow policies and procedures developed by the city. In the absence of policies and procedures the expansion or extension of the public sewer must be approved in writing by the system manager. All plans and construction must follow the latest edition of Tennessee Design Criteria for Sewerage Works. Contractors must provide the system manager with a record drawing and documentation that all mandrel, pressure and vacuum tests as specified in design criteria were acceptable prior to use of the lines. Contractor's one (1) year warranty period begins with occupancy or first permanent use of the lines. Contractors are responsible for all maintenance and repairs during the warranty period and final inspections as specified by the system manager. The system manager must give written approval to the contractor to acknowledge transfer of ownership to the city. Failure to construct or repair lines to acceptable standards could result in denial or discontinuation of sewer service. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010)

**18-204. Septic tank effluent pump or grinder pump wastewater systems.** When connection of building sewers to the public sewer by gravity flow lines is impossible due to

elevation differences or other encumbrances, Septic Tank Effluent Pump (STEP) or Grinder Pump (GP) systems may be installed subject to the regulations of the City of Mount Pleasant.

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

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

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

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

(4) Ownership and easements. Homeowners or developers shall provide the city with ownership and an easement. Access by the city to the STEP and GP system must be guaranteed to operate, maintain, repair, restore service, and remove sludge. Access manholes, ports, and electrical disconnects must not be locked, obstructed or blocked by landscaping or construction.

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

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

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

(d) Prohibited uses of the STEP and GP system.

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

(ii) Disposal of toxic household substances.

(iii) Use of garbage grinders or disposers.

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

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

(6) Tank cleaning. Solids removal from the septic tank shall be the responsibility of the city. However, pumping required more frequently than once every five (5) years shall be billed to the homeowner.

(7) Additional charges. The city shall be responsible for maintenance of the STEP and GP equipment. Repeat service calls for identical problems shall be billed to the homeowner or business at a rate of no more than the actual cost of the service call. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010) In addition if the City receives regulatory fines related to equipment failure and sewage overflows all such fines will be passed on to the user.

**18-205. Private domestic wastewater disposal.** (1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of § 18-203(1)(d), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(b) Any residence, office, recreational facility, or other establishment

used for human occupancy where the building drain is below the elevation to obtain a grade equivalent to one-eighth inch (1/8") per foot in the building sewer but is otherwise accessible to a public sewer as provided in § 18-203, the owner shall provide a private sewage pumping station as provided in § 18-203(2)(e)(viii).

(c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within ninety (90) days after date of official notice from the city to do so.

(2) Requirements. (a) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the system manager stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the county health department and/or the approval authority as appropriate.

(b) Before commencement of construction of a private sewage disposal system the owner shall first obtain written permission from the city and the county health department and/or the approval authority as appropriate. The owner shall supply any plans, specifications, and other information as are deemed necessary by the city and the county health department and/or the approval authority as appropriate.

(c) A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the city and the county health department and/or the approval authority as appropriate. They shall be allowed to inspect the work at any stage of construction and the owner shall notify the city and the county health department and/or the approval authority as appropriate when the work is ready for final inspection, before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the city and the county health department and/or the approval authority as appropriate.

(d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the city and the county health department and/or the approval authority as appropriate. No septic tank or cesspool shall be permitted to discharge to waters of Tennessee.

(e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the city. When the public sewer becomes available, the building sewer, or the septic tank effluent line if approved at the discretion of the system manager, shall be connected to the public sewer within ninety (90) days of the date of availability and the private sewage disposal system should be cleaned of sludge and, if no longer used as a part of the city's treatment system, filled with suitable material.

(f) No statement contained in this chapter shall be construed to interfere with any additional or future requirements that may be imposed by the city and the county health department and/or the approval authority as appropriate. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010)

**18-206. Regulation of holding tank waste disposal or trucked in waste.** (1) Permit. No person, firm, association or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excreta disposal system, unless such person, firm, association, or corporation obtains a permit from the city to perform such acts or services.

Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the system manager when the conditions of this chapter have been met and providing the system manager is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste.

(2) Fees. For each permit issued under the provisions of this chapter the applicant shall agree in writing by the provisions of this section and pay an annual service charge to the city to be set as specified in § 18-211. Any such permit granted shall be for one (1) fiscal year or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year, unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted in three inch (3") permanent letters on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(3) Designated disposal locations. The system manager may designate one (1) or more approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated. The system manager may refuse to accept any truckload of waste at his absolute discretion where it appears that the waste could interfere with the operation of the POTW.

