

# **Sewer Use Ordinance**

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## **Section 13-301 - General Provisions**

### **301.1 Purpose and Policy**

This ordinance is to set forth uniform requirements for users of the City of Covington's wastewater collection system and treatment works to enable the City to comply with the provisions of the Clean Water Act and other applicable federal and state laws and regulations and to provide for the public health and welfare by regulating the quality and quantity of wastewater discharged into the City's wastewater collection system and treatment works. The objectives of this ordinance 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 municipal wastewater treatment system which will interfere with the system operation, will cause the City's discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements or will cause physical damage to the wastewater treatment facilities;
- (d) To provide for full and equitable distribution of the cost of wastewater treatment and collection;
- (e) To enable the City of Covington to comply with the provisions of the Federal Clean Water Act, the General Pretreatment Regulations (40 CFR Part 403), and other federal and state laws and regulations;
- (f) To improve the opportunity to recycle and reclaim wastewater and sludges from the wastewater treatment system.

In meeting these objectives, this Ordinance provides that all persons in the service area of the City of Covington must have adequate wastewater treatment either in the form of a connection to the municipal wastewater treatment system or, where the system is not available, an appropriate private disposal system. The Ordinance also provides for the issuance of permits to system users, for the regulation of wastewater discharge volume and characteristics, for monitoring and enforcement activities; and for the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein. This ordinance shall apply to the City of Covington, Tennessee, and to persons outside the City who are, by contract or agreement with the City, users of municipal wastewater treatment system. Except as otherwise provided herein, the Director of Public Works of the City of Covington shall administer, implement, and enforce the provisions of this Ordinance.

This Ordinance shall supersede Ordinance No. 826 and any other ordinances or portions thereof which may be in conflict with this ordinance.

## Section 13-302 - Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Ordinance, shall have the meaning hereinafter designated:

- (1) Act or "the Act" - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
- (2) Approval Authority - The Director in an NPDES state with an approved State Pretreatment Program and the Administrator of the EPA in a non-NPDES state or NPDES state without an approved State Pretreatment Program.
- (3) Authorized Representative of Industrial User - An authorized representative of an Industrial User may be,
  - (a) a principal executive officer of at least the level of vice-president, if the Industrial User is a corporation;
  - (b) a general partner or proprietorship, respectively;
  - (c) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
- (4) Biochemical Oxygen Demand (BOD) - The quantity of oxygen utilized in the biochemical oxidation of organic matter under laboratory procedure, five (5) days at 20 degrees centigrade expressed in terms of weight and concentration (milligrams per liter - mg/l).
- (5) Building Drain - The building drain is that part of the lowest piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer three (3) feet outside the building wall.
- (6) Building Sewer - A sewer conveying wastewater from the premises of a User to the POTW.
- (7) Categorical Standards - National Categorical Pretreatment Standards or Pretreatment Standard.
- (8) City - The City of Covington or the Board of Mayor and Aldermen for the City of Covington, Tennessee.
- (9) Compatible Pollutant - shall mean BOD, suspended solids, pH, and fecal coliform bacteria, and such additional pollutants as are now, or may be in the future, specified and controlled in this City's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.
- (10) Cooling Water - The water discharged from any use such as air conditioning, cooling

or refrigeration, or to which the only pollutant added is heat.

- (11) Control Authority - The term "control authority" shall refer to the "Approval Authority", defined herein above, or the Director of Public Works if the City has an approved Pretreatment Program under the provisions of 40 CFR, 403.11.
- (12) Customer - Means any individual, partnership, corporation, association, or group who receives sewer service from the City, under either an express or implied contract requiring payment to the City for such service.
- (13) Direct Discharge - The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.
- (14) Domestic Wastewater - Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent containing sanitary facilities for the disposal of wastewater and used for residential purposes only.
- (15) Environmental Protection Agency, or EPA - The U. S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
- (16) Garbage - Shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- (17) Grab Sample - A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- (18) Holding Tank Waste - Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (19) Incompatible Pollutant - Shall mean any pollutant which is not a "compatible pollutant" as defined in this section.
- (20) Indirect Discharge - The discharge or the introduction of nondomestic pollutants from any source regulated under section 307 (b) or (c) of the Act, (33 U. S. C. 1317), into the POTW (including holding tank waste discharged into the system).
- (21) Industrial User - A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Act, (33 U. S. C. 1342).
- (22) Interference - The inhibition or disruption of the municipal wastewater treatment processes or operations which contributes to a violation of any requirement of the City's NPDES Permit. The term includes prevention of sewage sludge or disposal by POTW in accordance with Section 405 of the Act, (33 U. S. C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Act, or more stringent state

criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the municipal wastewater treatment system.

