

CLINTON UTILITIES BOARD

WASTEWATER RULES & REGULATIONS

CHAPTER 1 – WASTEWATER USE

SECTIONS

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SECTION 1-101. GENERAL PROVISIONS.

(1) Purpose and policy. This chapter sets forth uniform requirements for the disposal of wastewater in the service area of the municipal wastewater treatment system for the City of Clinton, Tennessee (City), which is controlled, supervised and managed by the Clinton Utilities Board (CUB) as provided under Section 18-101 et seq. of the Clinton Municipal Code. The objectives of this regulation are:

- (a) To protect the public health;
- (b) To provide problem free wastewater collection and treatment service;
- (c) To prevent the introduction of pollutants into the City's municipal wastewater collection and treatment system (System), which will: interfere with the System's operation; cause CUB's discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements; or cause physical damage to the System facilities;
- (d) To provide for full and equitable distribution of the cost of the System;
- (e) To enable CUB to comply with the provisions of the Federal Water Pollution Control Act, the General Pretreatment Regulations (40 CFR Part 403), and the Tennessee Water Quality Control Act, Tennessee Code Annotated, § 69-3-123, et seq.;
- (f) To improve the opportunity to recycle and reclaim wastewater and sludge from the System.

In meeting these objectives, this chapter provides that all persons in CUB's service area must have adequate wastewater treatment either in the form of a connection to the System. Where the System is not available, a private disposal system approved by the Tennessee Department of Environment & Conservation (TDEC) may be considered. This chapter also provides for the regulation of indirect dischargers to the System through the issuance of permits to certain Users; for the enforcement of discharge regulations and monitoring 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 System and from the activities required by the enforcement and administrative program established herein.

This chapter shall apply to persons who are, by agreement, application or contract with CUB, Users of the System. Except as otherwise provided herein, the General Manager of CUB, or his or her designee, shall administer, implement and enforce the provisions of this chapter.

(2) Definitions.

(a) Terms and phrases. 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) “Administrator” – See “Environmental Protection Agency.”

(3) “Approval Authority” – The Tennessee Department of Environment and Conservation (TDEC), Division of Water Resources Director or his/her representative(s).

(4) “Authorized Representative of the User” –

(a) If the User is a corporation:

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

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

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

(c) If the User is Federal, State, or Local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

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

(5) “Best Management Practices (BMPs)” – schedules of activities, prohibitions of practices, maintenance procedures, and other management practices used to meet the requirements of this chapter. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(6) “Biochemical Oxygen Demand (BOD)” – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures, five (5) days at 20 degrees Centigrade, expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(7) “Building Drain” – That part of the lowest horizontal piping of a drainage system that receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(8) “Building Sewer” – A sewer conveying wastewater from the premises of a User to the publicly owned sewer collection system.

(9) “Categorical Standard” or “Categorical Pretreatment Standard” – Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307 (b) and (c) of the Clean Water Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to Tennessee Rule 0400-40-14-.05 (i.e. CUB’s local limits).

(10) “Categorical Industrial User” – An Industrial User subject to a Categorical Standard or a Categorical Pretreatment Standard.

(11) “City” – The City of Clinton, Tennessee.

(12) “Compatible Pollutant” – Shall mean biochemical oxygen demand, total suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in CUB’s NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(13) “Composite Sample” – A sample composed of two or more discrete samples. The aggregate sample will reflect the average water quality covering the compositing or sample period.

(14) “Construction Standards” – The latest revision of Clinton Utilities Board’s standard specification’s for construction of water and sewer utilities.

(15) “Control Authority” – Shall refer to the “Approval Authority”, defined hereinabove; or the Local Hearing Authority, the Clinton Utilities Board (CUB), if CUB has an approved Pretreatment Program under the provisions of 40 CFR § 403.11.

(16) “Cooling Water” – The water discharge from any use such as air conditioning, cooling, refrigeration or to which the only pollutant added is heat.

(17) “CUB” – Clinton Utilities Board’s Water and Sewer Department.

(18) “Customer” – Any individual, partnership, corporation, association or group who received water services or sewer services from CUB under either an expressed or implied contract which requires payment to CUB for such services.

(19) “Daily Maximum” – The arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day.

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

(21) “Director” – The person designated by the General Manager to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities under this chapter, or any other duly authorized representative of the General Manager. The Director has been given direct authority by the General Manager to administer, implement and enforce the provisions of this chapter.

(22) “Direct Discharge” – The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(23) “Domestic-strength Wastewater or Pollutants” – Any wastewater or pollutants produced by ordinary living uses, including liquid waste containing animal or vegetable matter in suspension or solution, or the water-carried waste from the discharge of washing machines, sinks, dishwashers or other sources of water-carried wastes of human origin. This definition includes wastewater or pollutants from commercial, industrial or residential sources, provided they are of a similar quality (constituents and strength) to that produced by these same ordinary domestic uses.

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

(25) “Existing Source” – Any source of discharge that is not a “New Source.”

(26) “Flow-proportional Composite Sample” – A sample obtained by (1) continuous pumping at a rate proportional to the flow, (2) mixing equal volumes of wastewater collected at time intervals inversely proportional to the volume of flow or (3) mixing volumes of wastewater that are proportional to the flow and were collected during or at regular time intervals. This approach produces a sample that is representative of true conditions over the sampling time period.

(27) “Fats, Oils, and Grease (FOG)” – Organic polar compounds derived from animal and/or plant sources. FOG may be referred to as “grease”.

(28) “Fats, Oils, and Grease (FOG) Program” – A program developed to prevent FOG from entering the sanitary sewer collection system.

(29) “Garbage” - Solid wastes from commercial, industrial and residential sources including but not limited to preparing, cooking and dispensing of food, and from the handling, storage and sale of produce.

(30) “General Manager” – The General Manager of CUB.

(31) “Grab Sample” – A sample that is taken from a waste stream on a one-time basis with no regard to flow in the waste stream and not to exceed fifteen (15) minutes. Grab sampling procedure: where composite sampling is not an appropriate sampling technique, a grab sample(s) shall be taken to obtain influent and effluent operational data. Collection of influent grab samples should precede collection of effluent samples by approximately one detention period. The detention period is to be based on a 24-hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year. If an indirect discharger has less than twelve months of average flow data available, the average daily flow used in the grab sampling procedure will be determined by CUB with input from the indirect discharger of the estimated average flow. Grab samples will be required, for example, where the parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical or physical interactions, which take place after sample collection and affect the results.

(32) “Grease” – A material composed of FOG from animal and/or plant sources. The term FOG may be referred to as grease, but does not include petroleum-based products. There are two primary types of grease:

- Brown: Brown grease is discharged to Grease Control Equipment (GCE) most commonly serving food service establishments, institutions with

commercial kitchens, and industrial food manufacturers/processors. Brown grease is generally considered unsuitable for reuse in most applications.

- Yellow: Yellow grease is mainly derived from used cooking oils from deep fryers used in food service establishments and institutions with commercial kitchens. Yellow grease has not contacted other sources (water, wastewater, solid waste, etc.) and can be recycled. This yellow grease is typically stored in rendering containers outside of food service establishments.

(33) “Grease Control Equipment” (GCE) – A device or devices that separate and retain the Fats, Oils and Grease (FOG) in the wastewater stream leaving the User’s establishment, but prior to the wastewater entering the POTW. GCE must be approved by CUB.

(34) “Grease Interceptor” – An underground tank with influent and effluent sanitary “Tees” and a baffle wall designed to separate fat, oil and grease from other sewage discharges. These tanks generally range in capacities from 750 gallons to 2,000 gallons, and are generally located outside the building.

(35) “Grease Trap” - A device that is designed to separate fat, oil and grease from other sewage discharges. These devices are generally installed under a sink, under a counter or in the floor adjacent to the wastewater source. Grease Traps typically are small and have maximum flow rating of 50 g.p.m. with 100 pounds of grease storage.

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

(37) “Incompatible Pollutant” – Any pollutant that is not a “compatible pollutant” as defined in this section.

(38) “Indirect Discharge” – The discharge or the introduction of non-domestic-strength pollutants from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. 1317) into the Publicly Owned Treatment Works (including holding tank waste discharged into the System).

(39) “Industrial User” – A source of indirect discharge that does not constitute a “discharge of pollutants” under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

(40) “Industrial Wastes” – Any solid, liquid, gaseous substance or form of energy including heat, or combination thereof, resulting from any process of industry, manufacture, trade, business, food processing, and food preparation or from the development of any natural resource.

(41) “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 food waste to discharge into the drainage and/or sewer system.

(42) “Interference” – Any 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.

(43) “Instantaneous Limit” – The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or

composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(44) “Local Administrative Officer (LAO)” – The General Manager of CUB or his or her authorized representative.

(45) “Local Hearing Authority (LHA)” – An individual or multiple people appointed by the General Manager to administer and enforce the provisions of this chapter and conduct hearings pursuant to Section 1-108.

(46) “Local Limits” – Specific discharge limits developed and enforced by CUB to implement the general and specific discharge prohibitions listed in Tennessee Rules 0400-40-14-.05(1)(a) and 0400-40-14-.05(2). Local limits apply at the point where the wastewater is discharged to the POTW.

(47) “May” is permissive.

(48) “Monthly Average” – The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

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

(50) “National Pollutant Discharge Elimination System (NPDES)” – 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.

(51) “Natural Outlet” – Any outlet into a watercourse, pond, ditch, lake or other body of surface water or ground water.

(52) “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:

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

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

3. 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)2 or

(a)3 of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

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

1. Begun, or caused to begin as part of a continuous onsite construction program:

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

(ii) 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

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

(53) “Non-domestic-strength Wastewater or Pollutants” – Wastewater or pollutants from commercial, industrial or residential sources which have constituents and strength higher than that of domestic-strength wastewater or pollutants or CUB’s Local Limits.

(54) “North American Industrial Classification System (NAICS)” - A system of industrial classification jointly agreed upon by Canada, Mexico and the United States. It replaces the Standard Industrial Classification (SIC) System.

(55) “Pass Through” – A discharge that 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 CUB’s NPDES permit, including an increase in the magnitude or duration of a violation.

(56) “Person” – Any individual, partnership, trust, 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.