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

(5) Trucked in waste. No waste material or cleaning waste will be allowed from trucks, railcars, barges, etc., or temporally pumped waste without written approval by the system manager. This approval may require testing, flowing monitoring and record keeping or the issuance of an industrial pretreatment permit. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010)

**18-207. Discharge regulations.** (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interference with the operation and performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. Violations of general and specific prohibitions may result in the issuance of an industrial pretreatment permit, surcharges, discontinuance of water and/or sewer service and other fines and provisions as provided in § 18-210. A user may not contribute the following substances to any POTW:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over twenty percent (20%) of the Lower Explosive Limit (LEL) of the meter. Prohibited flammable materials including, but not limited to, wastestreams with a closed cap flash point of less than one hundred forty degrees (140E) Fahrenheit or sixty

degrees (60E) centigrade using the test methods specified in 40 C.F.R. 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

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

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

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

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

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

(g) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans, including wastewater plant and collection system operators, or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act.

(h) Any "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" as required by Tennessee Rule 400-40-14-.05(2)(g).

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

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

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



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

(m) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds forty degrees (40E) centigrade (one hundred four degrees (104E) Fahrenheit).

(n) In regards to slug discharges, 40 C.F.R. part 403.8(t)(2)(vi) requires all POTWs to evaluate each industry's need to develop a slug control plan. The pretreatment coordinator will determine this need for each individual industry during his annual inspection of industries, and for new industries during his initial inspection of the new industry. Mount Pleasant POTW will accept non-routine batch discharges as long as the user gets approval from the system manager prior to discharging and controls the release. See "slug discharge" definition in § 18-202(50).

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

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

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

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

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

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

(2) When specific limits must be developed by the POTW. (a) Each POTW developing a POTW pretreatment program pursuant to Tennessee Rule 1200-4-14-.08 shall develop and enforce specific limits to implement the prohibitions listed in § 18-207(1). Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and effectively enforce such limits.

(b) All other POTWs shall, in cases where pollutants contributed by user(s) result in interference or pass through, and such violation is likely to recur, develop and enforce specific effluent limits for industrial user(s), and all other users, as appropriate, which together with appropriate changes in the POTW treatment plant's facilities or operation, are necessary to ensure renewed and continued compliance with the POTW's NPDES permit or sludge use or disposal practices.

(c) Specific effluent limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.

(3) POTWs may develop Best Management Practices (BMPs) to implement subsections (a) and (b) of this section. Such BMPs shall be considered local limits and pretreatment standards for the purposes of this rule chapter. Local limits. In addition to the general and specific prohibitions listed in this section, users permitted according to chapter 2 may be subject to numeric and best management practices as additional restrictions to their wastewater discharge in order to protect the POTW from interference or protect the receiving waters from pass through contamination.

(4) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the set of standards provided in § 18-207, Table B - Plant Protection Criteria, unless specifically allowed by their discharge permit local limits (§ 18-207, Table A - User Discharge Restrictions). Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

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

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

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

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

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

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

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

the size of the interceptors. Owners or operators of washing facilities will prevent the inflow of rainwater into the sanitary sewers.

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

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

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

(f) The system manager may use industrial wastewater discharge permits under § 18-206 to regulate the discharge of fat, oil and grease.

**Table A - User Discharge Restrictions Wastewater Treatment Plant - Industrial Local Limits**

Pollutant	Daily Average* Maximum Concentration (mg/l)	Instantaneous Maximum Concentration (mg/l)
Copper	0.36004	N/A
Chromium	0.92139	N/A
Nickel	0.73235	N/A
Cadmium	0.03089	N/A
Lead	0.11062	N/A
Mercury	0.00091	N/A
Silver	0.07249	N/A
Zinc	0.37001	N/A
Cyanide	N/A	0.03347
Toluene	N/A	0.92430
Benzene	N/A	0.04621
1,1,1 Trichloroethane	N/A	0.61620
Ethylbenzene	N/A	0.09859
Carbon tetrachloride	N/A	0.01070
Chloroform	N/A	0.55133
Tetrachloroethylene	N/A	0.12926
Trichloroethylene	N/A	0.23268

1,2Trans Dichloroethylene	N/A	0.01849
Methylene chloride	N/A	0.23700
Phenols (total)	N/A	1.12036
Naphthalene	N/A	0.03081
Phthalates (total)	N/A	0.41837
DEHP	N/A	0.03892
BOD	N/A	471.00**
Suspended solids	N/A	2,295.00**

\* Based on twenty-four (24) hour flow proportional composite samples.