- (23) National Categorical Pretreatment Standard or Pretreatment Standard - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S. C. 1347) which applies to a specific category of Industrial Users.
- (24) NPDES (National Pollutant Discharge Elimination System) - Shall mean 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 Pollutant Control Act as amended.
- (25) New Source - Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U. S. C. 1317) Categorical Pretreatment Standard which will be applicable to such source, if such standard is therefore promulgated within 120 days of the proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.
- (26) Person - Any individual, partnership, corporation, firm, company, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine; the single shall include the plural where indicated by the context.
- (27) pH - The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- (28) Pollution - The man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of the water.
- (29) 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 and industrial, municipal, and agricultural waste discharged into water.
- (30) Pretreatment or Treatment - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes or by other means, except as prohibited by 40 CFR Section 403.6(d).
- (31) Pretreatment Requirements - Any substantive or procedural requirement related to

pretreatment, other than a National Pretreatment Standard imposed on an Industrial User.

- (32) Publicly Owned Treatment Works (POTW) - A treatment works as defined by section 212 of the Act, (33 U. S. C. 1291) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this Ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the City, users of the City's POTW.
- (33) POTW Treatment Plant - That portion of the POTW designed to provide treatment to wastewater.
- (34) Shall - is mandatory; May is permissive.
- (35) Significant Industrial User - All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority as defined in 40 CFR 403.12(a) 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.
- (36) Slug - Shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations of flow during the normal operation and any discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.
- (37) State - State of Tennessee.
- (38) 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.
- (39) Storm Water - Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- (40) Storm Sewer or Storm Drain - Shall mean a pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes; it

may, however, carry cooling waters and unpolluted waters, upon approval of the Director of Public Works.

- (41) Suspended Solids - The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtration.
- (42) Toxic Pollutant - Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of (33 U. S. C. 1317).
- (43) Twenty-four (24) Hour Flow Proportional Composite Sample - A sample consisting of several effluent portions collected during a twenty-four (24) hour period in which the proportions of sample are proportionate to the flow and combine to form a representative sample.
- (44) Unpolluted Water - Water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the State of Tennessee or the Environmental Protection Agency, having the jurisdiction thereof for disposal to storm or natural drainage or directly to surface waters.
- (45) User - Any person, firm, corporation or governmental entity that discharges, causes, or permits the discharge of wastewater into the POTW.
- (46) Waste - Includes sewage and any and all other waste substances liquid solid, gaseous or radioactive associated with human habitation or of human or animal origin from any producing, manufacturing, or processing operation of whatever nature, including such waste placed in container of whatever nature prior to and for the purpose of disposal.
- (47) Wastewater - The liquid and water-carried industrial or domestic wastes from dwelling, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- (48) Waters of the State - All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the State or any portion thereof.

### **Section 13-303 - Connection to Public Sewers**

#### **303.1 Requirements for Proper Wastewater Disposal**

- (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any

unsanitary manner on public or private property within the service area of the City of Covington, any human or animal excrement, garbage, or other objectionable waste.

- (b) It shall be unlawful to discharge into any waters of the state within the service area of the City of Covington any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and appropriate State and Federal regulations.
- (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.
- (d) Except as provided in paragraph 303.1(e) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area and abutting on any street, alley or right-of-way in which there is now located or may in the future be located an accessible public sanitary sewer in the service area, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the building drain as defined herein.
- (e) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided that he obtains approval from the City and that he obtains an NPDES permit; and meets all requirements of the Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations.
- (f) Where a public sanitary sewer is not available under the provisions of paragraph (d) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of Section 304 of this Ordinance.

### 303.2 Physical Connection to Public Sewer

- (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Director of Public Works as required by Section 306 of this Ordinance.
- (b) All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (c) A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no

private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway; the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(d) Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the Director of Public Works, to meet all requirements of this Ordinance. All others must be sealed to the specifications of the Director of Public Works.

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

- (1) The minimum size of a building sewer shall be four (4) inch.
- (2) A the minimum depth of a building sewer shall be eighteen (18) inches.
- (3) The building sewer shall have the following minimum grade:

1.2%	4"
.6%	6"
.4%	8"

- (4) Slope and alignment of all building sewers shall be neat and regular.
- (5) Building sewers shall be constructed only of:
  - (a) concrete or clay sewer pipe using rubber neoprene compression joints of approved type;
  - (b) cast iron soil pipe with leaded or compression joints;
  - (c) polyvinyl chloride pipe with solvent welded or with rubber compression joints;
  - (d) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type; or
  - (e) such other materials of equal or superior quality as may be approved by the Director of Public Works.
- (6) A clean out shall be located five (5) feet outside of the building, one as it taps on to the utility lateral and one at each change of direction of the building sewer which is greater than 45 degrees. Additional clean outs shall be placed not more than seventy-five (75) feet apart in horizontal building sewers of our (4) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes. Clean outs shall be extended to or above the finished grade level directly above the place where the clean out is installed. A combination Y &

1/8-bend shall be used for the clean out base. Clean outs shall not be smaller than four (4) inches on a four (4) inch pipe.