(57) “pH” – The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution. A measure of the acidity or alkalinity of a solution, expressed in standard units.

(58) “Pollution” – The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

(59) “Pollutant” – Any dredge spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical substances, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, commercial, industrial, residential and agricultural wastes and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, toxicity or odor).

(60) “Pretreatment” or “Treatment” – The reduction of amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in

wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants in a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited by 40 CFR § 403.6(d).

(61) “Pretreatment Coordinator (PC)” – The person designated by the Local Administrative Officer or his or her authorized representative to supervise the operation of CUB’s Pretreatment Program.

(62) “Pretreatment Program” – A program developed to control the pollutants discharged into a sewer collection system. CUB’s Pretreatment Program is mandated by TDEC.

(63) “Pretreatment Requirement” or “Requirement” – Any substantive or procedural requirement related to Pretreatment, other than a Pretreatment Standard.

(64) “Pretreatment Standard” or “Standard” – any Prohibited Discharge Standard, Categorical Pretreatment Standard or Local Limit.

(65) “Prohibited Discharge Standards” or “Discharge Standards” – Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 1-105 of this chapter.

(66) “Properly Shredded Waste” – Waste, either solid or viscous, that has been shredded to such a degree that all particles will be freely carried under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

(67) “Public Sewer” – A sewer controlled by a county, town or city, utility district or other public authority, which is not a private sewage disposal system.

(68) “Publicly Owned Treatment Works (POTW)” – A treatment works as defined by Section 212 of the Act, which is owned by a State or in this instance by the municipality (as defined by Section 502(4) of the Act), the City of Clinton, and is controlled, supervised and managed by CUB. This definition includes any devices or systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes or other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

(69) “Publicly Owned Treatment Works’ Treatment Plant” – That portion of the POTW designed to provide treatment to the wastewater.

(70) “Rules” or “Wastewater Rules” – requirements for the disposal of wastewater in the service area of the municipal wastewater treatment system for the City of Clinton, Tennessee (City), which is controlled, supervised and managed by the Clinton Utilities Board (CUB) as provided under Section 18-101 et seq. of the Clinton Municipal Code.

(71) “Sanitary Sewer” – A sewer that carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

(72) “Sewage” or “Wastewater” – Any combination of the treated or untreated liquid-carried pollutants or wastes from dwellings, commercial buildings, industrial facilities and institutions, which are contributed or permitted to enter the POTW.

(73) “Sewer” – A pipe or conduit for carrying sewage.

(74) “Shall” is mandatory.

(75) “Significant Industrial User (SIU)” –

(a) All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR § 403.6 and 40 CFR Chapter I, Subchapter N; or

(b) Any other Industrial User that:

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

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

(iii) Is designated as such by the control authority 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.

(76) “Significant Noncompliance (SNC)” – Per 40 CFR § 403.8(f)(2)viii. SNC occurs if any one or more of the following occur:

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

(b) Technical Review Criteria (TRC) violations are defined here as those in which thirty-three (33%) percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including Instantaneous Limits multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, oils and grease, and 1.2 for all other pollutants except pH).

(c) Any other violation of a Pretreatment Standard or Requirement (daily maximum, longer-term average, Instantaneous Limit or narrative standard) that the control authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel 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 40 CFR § 403.8(f)(1)(vi)(B) to halt or prevent such a discharge.

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

(f) Failure to provide, within 45 days after their due date, required reports such as baseline monitoring reports, 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, that the Control Authority determines

will adversely affect the operation of implementation of the local Pretreatment Program.

(77) “Slug Load” or “Slug Discharge” – Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge regulations in Section 1-105 of this chapter or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW’s Regulations, Local Limits or user Permit conditions.

(78) “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. “North American Industrial Classification System” (NAICS) has replaced the term “Standard Industrial Classification.”

(79) “State” – State of Tennessee.

(80) “Storm Water” – Any flow occurring during or following any form of natural precipitation and resulting there from.

(81) “Storm Water Drain” or “Storm Drain” – A pipe or conduit that carries storm and surface waters and drainage, but excludes sewage and industrial waste.

(82) “System” – The City’s municipal wastewater treatment system, which is controlled, supervised and managed by the CUB as provided under Section 18-101 et seq. of the Clinton Municipal Code. Also know as the publicly owned treatment works (see POTW).

(83) “TOSHA” – Tennessee Occupational Safety and Health Administration.

(84) “Total Suspended Solids” or “Suspended Solids” – Solids that either float on the surface of, or are in suspension in, water or sewage, or other floating liquids, and which are removable by laboratory filtering.

(85) “Toxic Pollutant” – Any pollutant or combination of pollutants listed as toxic under Section 307(a)(1) of the Act, or in the case of sludge use or disposal practices, any pollutant identified in regulations implementing Section 405(d) of the Clean Water Act.

(86) “Twenty-four (24) Hour Flow Proportional Composite Sample” – A representative sample consisting of several aliquots collected during a 24-hour period in which the aliquots are proportioned to the flow and combined to form a representative sample.

(87) “User” – Any person, business or facility who contributes, causes or permits wastewater to enter into the POTW.

(88) “Watercourse” – A channel in which a flow of water occurs, either continuously or intermittently.

(89) “Wastewater” or “Sewage” – Any combination of the treated or untreated liquid-carried pollutants or wastes from dwellings, commercial buildings, industrial facilities and institutions, which are contributed or permitted to enter the POTW.

(90) “Wastewater Rules” or “Rules” – requirements for the disposal of wastewater in the service area of the municipal wastewater treatment system for the City of Clinton, Tennessee (City), which is controlled, supervised and managed by CUB as provided under Section 18-101 et seq. of the Clinton Municipal Code.

(91) “Wastewater Treatment System” – Defined the same as POTW.

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

(b) Abbreviations.

ASTM	-	American Society for Testing of Materials
BDL	-	Below Detection Limit
BMP	-	Best Management Practice
BOD	-	Biochemical Oxygen Demand
CFR	-	Code of Federal Regulations
COD	-	Chemical Oxygen Demand
CUB	-	Clinton Utilities Board
EPA	-	Environmental Protection Agency
FOG	-	Fats, Oils and Grease
GCE	-	Grease Control Equipment
GP	-	Grinder Pump
g.p.m	-	gallons per minute
l	-	Liter
LAO	-	Local Administrative Officer
LEL	-	Lower Explosive Limit
LHA	-	Local Hearing Authority
mg	-	Milligrams
mg/L	-	Milligrams per liter
NAICS	-	North American Industrial Classification System
NOV	-	Notice of Violation
NPDES	-	National Pollutant Discharge Elimination System
PC	-	Pretreatment Coordinator
POTW	-	Publicly Owned Treatment Works
PPC	-	Plant Protection Criteria
PTL	-	Pass Through Limits
SIC	-	Standard Industrial Classifications
SIU	-	Significant Industrial User
SNC	-	Significant Noncompliance
STEP	-	Septic Tank Effluent Pump
SWDA	-	Solid Waste Disposal Act
TCA	-	Tennessee Code Annotated
TDEC	-	Tennessee Department of Conservation
TKN	-	Total Kjeldahl Nitrogen
TRC	-	Technical Review Criteria
TSS	-	Total Suspended Solids
USC	-	United States Code

(3) Statutory references. All references in this chapter to the Act, any local, state or federal law or regulation shall refer to said provision of law as may be amended from time to time.

(4) Additional Measures

(a) CUB may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this chapter.

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

(5) Date of Receipt of Reports. Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not sent, postage prepaid, through a facility serviced by the United States Postal Service, United Parcel Service, Federal Express or another commercial carrier, the actual date of receipt by CUB shall govern as the submitted date.

(6) Certification Statement. The following certification statement is required to be signed and submitted by Users submitting permit applications; baseline monitoring reports; reports on compliance with the categorical Pretreatment Standard deadlines and periodic compliance reports. The following certification statement must be signed by an Authorized Representative of the User:

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

SECTION 1-102. CONNECTIONS 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 City, or in any area under the jurisdiction of the City or CUB, any human or animal excrement, garbage or other objectionable waste.

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

(c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage unless prior written approval has been obtain from the appropriate local, state or federal agency/department.

(d) Except as provided in Section 1-102(1)(e) the owner(s) or User(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the City and abutting any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City, is herby, required at

the owner's or User's expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line for the affected house, building or property.

(e) The owner or User of a manufacturing facility may discharge wastewater to the waters of the state provided that the owner or User obtains an NPDES permit and meets all requirements of the 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 Section 1-102(1)(d) the building sewer shall be connected to a private sewage disposal system complying with the provisions of Section 1-104.

(2) Building and sewer connections.

(a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from CUB.

(b) There shall be two (2) types of building sewer applications: 1) to establish residential service and 2) for establishing commercial or industrial service. In either case, the owner, the owner's agent, the User or the User's agent shall make application on a special form furnished by CUB. The permit application shall be supplemented by any plans, specification or other information considered pertinent by CUB.

(c) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner or User. The owner or User shall indemnify the City and CUB from any loss or damage to the City's public sewers that may directly or indirectly be occasioned by the installation of the building sewer or its connection to said public sewer.

(d) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another building 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. If approved by CUB, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(e) Old building sewers may be used in connection with new buildings only when they are found, through examination and testing to CUB's satisfaction, to meet all requirements of this chapter.

(f) The building sewer shall be ductile iron pipe (specifically designed, with protective coatings, to be used as sanitary sewer pipe), polyvinyl chloride pipe with solvent welded or with rubber compression joints; or such other material of equal or superior quality as may be approved by CUB. All joints and connections shall be gastight and watertight. Building sewers shall not be placed in the same trench with water service lines. If installed in filled or unstable ground, the building sewer shall be properly bedded as approved by CUB.

(g) The size, slope, alignment of the building sewer, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the most current International Plumbing Codes or other applicable rules and regulations of the City and CUB. In the absence of code provisions or in amplification thereof, the material and procedures set forth in appropriate specifications of the American Society for Testing of Materials, the American Society of Civil Engineer's Manuals and Reports on Engineering Practice No. 60 and the Water Pollution Control Federation (or Water Environment Federation) Manual of Practice

FD-5. In no event shall the diameter of the building sewer pipe be less than four (4) inches. The slope of such 4-inch pipe shall not be less than one-eighth (1/8) inch per foot.