\*\*Based on twenty-four (24) hour flow proportional composite samples. In cases where wastewater streams contain sanitary wastewater, a combined waste stream formula will be used to develop the local limit for BOD and suspended solids and limits on these parameters shall be sampled as a daily average maximum concentration.

BDL = Below Detectable Limits

(6) Protection of treatment plant influent. The pretreatment coordinator shall monitor the treatment works influent for each parameter in the following table. (§ 18-207, Table B - Plant Protection Criteria). Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the POTW reaches or exceeds the levels established by this table, the pretreatment coordinator shall initiate technical studies to determine the cause of the influent violation and shall recommend to the city the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pre-treatment levels for these parameters. The pretreatment coordinator shall also recommend changes to any of these criteria in the event that: the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW.

**Table B - Plant Protection Criteria**

Parameter	Maximum Concentration (mg/l) (24 Hour Flow) Proportional Composite Sample	Maximum Instantaneous Concentration (mg/l) Grab Sample
Copper	0.1671	N/A
Chromium	0.3750	N/A
Nickel	0.2996	N/A
Cadmium	0.0125	N/A
Lead	0.0469	N/A
Mercury	0.0004	N/A
Silver	0.0294	N/A
Zinc	0.2734	N/A

Parameter	Maximum Concentration (mg/l) (24 Hour Flow) Proportional Composite Sample	Maximum Instantaneous Concentration (mg/l) Grab Sample
Cyanide	N/A	0.0146
Toluene	N/A	0.3750
Benzene	N/A	0.0188
1,1,1 Trichloroethane	N/A	0.2500
Ethylbenzene	N/A	0.0400
Carbon tetrachloride	N/A	0.0043
Chloroform	N/A	0.2237
Tetrachloroethylene	N/A	0.0524
Trichloroethylene	N/A	0.0944
1,2Trans Dichloroethylene	N/A	0.0075
Methylene chloride	N/A	0.0962
Phenols (total)	N/A	0.4545
Naphthalene	N/A	0.0125
Phthalates (total)	N/A	0.1697
DEHP	N/A	0.0158
BOD	N/A	190.97
Suspended solids	N/A	931.16

**Table C - Surcharge and Maximum Limits**

Parameter	Surcharge Limit (mg/l)	Maximum Concentration (mg/l)
Oil and grease	50.00	100.00
Ammonia	25.00	30.00
BOD	190.97	471.00
Suspended solids	931.16	2,295.00

Surcharge fees are as shown in § 18-211(2)(d).

(7) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The pretreatment coordinator shall notify all affected users of the applicable reporting requirements under 40 C.F.R., section 403.12.

(8) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the pretreatment coordinator from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the POTW resulting in a violation of

the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Environment and Conservation and/or the United States Environmental Protection Agency.

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

(b) Notification of accidental discharge. Any person causing or suffering from any accidental discharge shall immediately notify the pretreatment coordinator in person, or by the telephone to enable countermeasures to be taken by the pretreatment coordinator to minimize damage to the POTW, the health and welfare of the public, and the environment. This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence. Such notification shall not relieve the user of liability for any expense, loss, or damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or state or federal law. As required by Tennessee Rule 400-40-14.12(6), industrial customers are required to notify the POTW and pretreatment coordinator of any potential problems, including slug loading. All categorical and non-categorical industrial users shall notify the POTW and pretreatment coordinator immediately of all discharges that could cause problems to the POTW, including any slug loadings.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. In lieu of placing notices on bulletin boards, the users may submit an approved SPIC. Each user shall annually certify to the pretreatment coordinator compliance with this section. (Ord. #2006-865, Oct. 2006, as amended by Ord. #2007-875, Sept. 2007, and replaced by Ord. #2009-899, Oct. 2009, and Ord. #2010-917, Oct. 2010)

**18-208. Application for domestic wastewater connection and industrial wastewater discharge permits.** (1) Application for discharge of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the system manager for connection to the municipal wastewater treatment system. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the city sewer shall not be made until the application is received by the city and approved by the system manager, the building sewer is installed in accordance with § 18-201 of this chapter and an inspection has been performed by the system manager or his representative, and all applicable fees have been paid. Attached hereto and incorporated herein as Schedule B is a list of application fees, permit fees, industrial pretreatment and/or user fees, tap fees and applicable service charges.

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

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing industrial users connected to or contributing to the POTW shall submit an application according to the schedule in (b)(i).