- (7) Connections of building sewers to the public sewer system shall be made at the appropriate existing Wy or tee branch using compression type couplings or collar type rubber joint with corrosion resisting or stainless steel bands. Where existing Wy or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a Wy or tee fitting or cutting a clean opening in the existing public sewer and installing a tee-saddle or tee-insert of a type approved by the Director of Public Works. All such connections shall be made gas tight and water tight.
  - (8) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of 1/8 inch per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the owner.
  - (9) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City or to the procedures set forth in appropriate specifications of the ASTW and Water Pollution Control Federal Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the Director of Public Works before installation.
  - (10) An installed building sewer shall be gas tight and water tight.
- (f) All excavations for building sewer installation shall be adequately guarded with barricades and lights to as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.
  - (g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

### 303.3 Inspection of Connections

- (a) The sewer connection and all building sewer from the building to the public sewer

main line shall be inspected before the underground portion is covered by the Director of Public Works or his authorized representative.

- (b) The applicant for discharge shall notify the Director of Public Works 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 of Public Works or his representative.

#### 303.4 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 of Public Works to meet specifications of the City.

### **Section 13-304 - Private Domestic Wastewater Disposal**

#### 304.1 Availability

- (a) Where a public sanitary sewer is not available as defined under the provisions of this Ordinance, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.
- (b) Any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation to obtain a grade equivalent to 1/8-inch per foot in the building sewer but is otherwise accessible to a public sewer as defined in this Ordinance, the Owner shall provide a private sewage pumping station in accordance with the directions of the Director of Public Works.
- (c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within ninety (90) days after date of official notice to do so.

#### 304.2 Requirements

- (a) A private domestic wastewater disposal system may not be constructed within the Service Area unless and until a certificate is obtained from the Director of Public Works stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future.
- (b) Before commencement of construction of a private sewage disposal system, the Owner shall first obtain written permission from the Director of Public Works and/or the Tipton County Health Department. The Owner shall supply any plans, specifications, and other information as are deemed necessary by the Director of Public Works and/or the Tipton County Health Department.
- (c) A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the Tipton County Health Department.

They shall be allowed to inspect the work at any stage of construction and, in any event, the Owner shall notify the Tipton County Health Department when work is ready for final inspection, and before any underground portions are covered.

- (d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Tennessee and the Tipton County Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- (e) The Owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
- (f) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Tipton County Health Department.

### **Section 13-305 - Regulation of Holding Tank Waste Disposal**

#### 305.1 Permit

No person, firm, association, or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excrete disposal system into the City of Covington's wastewater collection system and treatment works. Any User found to have violated this regulation shall be subject to penalties as described in Section 13-310 of this ordinance.

### **Section 13-306 - Applications for Domestic Wastewater Discharge and Industrial Wastewater Discharge Permits**

#### 306.1 Applications for Discharge of Domestic Wastewater

All Users or prospective users which generate domestic wastewater shall make application to the Director of Public Works for written authorization to discharge to the municipal wastewater treatment system. Applications shall be required from all new discharges as well as for any existing discharger desiring additional service. Connection to the municipal sewer shall not be made until the application is received and approved by the Director of Public Works, the building sewer is installed in accordance with Section 303 of this Ordinance and an inspection has been performed by the Director of Public Works or his representative.

The receipt by the City of a prospective customer's application for service shall not obligate the City to render the service. If the service applied for cannot be supplied in accordance with this Ordinance and the City's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the City to the applicant for such service, except that conditional waivers for additional services may be granted by the Director of Public Works for interim periods if compliance may be assured within a reasonable period of time.

## 306.2 Industrial Wastewater Discharge Permits

### (a) General Requirements

All Industrial Users proposing to connect to or contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW. All existing Users connected to or contributing to the POTW at the time this Ordinance takes effect are required to make application and to obtain a Discharge Permit within one hundred and eighty (180) days after the effective date of this Ordinance.

### (b) Applications

Applications for Wastewater Discharge Permits shall be required as follows:

- (1) Users required to obtain a Wastewater Discharge Permit shall complete and file with the Director of Public Works application in the form prescribed by the Director of Public Works, and accompanied by the appropriate fee. Existing Users shall apply for a Wastewater Contribution Permit within sixty (60) days after the effective date of this Ordinance, and proposed new Users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW.
- (2) The application shall be in the prescribed form of the city and shall include, but not be limited to the following information: wastewater volume; wastewater constituents and characteristics; discharge variations and peaks; a description of all toxic materials handled on the premises; a drawing to approximate scale showing plan of property, water distribution system and sewer layout; a description of existing and proposed pretreatment and/or equalization facilities, and any other information deemed necessary by the Director of Public Works.
- (3) Any User who elects to or is required to construct new or additional facilities for pretreatment of their wastewater shall as part of the application for wastewater permit, submit plans, specifications, and other pertinent design information relative to the proposed construction to the Director of Public Works for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee and shall be supported by any design information necessary to determine the effectiveness of the proposed facilities. 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 responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this Ordinance.
- (4) If additional pretreatment and/or O & M will be required to meet the Pretreatment Standards, the application shall include the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established or

the applicable Pretreatment Standard. For the purpose of this paragraph, "Pretreatment Standard," shall include either a National Pretreatment Standard or a pretreatment standard imposed by Section VI of this Ordinance.