(h) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. No building sewer shall be laid parallel to or within three (3) feet to any bearing wall, which might thereby be weakened. The building sewer shall be laid at uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only with properly, curved pipe and fittings.

(i) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by CUB. Pipe laying and backfill shall be performed in accordance with ASTM Specification (C12) except that no backfill shall be placed until the work has been inspected by CUB or CUB's authorized representative.

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

(k) All joints and connections shall be made gastight and watertight.

(1) The connection of the building sewer into the public sewer shall conform to the requirements of the most current International Plumbing Codes or other applicable rules and regulations of the City and CUB. Any deviation from the prescribed procedures and materials must be approved by CUB before installation.

(2) All jointing material and methods to be used shall be approved by CUB.

(l) The connection of the building sewer into the public sewer main pipe shall be made at the "Y" branch, if such branch is available at a suitable location. Where the public sewer is greater than twelve (12) inches in diameter, and no "Y" branch is available, the sewer line shall be tapped and a tapping saddle with stainless steel clamps installed to receive the building sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer (and above any existing bench or grouted channel). A smooth, neat joint shall be made, and the connection made secure and watertight and in strict accordance with CUB's Standard Specifications for Construction of Water and Sewer Utilities. Special fittings may be used for the connection only when approved by CUB.

(m) The applicant for the building sewer permit shall notify CUB when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of CUB or made directly by CUB personnel.

(n) All excavations for building sewer installations shall be adequately guarded with barricades and lights to protect the public from hazard in accordance with TOSHA regulations. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to CUB and at the sole cost of the property owner, User or applicant for the building sewer permit.

(o) A cleanout shall be located on the building sewer within five (5) feet outside of the exterior wall of the building, one located on the building sewer as it crosses the property line and one located at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than seventy (70) feet apart in horizontal building sewers of four (4) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wye) and 1/8 bend shall

be used for the cleanout base in accordance with CUB's Construction Standards. Cleanouts shall not be smaller than four (4) inches in pipe diameter.

(3) Inspection of connections.

(a) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected by the Director or his or her authorized representative before the underground portion is covered.

(b) The applicant for discharge shall notify the Director or his or her authorized representative when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Director or his or her authorized representative.

(4) Maintenance of building sewers. Each individual property owner or User of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance will include repair or replacement of the service line as deemed necessary by the Director to provide for a water-tight system meeting all specifications of the City and CUB.

(5) Sewer extensions. All expansion or extension of the public sewer constructed by property owners, Users or developers must follow policies and procedures developed by CUB, and be in accordance with CUB's Construction Standards. CUB may also require a "Wastewater Extension Agreement" with appropriate property owners, Users or developers. All plans and construction must follow the latest edition of the Tennessee Design Criteria for Sewage Works. Contractors must provide CUB with documentation that all mandrel, pressure and vacuum tests as specified in design criteria were acceptable prior to use of the lines. **Contractor's one-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 CUB. CUB must give written approval to the contractor to acknowledge transfer of ownership to CUB. Failure to construct or repair lines to acceptable standards could result in denial or discontinuation of sewer service.

SECTION 1-103. SEPTIC TANK EFFLUENT PUMP OR GRINDER PUMP WASTEWATER SYSTEMS.

When connection of building sewers to the public sewer by gravity flow lines is determined to be impossible due to elevation differences or other encumbrances, Septic Tank Effluent Pump (STEP) or Grinder Pump (GP) systems may be allowed at the discretion of and subject to the policies, rules and regulations of CUB. The customer must sign a service agreement prior to their installation.

(1) Equipment requirements.

(a) Septic tanks for STEP systems shall be of watertight construction and must be approved in writing by CUB prior to their installation.

(b) Pumps must be approved by CUB.

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

(3) Costs. STEP and GP equipment for new construction shall be purchased and installed at the developer's, User's, homeowner's or business owner's expense and connection to the POTW will only be made by CUB personnel or under the supervision of CUB after all required fees and deposits have been made to CUB.

(4) Ownership and easements. Ownership of pumps and related equipment shall be determined by CUB based upon its policies and regulations. Where pumps and related equipment are determined by CUB to be owned and maintained by CUB the affected Users, homeowners or

developers shall provide CUB with ownership and all necessary easements. Access by CUB to the STEP and GP systems owned and operated by CUB must be guaranteed in order for CUB to operate, maintain, repair, restore service and remove sludge as may be necessary. 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) Where Users, homeowners or business owners own, operate and maintain the pumps and related equipment, they shall adhere to the STEP pump or GP Users' guide for operation and maintenance of pumps and related equipment.

(b) Users, homeowners or business owners shall provide an electrical connection that meets CUB's specifications and shall provide electrical power.

(c) Users, homeowners or business owners shall be responsible for maintenance of drain lines from the building to the STEP and GP tank, as well as the force main from the privately owned STEP or GP tank to the public sanitary sewer system.

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

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

(2) Disposal of toxic household substances.

(3) Use of garbage grinders or disposers.

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

(5) Discharge of fats, grease or oil.

(e) The customer shall be required to pump out septic tanks as required by the agreement for all STEP systems.

(6) Additional charges. Where CUB assumes ownership of the pumps and related equipment, CUB shall be responsible for maintenance of the GP equipment. Repeat service calls for identical problems shall be billed to the User, homeowner or business owner at a rate of no more than the actual cost of the service call.

SECTION 1-104. REGULATIONS OF PRIVATE SEWAGE DISPOSAL, HOLDING TANK WASTE DISPOSAL AND TRUCKED IN WASTE.

(1) Private sewage disposal.

(a) Availability. When a public sanitary sewer is not available under Section 1-102(1)(d) the building sewer shall be connected to a private sewage disposal system in accordance with all applicable city, county and/or state laws and/or regulations. The User or owner shall first obtain a written permit signed by the appropriate agency.

(b) Requirements.

(1) When a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this chapter and the private sewage disposal system shall be cleaned of sludge and filled with clean gravel or dirt by the property owner or User. A request to waive this requirement may be made to the appropriate agency.

(2) The owner or User shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City or CUB. No property owner, User, private party (i.e. contracted hauler) or business shall discharge contents of a septic tank or cesspool into any natural outlet or the POTW.

(3) When a public sanitary sewer becomes available for use under Section 1-102(1)(d) the regular standard sewer fees, which are charged sewer customers by CUB, shall be charged to and paid by all persons and parties having a public sanitary sewer available as herein provided, beginning ninety (90) days after the sewer becomes

available without regard as to whether any actual connection has been made to the sewer line by the person or party in question.

(4) No statement contained in Sections 1-103 and 1-104 shall be construed to interfere with any additional requirement that may be imposed by the Department of Public Health of the State of Tennessee, the Anderson County Health Department, TDEC's Division of Water Resources or any other local, state or federal department.

(2) Holding tank waste disposal. No person, firm, association or corporation shall clean out, drain or flush any septic tank or any other type of wastewater or excreta into the POTW located within the City of Clinton or otherwise within CUB's sewer service area, unless such person, firm, association or corporation obtains a written permit from CUB to perform such acts or services.

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

(a) Fees. For each permit issued under the provisions of this chapter the applicant shall agree in writing by the provisions of this chapter and pay an annual service charge to CUB as specified in Section 1-106. Any such permit granted shall be in full force and effect from the time issued until its expiration date, unless sooner revoked, and shall not be transferable.

(b) Designated Septic Waste Receiving Facility locations. If CUB elects to accept waste from septic tanks or any other types of wastewater or excreta disposal systems, then CUB shall designate an approved Septic Waste Receiving Facility location for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for. CUB may elect not to accept any wastes associated with the services rendered under the permit herein provided for. It shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment into any part of the POTW within CUB's jurisdiction, other than the approved Septic Waste Receiving Facility. CUB may refuse to accept any volume of waste at their absolute discretion.

(c) Revocation of permit. Failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of such permit by CUB. 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 CUB.

(3) Trucked in waste. No waste material, temporarily pumped waste or cleaning waste shall be allowed to be discharged into any part of the POTW from trucks, railcars, barges, etc. without the written approval of CUB.

SECTION 1-105. DISCHARGE REGULATIONS.

(1) Discharge prohibitions.

(a) No User shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of CUB that such wastes; can 1) harm either the wastewater collection system components, 2) the sewage treatment processes or equipment, 3) have an adverse effect on the receiving stream, 4)

endanger life, limb, or public property, or 5) constitute a nuisance. In determining the acceptability of these wastes, CUB will consider such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, material of construction of sewers, nature of the sewage treatment process and capacity of the sewage treatment plant. Any non-compliance violation of this chapter including, but not limited to, non-compliance with CUB's FOG Program may be responded to according to the Enforcement Response Plan Guide Table (Appendix A).

(1) Liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient to cause a fire or explosion hazard or be injurious in any other way to the POTW or to the operation of the system, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.121. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent (5%) of the Lower Explosive Limit (LEL) nor any single reading over ten percent (10%) of the LEL. Any waters or waste containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly, or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant.

(2) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in the POTW resulting in interference, such as, but not limited to: ashes, cinders, sand, spent lime, stone, marble, or drywall dust, grinding or polishing waste, mud, straw/grass clippings, shavings, metal, glass, rags, sanitary/baby wipes, feathers, tar, plastics, wood, non-properly shredded waste, grounded garbage, waste from animal slaughter, paper dishes, cups, milk containers, etc., either whole or ground, and any medical supplies, such as: sponges, bandages, catheters, "sharps" such as hypodermic needles or syringes, scalpel blades, acupuncture needles, shoe slides and cover slips.

(3) Any waters or wastes having a pH lower than 6.0 or higher than 10.0 (unless approved by CUB), or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the POTW.

(4) Any wastewaters with excessive malodorous emissions, or discharges that cause corrosion to the System. This includes hydrogen sulfide (H₂S) and other similar compounds.

(5) Any substance that may cause the POTW effluent or any other product of the POTW, such as residues, sludge or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act or 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.

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

(7) Any wastewaters containing substances that are amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only

to such degree that the POTW treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving stream.

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

(9) Any wastewater having a temperature that will inhibit biological activity in the POTW resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW's treatment plant which exceeds 40°C (104°F) unless the Approval Authority, upon request of the Control Authority, approves alternate temperature limits.