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

(i) Users required to obtain a wastewater discharge permit shall complete and file with the pretreatment coordinator an application on a prescribed form accompanied by the appropriate application fee. Attached hereto and incorporated herein as Schedule B is a list of application fees, permit fees, industrial pretreatment and/or user fees, tap fees and applicable service charges.

(ii) The application shall be in the prescribed form of the city and shall include but not be limited to the following information: name, address, and SIC/NAICS number of applicant; wastewater volume; wastewater constituents and characteristic, including but not limited to those mentioned in § 18-207(1) and (2) discharge variations -- daily, monthly, seasonal and thirty (30) minute peaks; a description of all chemicals handled on the premises, each product produced by type, amount, process or processes and rate of production, type and amount of raw materials, number and type of employees, hours of operation, site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; plans for sampling pit and primary device, FOG (Fats, Oils, and Grease) plans, SPCC (Spill Prevention Controls and Countermeasures) plans, a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the pretreatment coordinator.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the pretreatment coordinator for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter.

(iv) If additional pretreatment and/or operations and maintenance will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this section, "pretreatment standard" shall include either a national pretreatment standard or a pretreatment standard imposed by § 18-207 of this chapter.

(v) The city will evaluate the data furnished by the user and may

require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit subject to terms and conditions provided herein.

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

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

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

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

(i) Both individual and general control mechanisms (all permits) must be enforceable and contain, at a minimum, the following conditions:

(A) Statement of duration (in no case more than five (5) years);

(B) Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;

(C) Effluent limits, including best management practices, based on applicable general pretreatment standards as shown in Tennessee Rule 400-40-14-.03(1), categorical pretreatment standards, local limits, and state and local laws;

(D) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with Tennessee Rule 400-40-14-.12(5)(b), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards as shown in Tennessee Rule 400-40-14-.03(1), categorical pretreatment standards, local limits, and local laws;

(E) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines; and

(F) Requirements to control slug discharges, if determined by the POTW to be necessary.

(ii) Additionally, permits may contain the following:



(A) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(B) Requirements for installation and maintenance of inspections and sampling facilities; schedules;

(C) Requirements for submission of technical reports or discharge reports;

(D) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;

(E) Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(F) Requirements for notification of slug discharges and spill control plan;

(G) Effluent mass loading restrictions;

(H) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(d) Permit revision. Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing wastewater discharge permit shall submit to the pretreatment coordinator within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard the information required by §§ 18-208(2)(b)(ii) and (iii).

(e) Permit modification. The terms and conditions of the permit may be subject to modification by the pretreatment coordinator during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least thirty (30) days prior to the effective date of change. Except in the case where federal deadlines are shorter, in which case the federal rule must be followed. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

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

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

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

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

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

(iii) A change in:

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

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

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

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

(3) Confidential information. All information and data on a user obtained from reports, questionnaire, permit application, permits and monitoring programs and from inspection shall be available to the public or any governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the pretreatment coordinator that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the users.

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

Information accepted by the pretreatment coordinator as confidential shall not be transmitted to any governmental agency or to the general public by the pretreatment coordinator until and unless prior and adequate notification is given to the user. The user must clearly and permanently mark each item of information that is being claimed as confidential at the time of submission.

**18-209. Industrial user monitoring, inspection reports, records access, and safety.** (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users when necessary in the opinion of the system manager. A monitoring facility shall be a manhole or other suitable facility approved by the pretreatment coordinator. The monitoring facility may be required to:

(a) Contain a primary device for accurate flow measurement of all flow ranges of the industry;

(b) Provide for electrical service to the primary device; and

(c) Be located at a point outside of the security fencing, or if none, outside the discharging source building(s) of the industry at a point accessible by the city for monitoring so as to be monitored by the city without entry through the gate of the plant. All designs for primary devices and monitoring facilities shall be stamped and dated by a professional engineer licensed to practice in Tennessee.

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

Monitoring facilities that are required to be installed shall be constructed and

maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If sampling or metering equipment is also required by the pretreatment coordinator, it shall be provided and installed at the user's expense. The monitoring facility will normally be required to be located on the user's premises outside of the building and all facility fencing, if any. The pretreatment coordinator may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expenses of the user.

(2) Inspection and sampling. The city may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The city, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility. Industrial users shall be required to conduct representative sampling as required in Tennessee Rule 400-40-14-.12(7)(c). All industrial users are required to submit all monitoring data as required in Tennessee Rule 400-40-14-.12(7)(f).