- (5) The City will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the City may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.
  - (6) The receipt by the City of a prospective customer's application for Wastewater Discharge Permit shall not obligate the City to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this Ordinance or the City's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the City to the applicant of such service.
  - (7) The Director of Public Works will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the Director of Public Works 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 the Director of Public Works, the Director of Public Works shall submit the Application to the Mayor with a recommendation that it be denied and notify the applicant in writing of such action.
- (c) The Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and to other applicable regulations, user charges, and fees established by the City. Permits may contain the following:
- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
  - (2) Limits on the average and maximum wastewater constituents and characteristics;
  - (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
  - (4) Requirements for installation and maintenance of inspections and sampling facilities;
  - (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedules;

- (6) Compliance schedules;
- (7) Requirements for submission of technical reports of discharge reports;
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto;
- (9) Requirements for notification of the City or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- (10) Requirements for notification of slug discharged;
- (11) Other conditions as deemed appropriate by the City to ensure compliance with this Ordinance.

(d) Permit Modifications

Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Discharge Permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A User with an existing Wastewater Discharge Permit shall submit to the Director of Public Works within one hundred eighty (180) days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by paragraphs 306.2(b) (2) and 306.2(b) (3). The terms and conditions of the permit may be subject to modification by the Director of Public works during the term of the permit as limitations or requirements are modified or other just cause exists. The User shall be informed of any proposed changes in this permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) Permit Duration

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

(f) Permit Transfer

Wastewater Discharge Permits are issued to a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the City. Any succeeding owner or User shall also comply with the terms and conditions

of the existing permit.

(g) Revocation of Permit

Any permit issued under the provisions of this Ordinance 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 term or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.
- (2) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.
- (3) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
- (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.

306.3 Confidential Information

All information and data on a User obtained from reports, questionnaire permit application, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Director of Public Works that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the User. When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use; related to this Ordinance or the City's or User's NPDES permit. Provided, however, that such portions of report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the Director of Public Works as confidential shall not be transmitted to any governmental agency or to the general public by the Director of Public Works until and unless prior and adequate notification is given to the User.

**Section 13-307 - Discharge Regulations**

307.1 General Discharge Prohibitions

No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the

POTW. These general prohibitions apply to all such Users of a POTW whether or not the User is subject National Categorical Pretreatment Standards or any other national, state, or local Pretreatment Standards or Requirements. A User may not contribute the following substances to any POTW:

- (a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the City, the State or EPA has notified the User is a fire hazard or a hazard to the system.
- (b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
- (c) Any wastewater having a pH less than 5.0 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
- (d) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.
- (e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (f) Any substance which may cause the POTW's effluent to exceed the limitations imposed by the NPDES Permit or any other product of the POTW such as sludges, residues, or scums, to be unsuitable for the reclamation and reuse or to interfere with the reclamation process. In no case shall a substance be discharged to the POTW

cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulation 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.

- (g) Any substance which would cause the POTW to violate its NPDES Permit or the receiving water quality.
- (h) Any wastewater causing discoloration of the treatment plant effluent to the extent that the receiving water quality requirements would be violated, such as, but not limited to dye wastes and vegetable tanning solutions.
- (i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater which exceeds 40 degrees C.
- (j) Any pollutants, including oxygen demanding pollutants (BOD) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW.
- (k) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting a "slug" as defined.
- (l) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director of Public Works in compliance with applicable state or federal regulations.
- (m) Any wastewater which causes a hazard to human health or creates a public nuisance.
- (n) Any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 and 65 degrees C).
- (o) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Director of Public Works and the Tennessee Department of Public Health. Industrial cooling water or unpolluted process waters may be discharged on approval of the Director of Public Works and the Tennessee Department of Public Health, to a storm sewer or natural outlet.
- (p) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty (140) degrees F or sixty (60) degrees C.

- (q) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (r) 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.
- (s) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

307.2 Restrictions on Wastewater Strength

No person or User shall discharge wastewater which exceeds the following set of standards unless an exception is permitted as provided in this Ordinance. Dilution of any wastewater discharge by the User for the purpose of satisfying these requirements shall be considered a violation of this Ordinance.

Pollutant	Daily Average Maximum Concentration (mg/l)	Instantaneous Maximum Concentration (mg/l)
Antimony	5.0	8.0
Arsenic	1.0	1.5
Cadmium	1.0	1.5
Chromium (total)	1.5	3.0
Chromium-Hexavalent	0.05	0.1
Copper	2.0	3.0
Cyanide	2.0	3.0
Lead	1.0	1.5
Mercury	0.1	0.2
Nickel	3.0	4.5
Pesticides + Herbicides	0.5	1.0
Phenols	10.0	15.0
Selenium	0.5	1.0
Silver	1.0	1.5
Surfactants, as MBAS	5.0	8.0
Zinc	2.0	3.5

307.3 Protection of Treatment Plant Influent

The Director of Public Works shall monitor the treatment works influent for each parameter in the following table. Industrial Users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this Ordinance. In the event that the influent at the POTW reaches or exceeds the levels established by this table, the Director of Public Works shall initiate technical studies to determine the cause of the influent violation and shall recommend to the City the necessary

remedial measures, including, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The Director of Public Works shall also recommend changes to any of these criteria in the event that: the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW.