(10) Any pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration that will cause interference with the POTW. In no case shall any discharge have a flow rate or concentration of waste constituting a "slug" as defined herein.

(11) Any, wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by CUB in compliance with applicable state or federal laws and/or regulations.

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

(13) 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.

(14) Any storm water, surface water, ground water, roof runoff, floor drain water, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

(15) Storm water and all other unpolluted drainage shall not be discharged to sanitary sewers. Industrial cooling water or unpolluted process waters may be discharged to the sanitary sewer, upon approval of CUB.

(16) Any trucked or hauled pollutants or wastewater unless CUB designates a Septic Waste Receiving Facility.

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

(18) Fats, wax, grease or oils of more than one hundred (100) mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 56°C) at the point discharged into the system.

(19) Any pollutant(s) which cause Pass Through or Interference.

(b) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which contain the substance or possess the characteristics enumerated in Section 1-105(1a), and which in the judgment of CUB, may have a deleterious affect upon the POTW, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, CUB may take any or all of the following actions:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition prior to discharge to the public sewers;

(3) Require control over the quantities and rates of discharge, and/or develop effluent limitations;

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of Section 1-106 of this chapter, as hereinafter set forth.

If CUB permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of CUB, and subject to the requirements of all applicable codes, chapters and laws.

(c) FOG, FOG Control Plans and Grease Control Equipment (GCE)

(1) All Users must comply with the FOG standards and requirements set forth in this chapter, in a User's permit and in CUB's FOG Program.

(2) Properly sized GCE as specified by CUB's FOG Program shall be installed, maintained and operated at the User's expense when, in the opinion of CUB, they are necessary for the proper handling of liquid wastes containing fats, oils, grease, any flammable wastes, ground food waste, sand, soil, solids or other harmful ingredients in excessive amounts which impact the wastewater collection system. Such GCE may be required on multiple family residences. All GCE specifications and its installation location(s) shall be approved by CUB prior to installation

(3) All equipment installed to control FOG, food waste, sand, soil and oil shall be designed to conform to the requirements of the most current International Plumbing Codes, CUB's FOG Program and other applicable rules and regulations of the City and CUB. Any variations from the prescribed procedures and materials must be approved by CUB before installation. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow for regular maintenance. Control equipment shall be operated and maintained by the User, owner or operator of the facility, at the User's, owner's or operator's expense, to prevent a stoppage of the public sewer, to prevent the accumulation of FOG in any part of the POTW and to prevent interference with any of the treatment plant processes. If CUB is required to clean out the public sewer lines because of a stoppage resulting from poorly maintained control equipment, the User or property owner who is found to have caused the stoppage shall be required by CUB through its invoice to reimburse CUB actual costs of the labor, equipment, materials and overhead. Nothing in this section shall be construed to prohibit or restrict any other remedy CUB has under this chapter, or state or federal law. CUB retains the right to inspect and approve installations of control equipment, as well as periodically inspect cleaning and pumping records and manifests.

(4) A CUB-approved Grease Waste Pumping and Hauling Manifest shall be used by the User of any GCE requiring pumping and hauling. These manifests shall be kept on file at the premises of the GCE by the User, owner or operator of the GCE for a period of three (3) years, and shall be made available to CUB upon its request.

(5) Users or owners whose GCE are deemed ineffective by CUB, when asked to by CUB, shall increase the cleaning/pumping frequency and/or increase the size of their GCE.

(6) Users, owners and operators shall prevent the inflow of rainwater into the sanitary sewers through their GCE.

(7) CUB may issue wastewater discharge permits to regulate the discharge of fats, oil and grease.

(8) Upon construction or renovation, all restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer Users who discharge

applicable waste shall submit a FOG control plan that will show how they will effectively control the discharge of FOG, as well as, they shall install, maintain and operate properly sized GCE in accordance with CUB's FOG Program.

(9) 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 FOG control plan that will show how they will effectively control the discharge of FOG, as well as, they shall install, maintain and operate properly sized GCE in accordance with CUB's FOG Program.

(10) After approval of the FOG plan by CUB the User or owner that submitted the FOG plan must:

(a) Implement the plan within a reasonable amount of time or as may be directed in writing by CUB, and

(b) Install, service, maintain and operate the GCE in a manner to prevent adverse impact upon the sewer collection system and treatment facility. If in the opinion of CUB the User continues to impact the collection system and treatment plant, additional pretreatment may be required, including a requirement to meet numeric limits and have surcharges applied.

(11) Sand, soil and oil interceptors. As deemed necessary by CUB, all car washes, truck washes, garages, service stations and other sources of sand, soil and oil shall install effective sand, soil and oil interceptors. The interceptors shall be sized to effectively remove sand, soil and oil at the expected flow rates. All interceptor specifications and its installation location(s) shall be approved by CUB prior to installation. All interceptors shall be cleaned/pumped on a regular basis to prevent impact upon the wastewater collection and treatment systems.

(12) Laundries: As deemed necessary by CUB, commercial laundries shall install an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the sewer system of solids ½ inch or larger in size such as strings, rags, buttons or any other solids detrimental to the system. All interceptor specifications and its installation location(s) shall be approved by CUB prior to installation. All interceptors shall be cleaned/pumped on a regular basis to prevent impact upon the wastewater collection and treatment systems.

(13) All GCE; sand, soil and oil interceptors; and laundry interceptors shall be pumped-in-full at a minimum once every three months or when the total accumulations of surface FOG (including floating solids) and the settled solids reaches twenty-five (25%) percent of the GCE's or interceptor's overall liquid depth capacity. At no time shall the pumping frequency exceed three months, unless prior written approval has been obtained from CUB. Some establishments will need to perform more frequent pumping to meet this requirement.

(14) CUB, at the discretion of the General Manager and Water & Sewer Director, may implement a FOG Treatment, Disposal and Resource Recovery Plan. This plan may be implemented to prevent the potential for excessive FOG discharges should problems exist with FOG disposal, FOG obstruction in the collection system, FOG related sanitary sewer overflows, or inconsistent maintenance provided by area grease waste haulers/pumpers. This plan may include a Request for Proposal (RFP) for the treatment and disposal of FOG waste generated from all Food Service Establishments (FSE) located within CUB's service area. The RFP may also include a

cost estimate for maintenance (complete pump of grease interceptors and grease traps), inspections, and certification of the GCE of all CUB FSE. The RFP may provide a single source for GCE pumping, GCE certification/inspections, FOG treatment, FOG disposal, and reporting to CUB. The RFP process would be implemented to ensure the successful RFP respondent meets all requirements outlined in the RFP and, that the program is implemented in a cost effective manner.

(d) The admission into the public sewers of any waters or waste having any of the following characteristics shall be subject to the review and approval of CUB.

- (1) A 5-day BOD greater than 250 parts per million by weight;
- (2) Containing more than 300 parts per million by weight of total suspended solids (such as but not limited to Fullers earth, lime slurries and lime residues);
- (3) Containing any quantity of substances having the characteristics described in Section 1-105(1);
- (4) Having an average daily flow greater than 2% of the average daily sewage flow of CUB;
- (5) Excessive discoloration (such as but not limited to, dye wastes and vegetable tanning solutions);
- (6) Unusual chemical oxygen demand or chlorine requirement in such quantities as to constitute a significant load on the treatment works.

(e) Where necessary, in the opinion of CUB, the User or owner shall provide at the User's or owner's expense such preliminary treatment as may be necessary to:

- (1) Reduce the BOD to 250 parts per million and the total suspended solids to 300 parts per million by weight; or
- (2) Reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 1-105(3) or
- (3) Control the quantities and rates of discharge of such waters or waste.

Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of CUB and of the state, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(f) Each individual property owner or User of the POTW shall maintain or, if necessary, replace the building sewer, as deemed necessary by CUB, to insure the line is watertight, hence preventing the inflow of rainwater, surface water or other ground water into the public sewer. The expense for said maintenance shall be that of the property owner or User.

(2) National Categorical Pretreatment Standards. Upon the promulgation of the National Categorical Pretreatment Standards for a particular industrial subcategory, the National Standard, if more stringent than the limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. All affected Users shall adhere to the applicable reporting requirements under 40 CFR § 403.12.

(3) Restrictions on wastewater strength.

(a) CUB is authorized to establish and enforce Local Limits pursuant to Tennessee Rule 0400-40-14-.05.

(b) No person or User shall discharge wastewater into the POTW that exceeds the numerical values of CUB's Local Limits. Dilution of any wastewater discharge, except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, for the

purpose of satisfying these requirements is prohibited and shall be considered a violation of this chapter.

(c) CUB may require Best Management Practices (BMPs), for individual wastewater discharge permits. These BMP's shall be considered "Local Limits" and Pretreatment Standards.

(d) CUB shall periodically monitor the POTW treatment plant's influent to ensure parameters do not exceed CUB's applicable "Plant Protection Criteria" (PPC). Industrial and Commercial Users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. The PPC may be revised in the future because of changes in Pass Through Limits (PTL) issued by the TDEC. In the event that the POTW influent exceeds the current or subsequent revised PPC, the Pretreatment Coordinator shall initiate technical studies to determine the cause of the influent violation and recommend the necessary remedial measures, including but not limited to, the establishment of new or revised pretreatment standards and requirements for these parameters. The Pretreatment Coordinator will also recommend changes to any of these criteria in the event that the POTW effluent standards are changed, there are changes in any applicable laws or regulations affecting said standards or changes are necessary for more effective operation of CUB's POTW.

(4) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit CUB from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW, to create a public nuisance, to cause the discharge of the POTW to violate effluent or stream quality standards, to interfere with the use or handling of sludge, to pass through the POTW resulting in a violation of the NPDES permit, to exceed industrial Pretreatment Standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the TDEC and/or the United States Environmental Protection Agency or to create an unhealthy or dangerous condition in the wastewater collection system.

(5) State requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than national requirements and limitations or those in this chapter.

(6) CUB's right of revision. CUB reserves the right to establish, by rule or in individual wastewater discharge permits, more stringent limitations, standards or requirements on discharges to the system if deemed necessary to comply with the objectives presented in Section 1-101(1).

(7) Excessive discharge. No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by CUB or the state, except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement.