(3) Compliance date report. Report on compliance with categorical pretreatment standard deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the control authority a report containing the information described in Tennessee Rule 400-40-14-.12(2)(d-f). For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in Tennessee Rule 400-40-14-.06(3), this report shall contain a reasonable measure of the user's long-term production rate. For all other industrial 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.

(4) Baseline reports. (a) Reporting requirements for industrial users upon effective date of categorical pretreatment standard --- baseline report. Within one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or one hundred eighty (180) days after the final administrative decision made upon a category determination submission under Tennessee Rule 400-40-14-.06(1)(d), whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the control authority a report which contains the information listed in subsections (i) - (vii) of this section. At least ninety (90) days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the control authority a report which contains the information listed in subsections (i) through (v) of this section. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards.

New sources shall give estimates of the information requested in subsections (iv) and (v) of this section:

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

(ii) Permits. The user shall submit a list of any environmental control permits held by or for the facility;

(iii) Description of operations. The user shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes;

(iv) Flow measurement. The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

(A) Regulated process streams; and

(B) Other streams as necessary to allow use of the combined wastestream formula as shown in Tennessee Rule 400-40-14.06(5). (See subsection (v)(D) of this section.) The control authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(v) Measurement of pollutants. (A) The user shall identify the pretreatment standards applicable to each regulated process;

(B) In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or control authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the standard requires compliance with a best management practice 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;

(C) The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this section;

(D) 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 of Tennessee Rule 400-40-14-.06(5) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Tennessee Rule 400-40-14.06(5) this adjusted limit along with supporting data shall be submitted to the control authority;

(E) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 C.F.R. part 136 and amendments thereto. Where 40 C.F.R. part 136 does not contain

sampling or analytical techniques for the pollutant in question, or where the administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the administrator;

(F) 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;

(G) 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.

(vi) Certification. A statement, reviewed by an authorized representative of the industrial user (as defined in Tennessee Rule 400-40-14-.12(12)) and certified to 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 for the industrial user to meet the pretreatment standards and requirements; and

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

(A) Where the industrial user's categorical pretreatment standard has been modified by a removal allowance (as shown in Tennessee Rule 400-40-14-.07), the combined wastestream formula (as shown in Tennessee Rule 400-40-14-.06(5)), and/or a fundamentally different factors variance (as shown in Tennessee Rule 400-40-14-.13) at the time the user submits the report required by paragraph (a) of this rule, the information required by subsections (vi) and (vii) of this section shall pertain to the modified limits.

(B) If the categorical pretreatment standard is modified by a removal allowance (as shown in Tennessee Rule 400-40-14.07), the combined wastestream formula (as shown in Tennessee Rule 400-40-14-.06(5)), and/or a fundamentally different factors variance (as shown in Tennessee Rule 400-40- 14-.13) after the user submits the report required by paragraph (a) of this rule, any necessary amendments to the information requested by subsections

(vi) and (vii) of this section shall be submitted by the user to the control authority within sixty (60) days after the modified limit is approved.

(5) Periodic compliance reports. (a) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the pretreatment coordinator by the end of the months of March and September, or according to permit requirements, unless required more frequently in the pretreatment standard or by the pretreatment coordinator, a report indicating the

nature and concentration of pollutants in the effluent which are limited by such pretreatment standards and requirements. In accordance with 40 C.F.R. 403.12 (g)(2), the user's report shall contain a record of the measured or estimated average daily flows for the reporting period.

In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the pretreatment coordinator and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the pretreatment coordinator may agree to alter the months during which the above reports are to be submitted.

(b) The pretreatment coordinator may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(c) The reports required by this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass where requested by the pretreatment coordinator of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to section 304(h) of the Act and contained in 40 C.F.R. part 136, and amendments thereto. Sampling shall be performed in accordance with the sampling requirements as outlined in Tennessee Rule 400-40-14-.12(7)(c) and (d).

(6) Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

- (a) The date, exact place, method, and time of sampling and the names of the persons taking the samples;
- (b) The dates analysis were performed;
- (c) Who performed the analysis;
- (d) The analytical techniques/methods used; and
- (e) The results of such analyses.

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of three (3) years all records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the pretreatment coordinator, Director of the Division of Water Pollution Control, Tennessee Department of Environment and Conservation or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the pretreatment coordinator, the approval authority, or the Environmental Protection Agency.