Parameter	Maximum Concentration mg/1 (24 hr flow) Proportional Composite Sample	Maximum Instantaneous Concentration (mg/1)(Grab Sample)
Arsenic	0.05	0.1
Cadmium	0.0333	0.0666
Chromium	0.375	0.75
Copper	0.5	1.0
Cyanide	0.605	1.21
Lead	0.250	0.5
Mercury	0.004	0.008
Manganese	2.5	5.0
Nickel	0.273	0.546
Silver	0.029	0.058
Zinc	1.053	2.106

307.4 Federal Categorical Pretreatment Standards

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance. The Director of Public Works shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.

307.5 Right to Establish More Restrictive Criteria

No statement in this Ordinance is intended or may be construed to prohibit the Director of Public Works from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or the pass through the POTW resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Public Health and/or the United States Environmental Protection Agency.

307.6 Special Agreements

Nothing in this section shall be construed so as to prevent any special agreement or arrangement between the City and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. The making of such special agreements or arrangements between the City and the User shall be strictly limited to the capability of the POTW to handle such wastes without interfering with unit operations or sludge use and handling or allowing the pass through of pollutants which would result in a violation of the NPDES permit.

### 307.7 Exceptions to Discharge Criteria

#### (a) Application for exception

Non-residential users of the POTW may apply for temporary exception to the prohibited and restricted wastewater discharge criteria listed in Section 307.1 and 307.2 of this Ordinance. Exceptions can be granted according to the following guidelines:

The Director of Public Works shall allow applications for temporary exceptions at any time. However, the Director of Public Works shall not accept any application if the applicant has submitted the same or substantially similar application within the preceding year and the same has been denied by the City. All applications for an exception shall be in writing, and shall contain sufficient information for evaluation of each of the factors to be considered by the City in its review of the application.

#### (b) Conditions

All exceptions granted under this paragraph shall be temporary and subject to revocation at any time by the Director of Public Works upon reasonable notice. The User requesting the exception must demonstrate to the Director of Public Works that he is making a concentrated and serious effort to maintain high standards of operation control and housekeeping levels, etc., so that discharges to the POTW are being minimized. If negligence is found, permits will be subject to termination. The User requesting the exception must demonstrate that the compliance with stated concentration and quantity standards is technically or economically infeasible and the discharge, if exempted, will not:

- (1) interfere with normal collection and operation of the wastewater treatment system.
- (2) limit the sludge management alternatives available and increase the cost of providing adequate sludge management.
- (3) pass through the POTW in quantities and/or concentrations that would cause the POTW to violate its NPDES permit.

The User must show that the exception, if granted, will not cause the discharger to

violate its inforce federal pretreatment standards unless the exception is granted under the provisions of the applicable pretreatment regulations.

A surcharge shall be applied to any exception granted under this subsection. These surcharges shall be applied for that concentration of the pollutant for which the variance has been granted in excess of the concentration stipulated in this Ordinance based on the average daily flow of the User.

(c) Review of Application by the Director of Public Works

All applications for an exception shall be reviewed by the Director of Public Works. If the application does not contain sufficient information for complete evaluation, the Director of Public Works shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the Director of Public Works to correct such deficiencies. This thirty (30) day period may be extended by the City upon application and for just cause shown. The permit shall be issued by the Director of Public Works. The applicant has the right to appeal the conditions of the permit to the City Council.

(d) Criteria for Application Review

The Director of Public Works shall review and evaluate all applications for exceptions and shall take into account the following factors:

- (1) whether or not the applicant is subject to a National Pretreatment Standard containing discharge limitations more stringent than those in Section 307 and grant an exception only if such exception may be granted within limitations of applicable federal regulations;
- (2) whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of Section 307 (a) of the Act (33 U.S.C. 1317), and then grant an exception only if such exception may be granted within the limitations of applicable federal regulations;
- (3) whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works taking into consideration the concentration of said pollutant in the treatment works;
- (4) the cost of pretreatment or other types of control techniques which would be necessary for the User to achieve effluent reduction, but prohibitive costs alone shall not be the basis for granting an exception;
- (5) the age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge;
- (6) the process employed by the User and process changes available which would

affect the quality or quantity of wastewater discharge;

- (7) the engineering aspects of various types of pretreatment or other control techniques available to the User to improve the quality or quantity of wastewater discharge;

### 307.8 Accidental Discharge

- (a) All industrial Users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this Ordinance from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this article. The wastewater discharge permit of any User who has a history of significant leaks, spills or other accidental discharge of waste regulated by this Ordinance shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities establishment of procedures which will prevent or minimize the potential for such accidental discharge. Facilities to prevent accidental discharge charge of prohibited shall be provided and maintained at the User's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the Director of Public Works for review, and shall be approved by the Director of Public Works before the facility is constructed.