(8) Accidental Discharge and Slug Discharge Control Plans

(a) CUB shall evaluate whether each SIU needs an accidental discharge plan and/or a slug discharge control plan or other action to control accidental discharges or slug discharges. CUB may require any User to develop, submit for approval and implement such plan(s) or take such other action that may be necessary to control accidental discharges and slug discharges. If CUB decides that an accidental discharge plan or a slug control plan is needed, each plan shall contain, at a minimum, the following:

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

- (2) Description of stored chemical;
 - (3) Procedures for immediately notifying CUB of an accidental discharge or a slug discharge, as required below; and
 - (4) Procedures to prevent adverse impact from any accidental discharge or slug discharge with procedures for follow-up written notification to CUB within five (5) days. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
- (9) Accidental discharge or slug discharge facilities and reporting.
- (a) Each User shall provide protection from all accidental discharges and slug discharges of prohibited material or other substances regulated by this chapter. Facilities to prevent either of these types of discharges shall be provided and maintained at the owner's or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to CUB for review, and shall be approved by CUB before construction of the facility. All existing Users shall complete such plans within 180 days after this chapter becomes law. No User who commences contribution to the POTW after said date shall be permitted to introduce pollutants into the System until accidental discharge and slug discharge procedures have been approved by CUB. Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify the User's facility as necessary, to meet the requirements of this chapter. In the case of an accidental discharge or a slug discharge, it is the responsibility of the User to immediately notify CUB's LAO or the Director of the incident. The notification shall include the location, type, concentration, volume of the waste discharged and any corrective actions taken by the User.
 - (b) Within five (5) days following an accidental discharge or a slug discharge, the user shall submit to CUB a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability that may be incurred as a result of damage to the POTW, fish kills or any other damage to persons or property, nor shall such notification relieve the user of any fines, civil penalties or other liability that may be imposed by this chapter or other applicable law.
 - (c) All Users shall permanently post a notice on the user's bulletin board or other prominent place advising the user's employees who to call in the event of an accidental discharge, a slug discharge or any other dangerous discharge. Users shall insure that all employees who may cause or suffer from such discharges are advised of the emergency notification procedure.
 - (d) Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for an accidental discharge or a slug discharge.
 - (e) Every three (3) years each User, required by CUB, shall update and submit to CUB their detailed plan showing the User's facilities and operating procedures that provide for the prevention of accidental discharges.
 - (f) Each User, required by CUB, shall annually submit written verification to CUB that employees who may cause or suffer a dangerous discharge have been advised of the User's emergency notification procedure.
- (10) Reports from Nonpermitted Users. All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to CUB as CUB may require.

SECTION 1-106. RATES, CHARGES AND FEES.

(1) **Purpose.** It is the purpose of this section to provide for the recovery of costs from Users of the system for the implementation of the program established by this chapter, as well as the costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation and equitable cost recovery of EPA administered federal wastewater grants. The applicable charges or fees shall be set forth in CUB's Schedule of Charges and Fees.

(2) **Rates, Charges and fees.** CUB may adopt rates, charges and fees that may include, but are not limited to:

(a) **Inspection and tapping fees.** An inspection fee and tapping fee for a building sewer installation shall be paid to CUB at the time the customer establishes an account with CUB or files a wastewater discharge application;

(b) **Sewer use rates and charges.** The board of directors of CUB shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system. Such rates are reflected in the rate schedules or Rules and Regulations of CUB, which are of record in CUB's office;

(c) **Fees for wastewater discharge applications.** A fee may be charged when a User or Prospective User makes application for wastewater discharge as required by Section 1-107 of this chapter;

(d) **Fees for wastewater discharge permits.** A fee may be charged for the issuance of a wastewater discharge permit;

(e) **Fees for wastewater discharge monitoring and surveillance procedures.** Fees may be collected from Users having pretreatment or other discharge requirements to compensate CUB for the necessary compliance monitoring, surveillance and other administrative duties of the Pretreatment Program;

(f) **Fees for reimbursement of costs of setting up and operating CUB's Pretreatment Program;**

(g) **Fees for reviewing accidental discharge procedures and construction;**

(h) **Fees for recovering CUB's costs for administering chemicals for odor and/or corrosion control or other specific treatment for problems directly related to a customer's discharge;**

(i) **Surcharge fees for general wastewater parameters such as: Biological Oxygen Demand (BOD), Total Suspended Solids (TSS), FOG, and Total Kjeldahl Nitrogen (TKN).** These general parameter surcharge levels may be expressed as either concentration or mass surcharge thresholds.

(j) **Fees for filing appeals;**

(k) **Fees for Holding Tank / Pumper Truck discharge permits.** A fee may be charged for the issuance of a Holding Tank / Pumper Truck discharge permit in accordance with Section 1-104 of this chapter;

(l) **Fees for consistent removal (by CUB) of pollutants subject to National Categorical Pretreatment Standard or Pretreatment Standards; or**

(m) **Other fees as CUB may deem necessary to carry out the requirements of this chapter.**

The fees provided by Section 1-106 of this chapter relate solely to the matters covered by this chapter and are separate from all other fees chargeable by CUB. CUB reserves the right to revise, amend, supplement or otherwise change CUB's charges and fees at any time.

(3) Administrative Civil Penalties. Administrative Civil Penalties shall be issued according to the following schedule. Violations are categorized in the Enforcement Response Plan Guide Table (Appendix A). The Local Administrative Officer may access a penalty within the appropriate range. Penalty assessments are to be assessed per violation unless otherwise noted.

Schedule for Administrative Civil Penalties	
Category 1	No Penalty
Category 2	\$0.00 - \$500.00
Category 3	\$0.00 - \$1,000.00
Category 4	\$0.00 - \$5,000.00
Category 5	\$0.00 - \$10,000.00

SECTION 1-107. WASTEWATER DISCHARGE PERMITS.

(1) General requirements, survey. All Industrial and Commercial Users proposing to connect or to contribute to the POTW shall obtain, complete and submit a Wastewater Discharge Survey, from which permit determination will be made, before connecting or contributing to the POTW. All existing Industrial Users connected to or contributing to the POTW shall obtain, complete and submit a Wastewater Discharge Survey within 180 days after this chapter shall become law, and periodically as requested by CUB. Permit determination will be made by CUB from the evaluation and review of the Wastewater Discharge Survey.

(a) Permit application and Baseline Monitoring. Users required to obtain a Wastewater Discharge Permit shall complete and file with CUB an application in form prescribed by CUB and accompanied by the appropriate fees. Existing Users shall apply for a Wastewater Discharge Permit within 60 days after this chapter shall become law, and proposed new Users shall apply at least 180 days prior to connecting or contributing to the POTW. Connection to the POTW shall not be made until a completed application is received and approved by CUB, all fees and deposits are paid by the applicant, the building sewer is installed in accordance with Section 1-102 of this chapter and an inspection has been performed by CUB or its authorized representative. Within 180 days after the effective date of a categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission under Tennessee Rule 0400-40-14-.06(1)(d), whichever is later, existing Industrial Users subject to such categorical Pretreatment Standards and currently discharging to or scheduled to discharge to the POTW shall submit to CUB a report which contains the information required by this section. At least 180 days prior to commencement of discharge, New Sources, and sources that become Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to CUB a report which contains the information required by this section (not including the certification statement (#11 below) or a compliance schedule (#12 below). 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.

In support of the application and baseline information, the User shall submit, in units and terms appropriate for evaluation, the following information:

(1) Name, address of the facility including the name of the operator and owners, and the location of discharge point (if different from the address);

(2) Any environmental control permits held by or for the facility;

(3) Description of operations and activities, facilities, plant processes, average rate of production carried out by the User, the Standard Industrial Classification (SIC), and the North American Industrial Classification (NAIC) according to the most current classification manuals. Include all materials and chemicals that are or could be discharged, each product produced by type, amount, process or processes and the rate(s) of production, the type and amount of raw materials processed (average and maximum per day), number and type of employees, the hours of operation of plant, the proposed or actual hours of operation of the pretreatment system, and a schematic process diagram which indicates points of discharge to the POTW from the regulated process. Also include site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances;

(4) Measured average daily and maximum daily flows discharged to the POTW, in gallons per day from each of the following:

(a) Regulated process streams; and

(b) Other streams as necessary to allow use of the combined waste stream formula of Tennessee Rule 0400-40-14-06(5).

(5) The User shall identify the Pretreatment Standards applicable to each regulated process. 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 CUB) 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 CUB or the applicable Standards to determine compliance with the Standard;

(6) The User shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this section;

(7) 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 waste stream formula of Tennessee Rule 0400-40-14-.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 0400-40-14-.06(5) this adjusted limit along with supporting data shall be submitted to CUB.

(8) Wastewater constituents and characteristics including but not limited to those mentioned in Section 1-105 of this chapter as determined by an accredited analytical laboratory. The sampling and analysis for the application shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR § 136 and amendments thereto. Where 40 CFR § 136 does not include sampling or analytical techniques for the pollutant in question,

sampling and analysis shall be performed by using validated analytical methods and procedures in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluent for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analysis procedures approved by the Approval Authority;

(9) CUB 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;

(10) 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;

(11) A certification statement, reviewed by an authorized representative of the User and certified to by a qualified professional, indicating whether or not the Pretreatment Standards are being met on a consistent basis and, if not, whether additional operations and maintenance and/or additional pretreatment is required for the user to meet applicable Pretreatment Standards;

(12) If additional pretreatment and/or operations and maintenance is required to meet the National Categorical Pretreatment Standard or Pretreatment Standards; the shortest compliance schedule by which the user will provide such additional pretreatment and/or operations and maintenance. The completion date in said schedule shall not be later than the compliance date established for the applicable National Categorical Pretreatment Standard or Pretreatment Standards;

(a) Where the User's categorical Pretreatment Standard has been modified by a removal allowance (Tennessee Rule 0400-40-14-.07), the combined waste stream formula (Tennessee Rule 0400-40-14-.06(5), and/or a Fundamentally Different Factors variance (Tennessee Rule 0400-40-14-.13) at the time the User submits its application and baseline monitoring, the information for the certification (#11 above) and the compliance schedule shall pertain to the modified limits.