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

(8) New sources. New sources of discharges to the POTW shall have in full operation all pollution control equipment at start-up of the industrial process and be in full compliance with effluent standards within ninety (90) days of start-up of the industrial process or such other time frame as established by the system manager.

(9) Reporting violations. If sampling performed by the industrial user indicates a violation, the user shall 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. Where the control authority has performed the sampling and analysis in lieu of the industrial user, the control authority must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis. Resampling is not required if:

(a) The control authority performs sampling at the industrial user at a frequency of at least once per month; or

(b) The control authority performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the control authority receives the results of this sampling.

(10) Slug discharges. Significant industrial users are required to notify the POTW immediately of any changes at its facility affecting potential for a slug discharge. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

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

(b) Description of stored chemicals;

(c) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 400-40-14-.05(2), with procedures for follow-up written notification within five (5) days;

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

(11) Significant noncompliance. Comply with the public participation requirements of 40 C.F.R. part 25 in the enforcement of national pretreatment standards. These procedures shall include provision for at least annual public notification, in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, of industrial users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, a significant industrial user (or any industrial user which violates subsections (c), (d) or (h) of this section) is in significant noncompliance if its violation meets one (1) or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 400-40-05;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of

the numeric pretreatment standard or requirement, including instantaneous limits, as defined by 400-40-05 multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required by this rule;

(c) Any other violation of a pretreatment standard or requirement as defined by 400-40-14-.03 that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering health of POTW personnel or the general public);

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under subpart (6)(a)6(ii) of this rule to halt or prevent such a discharge;

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

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

(g) Failure to accurately report noncompliance; and/or

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

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

(12) Periodic reports on continued compliance. (a) Any industrial user subject to a categorical pretreatment standard (except a non-significant categorical industrial user as defined in subparagraph (b) in the definition of "Significant Industrial User" as shown in Tennessee Rule 400-40-14-.03(1)), after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the control authority during the months of June and December, unless required more frequently in the pretreatment standard or by the control authority or the approval authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in Tennessee Rule 400-40-14.12(2)(d) except that the control authority may require more detailed reporting of flows. In cases where the pretreatment standard requires compliance with a best management practice (or pollution prevention alternative), the user shall submit documentation required by the control authority or the pretreatment standard necessary to determine the compliance status of the user. At the discretion of the control authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the control authority may agree to alter the months during which the above reports are submitted.

(b) The control authority may authorize the industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake



water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions:

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

(ii) The monitoring waiver is valid only for the duration of the effective period of the permit or other equivalent individual control mechanism, but in no case longer than five (5) years. The user must submit a new request for waiver before the waiver can be granted for each subsequent control mechanism.

(iii) In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one (1) sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes. The request for a monitoring waiver must be signed in accordance with subsection (a) of this section, and include the certification statement in Tennessee Rule 400-40-14-.06(1)(b)2. Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the EPA approved method from 40 C.F.R. part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

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

(v) Upon approval of the monitoring waiver and revision of the user's control mechanism by the control authority, the industrial user must certify on each report with the statement below, that there has been no increase in the pollutant in its wastestream due to activities of the industrial user:

Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 C.F.R. (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 Tennessee Rule 400-40-14-.12(5)(a)).

(vi) In the event a waived pollutant is found to be present or is expected to be present based on changes that occur in the user's operations, the user must immediately: comply with the monitoring requirements of subsection (a) of this section or other more frequent monitoring requirements imposed by the control authority, and notify the control authority.

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

(c) Where the control authority has imposed mass limitations on industrial users as provided for by Tennessee Rule 400-40-14-.06(3), the report

required by subsection (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.

(d) For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in Tennessee Rule 400-40-14-.06(3), the report required by subsection (a) of this section shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by subsection (a) of this section shall include the user's actual average production rate for the reporting period.

(13) Monitoring and analysis, violations and repeat sampling and analysis. If sampling performed by an industrial user indicates a violation, the user shall 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. Where the control authority has performed the sampling and analysis in lieu of the industrial user, the control authority must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis. Resampling is not required if:

a. The control authority performs sampling at the industrial user at a frequency of at least once per month; or

b. The control authority performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the control authority receives the results of this sampling.

(14) Monitoring and analysis to demonstrate continued compliance. The reports required in paragraphs (2), (4), (5), and (8) as shown in Tennessee Rule 400-40-14-.12 must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The control authority shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, twenty-four (24) hour composite samples must be obtained through 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 control authority, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the industrial user file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 C.F.R. part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the control authority, as appropriate.