- (b) Notification of Accidental Discharge

Any person causing or suffering from accidental discharge shall immediately notify the Director of Public Works (or his designated official) by telephone to enable countermeasures to be taken by the Director of Public Works to minimize damage to the POTW, the health and welfare of the public, and the environment.

This notification shall be followed, within five (5) days of the date occurrence, by a detailed written statement describing the cause of the accidental discharge of the measures being taken to prevent future occurrence. Such notification will not relieve the User of liability for any expense loss, or damage to the POTW, fish kills, or other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Ordinance or state or federal law.

- (c) Notice to Employees

A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

### 307.9 Hazardous Waste Notification

- (a) The Industrial User shall notify the Director of Public Works, in writing, of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste as set forth under 40 CFR part 261. Such notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial 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 industrial user: An identification of the hazardous constituents contained in the waste; an estimation of the mass and concentration of such concentration of such constituents in the wastestream discharged during that calendar month; and an estimation of the mass of constituents in the wastestream expected to be discharged during the next twelve months. All notifications must take place within 100 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this section need be submitted only once for each hazardous waste discharged.
- (b) Dischargers are exempt from the requirements of paragraph (a) of this section 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 40 CFR 61.30(d) and 261.33(e). Discharges of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes, requires a one-time notification. Subsequent months during which the Industrial User discharge 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 Director of the Public Works of the discharges of such substance within 90 days of the effective date of such regulations.
- (d) In the case of any notification made under this section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

## **Section 13-308 - Industrial User Monitoring, Inspection Reports, Record, Access and Safety**

### 308.1 Monitoring Facilities

The installation of a monitoring facility shall be required for all industrial users having wastes which receive pretreatment, otherwise altered or regulated before discharge, or are usually strong and thereby subject to a surcharge or contained parameters which may cause damage or upsets to the POTW and for which specific

limits have been set in a discharge permit. Monitoring facilities shall include a manhole and other specific facilities as approved and required by the Director of Public Works. When, in the judgement of the Director of Public Works, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the Director of Public Works may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facility will normally be required to be installed, shall be constructed and maintained at the User's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If sampling or metering equipment is also required by the Director of Public Works, it shall be provided and installed at the User's expense.

The monitoring facility will normally be required to be located on the User's premises outside of the building. The Director of Public Works may, however, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

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

Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the Director of Public Works's requirements and all applicable local agency construction standards and specifications. When, in the judgement of the Director of Public Works, an existing User requires a monitoring facility, the User will be so notified in writing. Construction must be completed within 180 days following written notification unless an extension is granted by the Director of Public Works.

### 308.2 Inspection Sampling

The City shall inspect the facilities of any User to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection sampling, records examination or in the performance of any of their duties. The City, Approval Authority and EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into their premises the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City, Approval Authority and EPA will be

permitted to enter, without delay, for the purposes of performing their specific responsibilities. The Director of Public Works or his representatives shall have no authority to inquire into any manufacturing process beyond the point having a direct bearing on the level and sources of discharge to the sewers, waterways, or facilities for waste treatment.

### 308.3 Compliance Data Report

Within 180 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Director of Public Works a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards or Requirements and the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified by a qualified professional.

### 308.4 Periodic Compliance Reports

- (a) Any User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Director of Public Works during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Director of Public Works, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the Director of Public Works and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director of Public Works may agree to alter the months during which the above reports are to be submitted.
- (b) The Director of Public Works may impose mass limitations on Users where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (a) of this paragraph shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User.
- (c) The reports required by this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the Director of Public Works, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the Wastewater Discharge Permit of the Pretreatment Standard. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to section 304 (g) of the Act

and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Director of Public Works. Sampling shall be performed in accordance with the techniques approved by the Director of Public Works.

#### 308.5 Maintenance of Records

Any Industrial User subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

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

Any Industrial User subject to the reporting requirement established in this section shall be required to retain for a minimum of three (3) years records if monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for the inspection and copying by the Director of Public Works, Director of the Division of Water Quality Control, Tennessee Department of Public Health, or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or when requested by the Director of Public Works, the Approval Authority, or the Environmental Protection Agency.

#### 308.6 Safety

While performing the necessary work on private properties, the Director of Public Works or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the User and the User shall be held harmless for injury or death to the City employees and the City shall indemnify the User against loss or damage to his property by City employees and against liability claims and demands for personal injury or property damage asserted against the User and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the User to maintain safe conditions.