(b) If the categorical Pretreatment Standard is modified by a removal allowance (Tennessee Rule 0400-40-14-.07), the combined waste stream formula (Tennessee Rule 0400-40-14-.06(5), and or a Fundamentally Different Factors variance (Tennessee Rule 0400-40-14-.13) after the User submits its application and baseline monitoring, any necessary amendments to the information requested by the certification (#11 above) and the compliance schedule shall be submitted by the User to CUB within 60 days after the modified limit is approved.

(13) Any user who elects or is required to construct new or additional facilities for pretreatment shall, as part of the application for the wastewater discharge permit, submit plans, specifications and other pertinent information relative to the proposed construction to CUB for approval. Plans and specifications submitted for approval must bear the seal of a qualified professional engineer registered to practice engineering in the State of Tennessee (unless a written request to waive such engineering seal requirement is approved in writing by CUB). 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 art effluent acceptable to CUB under the provisions of this chapter;

(14) The following conditions shall apply to the compliance schedule required by #11 above.

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

(b) No increment referred to in paragraph (a) of this subsection shall exceed 9 months.

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

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

CUB will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of data furnished, CUB may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

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

(c) Deficient applications. CUB will act only on applications containing all the information required by Section 1-107(1). Persons who have filed incomplete applications will be notified by CUB 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 periods as allowed by CUB, then CUB shall notify the applicant in writing that the permit is denied.

(d) Permit modifications.

(1) Within 180 days after the effective date of a categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission under Tennessee Rule 0400-40-14-.06(1)(d), whichever is later, existing Industrial Users subject to such categorical Pretreatment Standards and currently discharging to or scheduled to discharge to the POTW shall submit to CUB a report which contains the information required by Section 1-107(1). At least 180 days prior to commencement of discharge, New Sources, and sources that become Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to CUB a report which contains the information required by Section 1-107(1).

(2) The terms and conditions of the Permit may be subject to modification by CUB 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 the

permit at least 30 days prior to the effective date of change. Except in the case where National Categorical Pretreatment Standard's mandate an effective date deadline that does not allow CUB to inform the User 30 days prior to the effective date of change, in which case the National Categorical Pretreatment Standard's effective date shall be followed. Any change or new condition in the permit shall include a reasonable time schedule for compliance, except in the case of changes in the National Categorical Pretreatment Standards that will specify a time schedule.

(e) 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 CUB.

(1) Wastewater Discharge Permits shall contain the following:

- (a) Statement of duration;
- (b) Provisions for transfer;
- (c) Effluent limitations, including Best Management Practices (if applicable), on the average and maximum volume, constituents, characteristics, concentration, rate and time of discharge, based on 40 CFR § 403, Categorical Standards, local limits, and state and local law;
- (d) Specifications for self-monitoring, reporting schedules, notification, record keeping, identification of pollutants to be monitored (or best management practice), sampling location(s), sampling frequency, sample type and standards for test;
- (e) Statement of applicable civil and criminal penalties for violations of Pretreatment Standards and the requirements of any applicable compliance schedule. Such schedules shall not extend the compliance date beyond the applicable national deadlines;
- (f) Prohibition of bypassing pretreatment or pretreatment equipment;
- (g) Requirements to control Slug Discharge, if determined by the Control Authority to be necessary.
- (h) Procedures for immediately notifying CUB of an accidental discharge or a slug discharge.

(2) Wastewater Discharge Permits also 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;
- (c) Compliance schedules;
- (d) Requirements for submission of technical reports or discharge reports;
- (e) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by CUB and affording CUB access thereto;
 - i. Requirements for notification of CUB sixty (60) days prior to implementing any substantial change in the volume or character of the wastewater constituents being introduced into the POTW, and of any changes in industrial processes that would affect wastewater quality or quantity;
 - ii. Requirements for notification of any slug discharged and a Spill Control Plan;

- iii. Effluent mass loading restrictions;
- iv. Other conditions as deemed appropriate by CUB to ensure compliance with this chapter.

(f) Permit duration. Permits shall be issued for a specified time, 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 specified date. The User shall apply for permit re-issuance a minimum of 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, transferred or sold to a new owner, new User, different premises or a new or changed operation without the approval of CUB. 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 or new User with a copy of the current permit.

(h) Permit Revocation. Any Permit issued under the provisions of this 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:

- (1) Violation of any terms or conditions of the Wastewater Discharge Permit or other applicable national, state or local law or regulation.
- (2) Obtaining a Permit by misrepresentation or failure to disclose fully all relevant facts.
- (3) 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) Change in process lines including the addition of process lines.
- (4) Intentional failure of a User to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

(2) Reporting requirements for Permittee.

(a) Compliance date report. Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any User subject to National Categorical Pretreatment Standard or Pretreatment Standards shall submit to CUB a report containing the information described in Sections 1-107(1)(a)(4) through 1-107(1)(a)(12) above. For Users subject to equivalent mass or concentration limits established by CUB in accordance with the procedures in Tennessee Rule 0400-40-14-.06(3), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period.

(b) Periodic compliance reports.

(1) All Significant Industrial Users and Categorical Industrial Users must, at a frequency determined by CUB, submit no less than twice per year (by April 10th and October 10th), or according to permit requirements, reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best

Management Practice or pollution prevention alternative, the User must submit documentation required by CUB or the Pretreatment Standard necessary to determine the compliance status of the User.

(2) CUB may impose mass limitations on Users that are using dilution to meet applicable National Categorical Pretreatment Standard or Pretreatment Standards or in other cases where the imposition of mass limitations is appropriate. In such cases, the reports required by Section 1-107(2) shall indicate the mass of pollutants regulated by the National Categorical Pretreatment Standard or Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration (or production and mass where requested by CUB) of pollutants contained therein that are limited by the applicable Pretreatment Standard. 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 contained in 40 CFR § 136, as amended, or with any other test procedures approved by the Approval Authority. Sampling shall be performed in accordance with the techniques approved by the Approval Authority.

(3) Where 40 CFR § 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluent for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analysis procedures approved by the Approval Authority.

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

(5) If a User monitors any regulated pollutant at the appropriate sampling location more frequently than required by CUB, they shall include these results in their next compliance monitoring report.

(3) Monitoring facilities.

(a) All permitted Users shall install and operate, at the User's expense, monitoring facilities for inspection, sampling and flow measurement of the building wastewater and/or internal drainage systems. The need and/or extent of such monitoring facilities shall be determined by CUB. Such monitoring facility and its location shall be approved by CUB prior to installation.

(b) The monitoring facility shall be accessible and properly located with ample room in or near such monitoring facility to allow accurate sampling and preparation of samples for analysis, as well as to assure the safety of the facilities and building.

(c) The monitoring facility, sampling equipment and measuring devices shall be maintained, at the User's expense, at all times in order to provide easy accessibility, proper operating conditions, precise samples and accurate data results, and to provide for the safety of operations, sampling and inspection personnel.

(d) If sampling or metering equipment is also required by CUB, it shall be provided and installed, to CUB's approval, at the User's expense.

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

(f) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with 40 CFR § 136 and shall be determined at the monitoring facility provided or upon suitable samples taken at said monitoring facility. In the event that no special monitoring facility has been required by CUB, the monitoring facility shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected to the public sewer. Sampling shall be carried out by accepted methods documented in 40 CFR § 136 to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. CUB will determine whether a twenty-four (24) hour composite of all outfalls of a premises or facility is appropriate or whether a grab sample or samples should be taken. Such determination shall be based on the particular analyses involved in accordance with 40 CFR § 136.

(g) No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between CUB and any Industrial Concern whereby an industrial waste of unusual strength or character may be accepted by CUB for treatment, subject to payment therefore by the Industrial Concern.

(4) Inspection and sampling by CUB. CUB shall inspect the facilities of any User to ascertain whether the purpose of this chapter is being met and whether the User is in compliance with all requirements of this chapter. Persons or occupants of premises where wastewater is created or discharged shall allow CUB or its authorized representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, examination of record, copying or in the performance of any of CUB's duties. CUB or its authorized representative, the 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 that would require proper identification and clearance before entry into the User's premises, the User shall make necessary arrangements with the User's security guards so that upon presentation of suitable identification, personnel from CUB or its authorized representative, the Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(5) Sample Collection by the User

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

(b) Except as indicated in (c) and (d) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by CUB. Where time-proportional composite sampling or grab sampling is authorized by CUB, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR § 136 and appropriate EPA guidance, multiple grab samples collected during a 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 CUB, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

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

(d) For sampling required in support of baseline monitoring and 90-day compliance reports, 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, CUB may authorize a lower minimum. For the periodic compliance reports required above, the User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

(6) Pretreatment.

(a) Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all National Categorical Pretreatment Standard or Pretreatment Standards within the time limitations as specified by the national pretreatment regulations. Any equipment or facilities necessary to pretreat wastewater, to a level acceptable to CUB, shall be provided, operated and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to CUB for review prior to their construction, and shall be approved by CUB before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to CUB under the provisions of this chapter. Any subsequent change in pretreatment facilities or method of operation shall be reported to and be acceptable to CUB prior to the User's initiation of the change.

(b) CUB shall annually publish, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by CUB, a list of the Users that were in Significant Noncompliance with any National Categorical Pretreatment Standard or Pretreatment Standard at any time during the twelve (12) previous months.

(c) All records relating to compliance with National Categorical Pretreatment Standards or Pretreatment Standards shall be made available to officials of the EPA or CUB upon request.

(7) Confidential Information.

(a) All information and data on a User obtained from reports, questionnaires, permit applications, permits, monitoring programs and inspections shall be available to the public or any other governmental agency without restriction unless the User specifically requests that such information remain confidential and is able to demonstrate to the satisfaction of CUB that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User and that treating such information as confidential is not a violation of the law.

(b) When requested by the person furnishing the report, the portions of a report that are determined to be confidential information as provided in Section 1-107(7) shall not be made available for inspection by the public, but shall be made available to governmental agencies for uses related to this chapter or CUB's or the 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.

(c) Information accepted by CUB as confidential shall not be transmitted to any governmental agency or to the public by CUB until and unless prior and adequate notification is given to the user.

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

(9) New sources. New sources of discharges to the POTW shall have in full operation all pollution control equipment at start up of the process and be in full compliance of effluent standards within 90 days of start up of the process.