(15) Specifying the number of grab samples required by control authority. For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in paragraphs (2) and (4) of Tennessee Rule 400-40-14-.12, 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 the reports required by paragraphs (5) and (8) of Tennessee Rule 400-40-14-.12, the control authority shall require the number of grab samples necessary to assess

and assure compliance by industrial users with applicable pretreatment standards and requirements.

(16) Significant industrial users must submit documentation to show compliance with best management practices, reporting requirements for industrial users not subject to categorical pretreatment standards. The control authority must require appropriate reporting from those industrial users with discharges that are not subject to categorical pretreatment standards. Significant noncategorical industrial users must submit to the control authority at least once every six (6) months (on dates specified by the control authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the control authority. In cases where a local limit requires compliance with a best management practice or pollution prevention alternative, the user must submit documentation required by the control authority to determine the compliance status of the user. These reports must be based on sampling and analysis performed in the period covered by the report, and in accordance with the techniques described in 40 C.F.R. part 136 and amendments thereto. This sampling and analysis may be performed by the control authority in lieu of the significant noncategorical industrial user.

(17) Signatory requirements for industrial user reports. The reports required by Tennessee Rule 400-40-14-.12, paragraphs (2), (4), and (5) shall include the certification statement as set forth in 400-40-14-.06(1)(b)2, and shall be signed as follows:

(a) By a responsible corporate officer, if the industrial user submitting the reports required by Tennessee Rule 400-40-14-.12, paragraphs (2), (4), and (5) is a corporation. For the purpose of this section, a responsible corporate officer means:

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

(ii) The manager of one (1) or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) By a general partner or proprietor if the industrial user submitting the reports required by Tennessee Rule 400-40-14-.12, paragraphs (2), (4), and (5) is a partnership or sole proprietorship respectively.

(c) By a duly authorized representative of the individual designated in subsections (a) or (b) of this section if:

(i) The authorization is made in writing by the individual described in subsection (a) or (b) of this section;

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(iii) The written authorization is submitted to the control authority.

(d) If an authorization under subparagraph (16)(c) of this rule 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 authorization satisfying the requirements of subparagraph (16)(c) of this rule must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

(18) Documentation associated with best management practices must be retained for at least three (3) years. The following recordkeeping requirements apply: any industrial user or POTW subject to the reporting requirements established in this rule (including documentation associated with best management practices) shall be required to retain for a minimum of three (3) years any records of monitoring activities and results (whether or not such monitoring activities are required by this rule) and shall make such records available for inspection and copying by the director and the regional administrator (and POTW in the case of an industrial user). This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or POTW or when requested by the director or the regional administrator.

a. Notification of changed discharge. All industrial users shall promptly notify the control authority (the POTW) in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under Tennessee Rule 400-40-14-.12(6).

b. The industrial users shall notify the POTW, the EPA Regional Waste Management Division Director, and state (TDEC) hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under Tennessee Rule 400-12-01.

i. Such notification must include the name of the hazardous waste as set forth in Tennessee Rule 400-12-01, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place within one hundred eighty (180) days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than one hundred eighty (180) days after the discharge of the listed or characteristic hazardous waste. Any notification under this section need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under Tennessee Rule 400-40-14-.12(10). The notification requirement in this rule does not apply to pollutants already reported under the self-monitoring requirements of Tennessee Rule 400-40-14-.12 (2), (4), and (5).

ii. Dischargers are exempt from the requirements of subsection (a) of this section 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 Tennessee Rule

400-12-01. 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 Tennessee Rule 400-12-01, requires a one (1) time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

iii. 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 industrial user must notify the POTW, the EPA Regional Waste Management Division Director, and state (TDEC) hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

iv. In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010)

**18-210. Enforcement and abatement.** (1) Complaints; notification of violation; orders.

(a) (i) Whenever the local administrative officer has reason to believe that a violation of any provision of the pretreatment program of the City of Mount Pleasant or orders of the local hearing authority issued pursuant thereto has occurred, is occurring, or is about to occur, the local administrative officer may cause a written complaint to be served upon the alleged violator or violators.

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

(iii) Any such order shall become final and not subject to review unless the person or persons named therein request by written petition a hearing before the local hearing authority as provided in § 18-210(2), no later than thirty (30) days after the date such order is served; provided, that the local hearing authority may review such final order on the same grounds upon which a court of the state may review default judgments.