#### 308.7 Spills and Batch Discharges

The POTW shall randomly sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with

Pretreatment Standards. Inspect and sample the effluent from each significant Industrial User at least once a year. Evaluate, at least once every two years, whether each such significant Industrial User needs a plan to control slug discharges. The results of such activities shall be available to the Approval Authority upon request. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- (a) Description of discharge practices, including non-routine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the POTW of slug discharges that would violate a prohibition under Section 13-307.1, with procedures for follow-up written notification within five (5) days;
- (d) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.

## **Section 13-309 - Enforcement and Abatement**

### **309.1 Issuance of Cease and Desist Orders**

When the Director of Public Works finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this Ordinance, or the provisions of a Wastewater Discharge Permit, the Director of Public Works shall issue an order to cease and desist, and direct that these persons not complying with such prohibitions, limits, requirements, or provisions to:

- (a) Comply forthwith;
- (b) Comply in accordance with a time schedule set forth by the Director of Public Works;
- (c) Take appropriate remedial or preventive action in the event of a threatened violation; or
- (d) Surrender his applicable User's permit if ordered to do so after a show cause hearing.

### **309.2 Submission of Time Schedule**

When the Director of Public Works find that a discharge finds that a discharge has been taking place in violation of prohibitions or limitations prescribed in this Ordinance, or wastewater source control requirements, effluent limitations or pretreatment Standards, or the provisions of a Wastewater Discharge Permit, the

Director of Public Works shall require the User to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the User shall take in order to prevent or correct a violation of requirements. Such schedule shall be submitted to the Director of Public Works within thirty (30) days of the issuance of the Cease and Desist Order.

### 309.3 Show Cause Hearing

- (a) The Director of Public Works may order any User who causes or allows an unauthorized discharge to enter the POTW to show cause before the Board of Mayor and Alderman why the proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the City Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the City Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing.
- (b) The Board of Mayor and Aldermen may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the (assigned department) to:
  - (1) Issue in the name of the Board of Mayor and Aldermen notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
  - (2) Take the evidence;
  - (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board for action thereon.
- (c) At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- (d) After the Board of Mayor and Aldermen has reviewed the evidence, it may issue an order to the User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and that devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

### 309.4 Legal Action

If any person discharges sewer, industrial wastes, or other wastes into the City's wastewater disposal system contrary to the provisions of this Ordinance, Federal, or State Pretreatment Requirements, or any order of the City, the City Attorney may commence an action for appropriate legal and/or equitable relief in the Chancery

Circuit Court of this county.

309.5 Emergency Termination of Service

In the event of an actual or threatened discharge to the POTW of any pollutant which in the opinion of the Director of Public Works presents or may present an eminent substantial endangerment to the health or welfare of persons or cause interference with the POTW, the Director of Public Works or in his absence the person then in charge of the treatment works shall immediately notify the Mayor of the nature of the emergency. The Director of Public Works shall also attempt to notify the Industrial User or other person causing the emergency and request their assistance in abating same. Following consultation with the aforementioned officials of the City or in their absence such elected officials of the City as may be available, the Director of Public Works shall temporarily terminate the service of such Users or Users as are necessary to abate the condition when such appears reasonably necessary. Such service shall be restored by the Director of Public Works as soon as the emergency situation has been abated or corrected.

309.6 Public Nuisance

Discharges of Wastewater in any manner in violation of this Ordinance or of any order issued by the Director of Public Works as authorized by this Ordinance, is

hereby declared a public nuisance and shall be corrected or abated as directed by the Director of Public Works. Any such nuisance shall be punishable under the general penalty clause of this Ordinance and applicable state or federal law.

309.7 Correction of Violation and Collection of Costs

In order to enforce the provisions of this Ordinance the Director of Public Works is authorized to take appropriate action necessary to correct a violation hereof if the User is unable or refuses to take such action. The cost of such correction shall be added to any sewer use charge payable by the User violating the Ordinance or the owner or tenant of the property upon which the violation occurred, and the City shall have such remedies for the collection of such costs as it has for the collection of sewer use charges.

309.8 Damage to Facilities

When a discharge of wastes causes an obstruction, damage, or any other physical or operational impairment to facilities, the Director shall assess a charge against the User for the work required to clean or repair the facility and add such charge to the User's sewer service charge.

309.9 Civil Liabilities

Any person or User who intentionally or negligently violates any provision of this Ordinance, requirements, or conditions set forth in permit duly issued, or who

discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard or performance, pretreatment, or toxicity standard shall be liable civilly.

The City of Covington may sue for such damage in any court of competent jurisdiction. In determining the damages, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and the correcting action, if any.

#### 309.10 Public Noncompliance Notification

The Director of the Public Works shall provide for, at least annually, public notification, in the largest local newspaper, of industrial users, which, at any time during the previous twelve months were in significant noncompliance with applicable pretreatment requirements. For the purpose of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- (c) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Director of Public Works 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 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 30 days after the 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 the Director of Public Works determines will adversely affect the operation or implementation of the local pretreatment program.