(10) Reporting violations. If sampling performed by the User indicates effluent violations, the User must notify CUB within 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 CUB within thirty (30) days after becoming aware of the violation. Resampling by the User is not required if CUB performs sampling at the User's facility at least once a month, or if CUB performs sampling at the User's facility between the time when the initial sampling was conducted and the time when the User or CUB receives the results of this initial sampling, or if CUB has performed the sampling and analysis in lieu of the User. Where CUB has performed the sampling and analysis in lieu of the User, CUB must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis.

(11) Signatory requirements. All documents submitted to CUB by the User must be signed by an Authorized Representative of the User (or his/her duly authorized representative) as specified in the definition of Authorized Representative of the User.

(12) Notification. Users shall promptly notify CUB in advance of any substantial change in the volume or character of pollutants in their discharge.

(13) Hazardous Discharge Reporting. The Industrial User shall notify CUB, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under Tennessee Rule 0400-12-01.

(a) Such notification must include the name of the hazardous waste as set forth in Tennessee Rule 0400-12-01, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than 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 User: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve months. All notifications must take place within 180 days of the effective date of Tennessee Rule 0400-40-14. Users who commence discharging after the effective date of Tennessee Rule 0400-40-14 shall provide the notification no later than 180 days after the

discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 1-107(12). This notification requirement does not apply to pollutants already reported under the self-monitoring requirements of Tennessee Rules 0400-40-14-.12 (2), (4), and (5).

(b) Dischargers are exempt from the requirements of subparagraph (a) of this paragraph during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in Tennessee Rules 0400-12-01-.02(4)(a) and (4)(d). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in Tennessee Rules 0400-12-01-.02(4)(a) and (4)(d), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.

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

(d) In the case of any notification made under this paragraph, 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.

SECTION 1-108. ENFORCEMENT RESPONSE PLAN.

(1) Complaints; notification of violation; orders.

(a) Whenever the Local Administrative Officer has reason to believe that a violation of any provision of the CUB's Pretreatment Program, or of any orders of the Local hearing Authority issued under it 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.

(b) The complaint shall specify the provision or provisions of this chapter, a wastewater discharge permit, CUB's Pretreatment Program, CUB's FOG Program or any other order alleged to be violated or about to be violated and the facts alleged to constitute a violation, may order that necessary corrective action be taken within a reasonable time to be prescribed in the order and shall inform the violators of the opportunity for a hearing before the Local Hearing Authority.

(c) Any such order shall become final and not subject to review unless the alleged violators request by written petition of a hearing before the Local Hearing Authority as provided in Section 1-108(2) of this chapter, no later than thirty (30) days after the date the order is served; provided, that the Local Hearing Authority may review the final order as provided in TCA § 69-3-123(a)(3).

(d) Notification of violation. Notwithstanding the provisions of Section 1-107, whenever the pretreatment coordinator finds that any User has violated or is violating this chapter, a wastewater discharge permit, CUB's Pretreatment Program, CUB's FOG Program or any other order issued hereunder, CUB or its agent may serve upon the User a written notice of violation. Within fifteen (15) days of the receipt of this notice (unless otherwise stated within the written notice of violation), the User shall submit to the pretreatment coordinator an explanation of the violation and a plan for its satisfactory correction and prevention, including

specific actions. 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 limits the authority of CUB to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(e) Administrative orders. When the Local Administrative Officer finds that a User has violated or continues to violate this chapter, a wastewater discharge permit, CUB's Pretreatment Program, CUB's FOG Program or any other order issued hereunder, such officer may issue one of the following administrative orders. These orders are not prerequisite to taking any other action against the User.

(1) Compliance order. An order to the User directing it to come into compliance within a specified time. If the User does not come into compliance within the specified time, 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 National Pretreatment Standard or Requirement, nor does a compliance order release the User of liability for any violation, including any continuing violation.

(2) 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 needed remedial or preventive action to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(3) 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 specified time in the order.

(4) Emergency order.

(a) 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 any action be taken as the Local Administrative Officer deems necessary to meet the emergency.

(b) If the violator fails to respond or is unable to respond to the order, the Local Administrative Officer may take any 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 CUB in meeting the emergency.

(f) Appeals from orders of the Local Administrative Officer.

(1) 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 the order, setting forth in detail the facts supporting the User's request for reconsideration.

(2) If the ruling made by the Local Administrative Officer is unsatisfactory to the person requesting reconsideration, the requester may, within thirty (30) days, file a written petition with the Local Hearing Authority as provided in Section 1-108(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 chapter may be served on any named person personally, by the Local Administrative Officer or any person designated by the Local Administrative Officer, or 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:

(1) Upon receipt of a written petition from the alleged violator pursuant to this section, 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 the 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;

(2) The hearing 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 to conduct the hearing;

(3) A verbatim record of the proceedings of the hearings shall be taken and filed with the Local Hearing Authority, together with the findings of fact and conclusions of law made under Section 1-108(2)(a)(6). The recorded transcript 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;

(4) In connection with the hearing, the Local Hearing Authority Chairman 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 Anderson County has jurisdiction upon the application of the Local Hearing Authority or the Local Administrative Officer to issue an order requiring the person to appear and testify or produce evidence as the case may require, and any failure to obey an order of the court may be punished by such court as contempt;

(5) Any member of the Local Hearing Authority may administer oaths and examine witnesses;

(6) 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 decisions and orders that, in its opinion, will best further the purposes of the Pretreatment Program. It shall provide written notice of its decisions and orders to the alleged violator. The order issued under this subsection shall be issued by the person or persons designated by the Local Hearing Authority Chairman no later than thirty (30) days following the close of the hearing;

(7) The decision of the Local Hearing Authority becomes final and binding on all parties unless appealed to the courts as provided in Section 1-108(2)(b); and

(8) Any person to whom an emergency order is directed under Section 1-108(1) shall comply immediately, but on petition to the Local Hearing Authority will be afforded a hearing as soon as possible. In no case will the hearing be held later than three (3) days from the receipt of the petition by the Local Hearing Authority if an emergency order has been directed.

(b) An appeal may be taken from any final order or other final determination of the Local Hearing Authority by any party who is or may be adversely affected, including CUB. Appeal must be made to the Chancery Court of *Anderson County* under to the common law writ of certiorari set out in Tennessee Code Annotated, § 27-8-101, within sixty (60) days from the date the order or determination is made.

(c) Show cause hearing. Notwithstanding the provisions of Subsections 1-108(2)(a) or 1-108(2)(b), the pretreatment coordinator may order any User that has violated or is violating this chapter, a wastewater discharge permit, CUB's Pretreatment Program, CUB's FOG Program, or any other orders issued hereunder 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 the action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. The 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 User prior to revocation of a discharge permit or termination of service.

(3) Violations - Administrative Civil Penalties.

(a) Any persons including, but not limited to, Industrial Users, who are found to have violated an order of the City or CUB, or who willfully or negligently fails to comply with any provision of this chapter, a wastewater permit, CUB's Pretreatment Program, CUB's FOG Program and any other orders, rules, regulations and permits issued hereunder, shall be fined a civil penalty of up to ten thousand dollars (\$10,000) per day for each day during which the offense continues or occurs, which shall be assessed in accordance with TCA § 69-3-125. In addition to the penalties provided herein, the City and/or CUB may bring an action for appropriate legal and or equitable relief in the Chancery Court of Anderson County and recover damages incurred as a result of any violation of this chapter or its order, rules or regulations and permits issued herein, by an owner or User which causes the City or CUB to incur any expense, fine or damage under any and all applicable state and/or federal laws. The City and/or CUB may recover reasonable attorney's fees, court costs, court reporter's fees and other expense of such litigation against the persons or Users found to have violated this chapter, a wastewater permit, CUB's Pretreatment Program, CUB's FOG Program and/or any other orders, rules, regulations and permits issued hereunder.

The following acts or omissions, as well as other acts and omissions, are subject to a civil penalty of up to ten thousand dollars (\$10,000) per day for each day during which the act or omission continues or occurs:

- (1) Unauthorized discharge, discharging without a permit;
- (2) Violates any part of this chapter;
- (3) Violates CUB's Pretreatment Program;
- (4) Violates CUB's FOG Program;

- (5) Violates a Local Limit or any other effluent standard or limitation;
- (6) Violates the terms or conditions of a permit;
- (7) Fails to complete a filing requirement;
- (8) Fails to allow or perform an entry, inspection, monitoring or reporting requirement;
- (9) Fails to pay User or cost recovery charges; or
- (10) Violates a final determination or order of the Local Hearing Authority or the Local Administrative Officer.

(b) Any administrative civil penalty must be assessed in the following manner:

(1) The Local Administrative Officer may issue an assessment against any person or User responsible for the violation;

(2) Any person or User against whom an assessment has been issued may secure a review of the 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 is deemed to have consented to the assessment and it becomes final;

(3) 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 the judgment, and the court, in such proceedings, shall treat a failure to appeal the assessment as a confession of judgment in the amount of the assessment;

(4) In assessing the civil penalty the Local Administrative Officer may consider the following factors:

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

(b) Damages to CUB, 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 CUB as the result of the illegal activity, as well as the expenses involved in enforcing this chapter and the costs involved in rectifying any damages;

(c) Cause of the discharge or violation;

(d) 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;

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

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

(g) The economic benefit gained by the violator; and

(5) The Local Administrative Officer may institute proceedings for assessment in the Chancery Court of Anderson County, in the name of CUB.

(c) The Local Hearing Authority may establish 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.

(d) 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.

(e) Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the Approval Authority 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) per day for each day during which the act or omission continues or occurs.

(f) In addition to Civil Penalties imposed by the Local Administrative Officer and the State of Tennessee, any person who willfully and negligently violates this chapter, a wastewater permit, CUB's Pretreatment Program, CUB's FOG Program and/or any other orders, rules, regulations and permits issued hereunder is subject to criminal penalties imposed by the City, Anderson County, the State of Tennessee or the United States.

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

(a) The Local Administrative Officer may assess the liability of any User, polluter or violator for damages to CUB or the POTW resulting from any person's or 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 chapter.