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

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

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

(B) Cease and desist order. An order to the user directing it to cease all such violations and directing it to immediately comply with all requirements and take such remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

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

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

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

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

(F) If the ruling made by the local administrative officer is unsatisfactory to the person requesting reconsideration, he may,

within thirty (30) days, file a written petition with the local hearing authority as provided in subsection (2). The local administrative officer's order shall remain in effect during the period of reconsideration.

(G) Except as otherwise expressly provided, any notice, complaint, order or other instrument issued by or under authority of this section may be served on any person affected thereby personally, by the local administrative officer or any person designated by the local administrative officer, or such service may be made in accordance with Tennessee statutes authorizing service of process in civil action. Proof of service shall be filed in the office of the local administrative officer.

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

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

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

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

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

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

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

(vii) The decision of the local hearing authority shall become final and binding on all parties unless appealed to the courts as provided in

subsection (b); and

(viii) Any person to whom an emergency order is directed pursuant to § 18-210(1) shall comply therewith immediately, but on petition to the local hearing authority shall be afforded a hearing as soon as possible, but in no case shall such hearing be held later than three (3) days from the receipt of such petition by the local hearing authority.

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

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

(3) Violations--civil penalty. See the attached Enforcement Response Guide for specific penalties and fines for twenty-eight (28) types of noncompliance. The Enforcement Response Guide consists of nine (9) pages including the cover sheet. The Enforcement Response Guide is incorporated herein as if copied verbatim as Schedule C. Said Enforcement Response Guide may be revised from time to time by appropriate ordinance or resolution adopted by the city.

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

- (A) Violates an effluent standard or limitation;
- (B) Violates the terms or conditions of a permit;
- (C) Fails to complete a filing requirement;
- (D) Fails to allow or perform an entry, inspection, monitoring or reporting requirement;
- (E) Fails to pay user or cost recovery charges;
- (F) Violates a final determination or order of the local hearing authority or the local administrative officer;
- (G) Falsifies information; or
- (H) Tampers with or knowingly renders inaccurate monitoring devices.

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



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

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

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

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

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

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

(3) Cause of the discharge or violation;

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

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

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

(7) The economic benefit gained by the violator.

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

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

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

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

(3) Violations--criminal penalty. (a) In addition, and supplemental to any other remedy provided herein, the city or its authorized representative may seek criminal penalties for a violation of the provisions of this chapter in a court of appropriate jurisdiction. Any violation subject to the jurisdiction of the City Court of the City of Mount Pleasant shall be cited into city court and upon conviction be subject to a fine of fifty dollars (\$50.00) per day for each day of violation, and as to any prosecution sought in the general sessions or circuit court, such violator upon conviction shall be subject to such penalty as may be provided by law.

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

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

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

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

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

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

(6) Termination of discharge. In addition to the revocation of permit provisions in § 18-208(2)(h) of this chapter, any user that violates the following conditions, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination:

(a) Violation of wastewater discharge permit conditions.

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge.

(c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.

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

(e) Violation of the pretreatment standards in the general discharge

prohibitions in § 18-207 of this chapter.

(f) Failure to properly submit an industrial waste survey when requested by the pretreatment coordination superintendent. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause, as provided in subsection (2)(c) above, why the proposed action should not be taken.

(7) Disposition of damage payments and penalties--special fund. All damages and/or penalties assessed and collected under the provisions of this section shall be placed in a special fund by the pretreatment agency and allocated and appropriated for the administration of its wastewater fund or combined water and wastewater fund. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010)

**18-211. Fees and billing.**

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

(2) Types of charges and fees. The charges and fees as established in the city's schedule of charges and fees may include but are not limited to: Attached hereto and incorporated herein as Schedule B is a list of fees and charges of the city related to wastewater. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010)

**18-212. Validity.** This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the city. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010)

Section 2. If any one or more of the provisions of this Ordinance, or any exhibit or attachment thereof, shall be held invalid, illegal, or unenforceable in any respect, by final decree of any court of lawful jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, or of any exhibit or attachment thereto, but this Ordinance, and the exhibits and attachments thereof, shall be construed the same as if such invalid, illegal, or unenforceable provision had never been contained herein, or therein, as the case may be.

Section 3. This Ordinance shall take effect upon final passage.

Approved and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
WILLIAM F. WHITE, JR., MAYOR

ATTEST:

\_\_\_\_\_  
LORETTA GARNER, RECORDER

LEGAL FORM APPROVED:

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KORI BLEDSOE JONES, ATTORNEY

PASSED ON FIRST READING: \_\_\_\_\_

PASSED ON SECOND READING: \_\_\_\_\_