### **Section 13-310 - Penalty: Costs**

#### 310.1 Civil Penalties

Any User who is found to have violated an order of the Board of Mayor and Aldermen or who willfully or negligently failed to comply with any provision of this Ordinance, and the order, rules, regulations and permits issued hereunder, shall be fined not less than One thousand and 00/100 Dollars (\$1000.00) for each offense. Each day of which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules, regulations, and permits issued hereunder.

#### 310.2 Falsifying Information

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurately any monitoring device or method required under this Ordinance, shall, upon conviction be punished by a fine of not more than One thousand 00/100 Dollars (\$1000.00) or by imprisonment for not more than six (6) months, or by both.

### **Section 13-311 - Fees and Billing**

#### 311.1 Purpose

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

#### 311.2 Types of Charges and Fees

The charges and fees established in the City's schedule of charges and fees, may include, but not to limited to:

- (a) Inspection fee and tapping fee;

- (b) Fees for applications for discharge;
- (c) Sewer use charges;
- (d) Surcharge fees;
- (e) Industrial wastewater discharge permit fees;
- (f) Fees for industrial discharge monitoring; and
- (g) Other fees as the City may deem necessary to carry out the requirements of this Ordinance.

311.3 Fees for Applications for Discharge

A fee may be charged when a User or prospective User makes application for discharge as required by Section 305 of this Ordinance .

311.4 Inspection Fee and Tapping Fee

An inspection fee and tapping fee for a building sewer installation shall be paid to the City's sewer department at the time the application is filed. Fees shall cover the costs of inspecting new and/or existing plumbing within subject building establishments as well as inspection of building sewers, property sewers, and sewer service lines and connections to the public sewers. The inspection fee and tapping fee shall be set by the Board of Mayor and Aldermen.

311.5 Sewer Use Charge

(a) Classification of Users

Users of the wastewater system shall be classified into two (2) general classes or categories depending upon the Users contribution of wastewater loads; each class User being identified as follows:

- (1) Class I: Those Users whose average biochemical oxygen demand is two hundred three milligrams per liter (203 mg/l) by weight or less, and whose suspended solids discharge is two hundred fifty milligrams per liter (250 mg/l) by weight or less.
- (2) Class II: Those Users whose average biochemical oxygen demands exceeds two hundred three milligrams per liter concentration (203 mg/l) by weight or whose suspended solids exceeds two hundred fifty milligrams per liter concentration (250 mg/l).

(b) Determination of Costs

The Board of Mayor and Aldermen shall establish rates and charges for the use of the wastewater system. Said charges shall be based upon the costs categories of administration costs, including billing and accounting costs; operation and maintenance costs of the wastewater collection and treatment system; and debt service costs.

- (1) In accordance with Section 13-205 of this Code, all Users who fall under Class I shall pay a base charge depending on the size of the water meter serving that customer plus a unit chased. If customer does not have a meter, volume of effluent will be used to determine meter size for billing. The charge per 1000 gallons will be determined in accordance with the following formula:

$$C_i = \frac{T.S.C.}{V}$$

Where;

$C_i$  = the Class I charge per 1000 gallon expressed in dollars.

T.S.C. = the total operation and maintenance, and debt service determined by yearly budget projections less any base charge and other income.

$V$  = the total volume of wastewater contribution from all Users per year as determined from projections from one city fiscal year to the next.

- (2) All Users who fall within the Class II classification shall pay the same base unit charge per 1,000 gallons of water purchased as for the Class I Users and in addition shall pay a surcharge rate on the excessive amounts of biochemical oxygen demand and suspended solids in direct proportion to the actual discharge quantities.
- (3) The volume of water purchased which is under in the calculation of sewer use charges may be adjusted by the Director of Public Works if a User purchases a significant volume of water for a consumptive use and does not discharge it to the public sewers (i.e. filling swimming pools, industrial heating, and humidifying equipment, etc.).

311.7 Fees may be collected from Industrial User's having pretreatment or other discharge requirements to compensate the City for the necessary compliance monitoring and other administrative duties of the pretreatment program.

311.8 Billing

The billing for normal domestic wastewater services shall consist of monthly billing

in accordance with the rates specified by the City, subject to net and gross rates.

**Section 13-312 - Validity**

- 312.1 All ordinances or parts of ordinances in conflict herewith are hereby repealed. All ordinances not in conflict remain in effect.
- 312.2 The validity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.
- 312.3 This Ordinance and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the City of Covington, Tennessee.

**Section 13-313 - Ordinance in Force**

That this Ordinance take effect from and after its passage on third and final reading, the public welfare requiring it.

**Section 2.**

That all ordinances or parts of ordinances in conflict with this Ordinance be and the same are hereby repealed; but all ordinances or parts of ordinances not in conflict with this Ordinance shall remain in full force and effect.

**Section 3.**

That this Ordinance shall take effect from and after its passage, the welfare of the corporation demanding it.

Passed by the Board of Mayor and Aldermen of the City of Covington, Tennessee, on third and final reading on the \_\_\_\_\_ day of \_\_\_\_\_, 1991.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Recorder - Treasurer