(b) If an appeal from such assessment is not made to the Local Hearing Authority by the User, polluter or violator within thirty (30) days of notification of such assessment, the User, 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 chapter; in removing, correcting, terminating any pollution or violation cause; and 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 the judgment. The court, in its proceedings, shall treat the failure to appeal the 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 Anderson County against any person or User who is alleged to have violated or is about to violate the Pretreatment Program, this chapter or orders of the Local Hearing Authority or Local Administrative Officer. In the 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 Section 1-107 of this chapter, any User that violates the following conditions, wastewater discharge permits, or orders issued hereunder, is subject to termination of their wastewater discharge;

(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 Discharge Regulations in Section 1-105 of this chapter.

- (f) Failure to properly submit an industrial waste survey when requested by the pretreatment coordinator.
- (g) Failure to properly maintain User's monitoring facilities.
- (h) Failure to comply with CUB's FOG Program.

The User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause, as provided in Section 1-108(2)(c), why the proposed action should not be taken.

(7) Levels of Non-compliance.

(a) Insignificant Non-compliance: For the purpose of this guide, insignificant non-compliance is considered a relatively minor infrequent violation of Pretreatment Standards or other Requirements of this chapter. These will usually be responded to with a phone call or site visit but may include a Notice of Violation (NOV).

(b) Significant Non-compliance (SNC). Any User will be considered in Significant Non-compliance if any one or more of the following occur:

(1) Chronic violations. Sixty-six (66%) percent or more of all of the measurements for each pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits.

(2) Technical Review Criteria (TRC) violations. Thirty-three (33%) percent or more of all of the measurements for each pollutant parameter taken during a six-month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement, including Instantaneous Limits multiplied by the applicable TRC (TRC= 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).

(3) Any other violation of a Pretreatment Standard or Requirement (daily maximum, longer-term average, Instantaneous Limit or narrative standard) that the control authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public).

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

(5) Failure to meet, within 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.

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

(7) Failure to accurately report non-compliance.

(8) Any other violation or group of violations, which may include a violation of Best Management Practices, that the Control Authority determines will adversely affect the operation of implementation of the local Pretreatment Program. Any non-compliance violation may be responded to according to the Enforcement Response Plan Guide Table (Appendix A). All significant non-compliance violation(s) require Public Notice of the significant violation(s).

(8) Falsifying information. Any person who knowingly makes any false statement, representation or certification in any survey, application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or in a Wastewater Discharge Permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00).

(9) Protection from damage. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment that is a part of the System. Any person violating this provision shall be subject to immediate arrest.

(10) Powers and authority of inspectors. The duly authorized employees of CUB or its authorized representatives bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement sampling and testing.

SECTION 1-109. ENFORCEMENT RESPONSE PLAN GUIDE TABLE.

(1) Purpose. The purpose of this section is to provide for the consistent and equitable enforcement of the provisions of this rule.

(2) The Pretreatment Coordinator, the Local Administrative Officer and the Local Hearing Authority may use and apply the schedule of enforcement responses contained in the following Appendix A (entitled “Enforcement Response Guide Table”) to impose sanctions or penalties for the violation of this rule.

[TURN TO NEXT PAGE FOR APPENDIX A, consisting of 6 pages]

APPENDIX A
ENFORCEMENT RESPONSE GUIDE TABLE

NON-COMPLIANCE				
Noncompliance	Nature of Violation	Category	Suggested Enforcement Response	Personnel
Failure to Return Industrial User Survey	Initial, requirements not understood	1	Phone call or visit to explain or assist	PC
	Persistent after assistance	4	AO and fine or termination of service	PC, LAO
Non-compliant discharge or Non-compliant action taken	IU unaware of requirements; no harm to POTW or environment	1	Phone Call and or NOV with a permit application	PC
	IU unaware of requirements; harm to POTW or environment	4	AO and fine or termination of service	LAO
	Failure to apply continues after prior notification by PC	5	Civil Action in Chancery Court and/or Criminal Investigation and/or termination of service	LAO

APPENDIX A
ENFORCEMENT RESPONSE GUIDE TABLE (CONT'D)

DISCHARGE PERMIT VIOLATIONS				
Noncompliance	Nature of Violation	Category	Suggested Enforcement Response	Personnel
Exceeding of local, state, or national limits, standards or requirements	Isolated, 1 or fewer per month (no harm)	1	Phone call and/ or NOV	PC
	Isolated, more than 1 per month (no harm)	2	AO	LAO
	Isolated, harmful to POTW or environment	3	Show Cause Hearing and/ or AO and fine	PC LAO
	Chronic or TRC, no harm	1 st exceedance: 2 2 nd exceedance: 3 3 rd exceedance: 4	AO and fine	LAO
	Chronic or TRC, harm to POTW or environment	4	AO and fine and/ or termination of service	LAO
Failure to apply for Permit renewal	IU has not submitted application within 10 days of due date	1	Phone call, NOV	PC
	Failure to renew continues after prior notification by PC	5	Civil Action in Chancery Court and/or Criminal Investigation and/or termination of service	LAO

**APPENDIX A
ENFORCEMENT RESPONSE GUIDE TABLE (CONT'D)**

MONITORING AND REPORTING VIOLATIONS				
Noncompliance	Nature of Violation	Category	Suggested Enforcement Response	Personnel
Reporting violation	Report improperly signed or certified	1	Phone call and/or NOV	PC
	Report improperly signed or certified after prior notification by PC	2	Show Cause Hearing and/ or AO	PC LAO
	Isolated, (< 20% of reports are late > 5 days within a 6 month reporting period)	1	Phone call and/ or NOV	PC
	Significant, (> 20% of reports are late > 5 days within a 6 month reporting period)	2	AO to submit and fine for each additional day late	LAO
	Reports always late or are not submitted (> 75% of reports are > 5 days late) within a 12 month reporting period	5	AO and fine and/ or Civil action in Chancery Court or termination of service	LAO
	Failure to report spill or discharge change, no harm to POTW or environment	1	NOV	PC
	Failure to report spill or discharge change with harm to POTW or environment	3	AO and fine and/ or Civil Action in Chancery Court	LAO
	Repeated failure to report spills (>2 failures to report within a 12 month reporting period)	5	AO and fine and/ or Civil Action in Chancery Court or termination of service	LAO
	Falsification of records	5	Criminal Investigation or termination of service	LAO
Failure to monitor correctly	Failure to monitor all permit required pollutants	1	NOV for 1 st failure in a 12 month reporting period	PC
		2	AO for 2 nd failure in a 12 month reporting period	LAO
	Recurring failure to monitor (> 4 monitoring failures within a 24 month reporting period)	3	AO and fine and/ or Civil Action in Chancery Court	LAO

APPENDIX A
ENFORCEMENT RESPONSE GUIDE TABLE (CONT'D)

MONITORING AND REPORTING VIOLATIONS				
Noncompliance	Nature of Violation	Category	Suggested Enforcement Response	Personnel
Failure to install monitoring equipment, or grease control equipment	Delay of less than 30 days	1	NOV	PC
	Delay of more than 30 days	2	AO to install and a fine for each additional day monitoring equipment remains uninstalled	LAO
	Recurring, violation of AO	5	Civil Action in Chancery Court or Criminal Investigation or termination of service	LAO
Compliance schedule	Missed milestone, less than 30 days, will not affect final schedule	1	NOV	PC
	Missed milestone more than 30 days, will affect final schedule (good cause)	2	AO	LAO
	Missed milestone, more than 30 days, will affect final schedule (no good cause)	4	AO and fine Civil Action in Chancery Court or termination of service	LAO
	Recurring violations or violations of AO	5	Civil Action in Chancery Court and/or Criminal Investigation and/or termination of service	LAO
Improper sampling	No evidence of intent	1	NOV	PC
	Evidence of intent including tampering with sampler	5	Criminal Investigation or termination of service	LAO

APPENDIX A
ENFORCEMENT RESPONSE GUIDE TABLE (CONT'D)

OTHER PERMIT VIOLATIONS				
Non-compliance	Nature of Violation	Category	Suggested Enforcement Response	Personnel
Waste Stream Dilution in lieu of pretreatment	Initial violation	2	AO and fine	LAO
	Recurring	3	Show Cause Hearing and/or termination of service	LAO
Failure to mitigate noncompliance or halt production	Does not cause harm to the POTW	1	NOV	PC
	Does cause harm to the POTW	5	AO and fine or Civil Action in Chancery Court	LAO
Continuing to discharge following a terminated permit due to enforcement action that terminated service	Initial violation	5	Maximum penalties	LAO
Failure to resample following a violation	Initial violation	1	Phone call or visit	PC
	Repeated failure to resample after prior notification by PC	2 nd failure - 1 3 rd failure - 2 4 th failure - 3	2 nd failure: NOV, 3 rd failure: AO and fine, 4 th failure: AO and fine and/or termination of service	PC, LAO
Failure to properly operate and maintain facility	Does not cause harm to the POTW	1	NOV	PC
	Does cause harm to the POTW	4	AO and fine or Civil Action in Chancery Court	LAO

APPENDIX A
ENFORCEMENT RESPONSE GUIDE TABLE (CONT'D)

VIOLATIONS DURING SITE VISITS				
Non-compliance	Nature of violation	Category	Suggested Enforcement Response	Personnel
Entry Denial	Entry denied or consent withdrawn. Copies of records denied	2	Obtain warrant and return to IU	PC
Improper sampling	Incorrect sampling location (unintentional)	1	NOV	PC
	Incorrect sample type (unintentional)	1	NOV	PC
	Incorrect sampling techniques (unintentional)	1	NOV	PC
Inadequate record keeping	Files incomplete or missing (no evidence of intent)	1	NOV	PC
	Recurring incomplete or missing files	3	AO and fine	LAO
Failure to report additional monitoring	Inspection finds additional monitoring files (unintentional)	2	NOV	LAO
	Recurring (considered falsification)	4	AO and Fine	LAO
Illegal Discharge, violation of general discharge regulations	No harm to POTW or environment	2	AO and fine	LAO
	Caused harm to POTW or environment or evidence of intent or negligence	4	AO and fine and/or Civil Action in Chancery Court and/or Criminal Investigation	LAO
	Recurring, violation of AO	5	Termination of Service	LAO
NOTES: AO = Administrative Order, IU = Industrial User, LAO = Local Administrative Officer, NOV = Notice of Violation, PC=Pretreatment Coordinator				