

ORDINANCE NO. 1441

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF TULLAHOMA, TENNESSEE BY RENAMING TITLE 18 - "WATER & SEWERS" TO "WATER, WASTEWATER & STORMWATER" AND REPEALING CHAPTER 1 - "SEWER USE REGULATIONS" OF TITLE 18 IN ITS ENTIRETY AND ADOPTING A NEW CHAPTER 1 - "SEWER USE REGULATIONS" OF TITLE 18 - "WATER, WASTEWATER & STORMWATER"

WHEREAS, the City of Tullahoma has provided for regulations concerning the City's sewer collection system; and

WHEREAS, the Board of Mayor and Aldermen deems it to be in the best interests of the citizens of the City to amend such regulations;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF TULLAHOMA, TENNESSEE, that the following provisions are hereby enacted relative to the Code of Ordinances of the City of Tullahoma, Tennessee.

Section 1. That Title 18 - "Waters and Sewers" of the Code of Ordinances of the City of Tullahoma, Tennessee be renamed "Water, Wastewater & Stormwater".

Section 2. That Chapter 1 - "Sewer Use Regulations" of Title 18 - "Water, Wastewater & Stormwater" of the Code of Ordinances of the City of Tullahoma, Tennessee is hereby repealed and in lieu thereof is substituted a new Chapter 1 - "Sewer Use Regulations" of Title 18 - "Water, Wastewater & Stormwater" which is included and made a part of this Ordinance by reference as Exhibit A.

Section 3. That all Ordinances in conflict herewith and all provisions in the Code of Ordinances of the City of Tullahoma, in conflict herewith are hereby repealed in their entirety, to the extent of any conflicts.

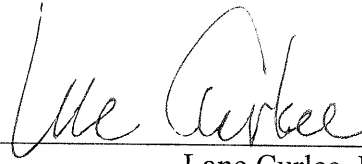
Section 4. That if any section, subsection, paragraph, subparagraph, sentence, item, clause, phrase or any portion of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, or if any provision of any part of this Ordinance as applied to any particular situation or set of circumstances be declared invalid, or unconstitutional, such invalidity shall not be construed to affect the remaining portions of this Ordinance not so held to be invalid, or the application of this Ordinance or other circumstances not so held to be invalid. It is hereby declared to be the intent that the section, subsection, paragraph, subparagraph, sentence, item, clause, phrase or any portion of this Ordinance shall be treated as severable.

I, the undersigned City Recorder of the City of Tullahoma, Tennessee do hereby certify that this is a true and correct copy of the original of this instrument.

Section 5. That this Ordinance shall take effect and be in full force and effect from and after its passage and from and after its passage after its caption being published one time in a newspaper of general circulation in Coffee County, Tennessee, the public welfare requiring it.

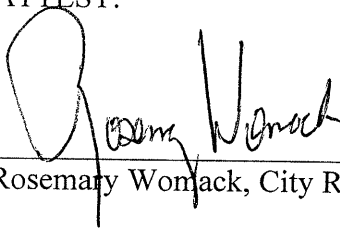
CITY OF TULLAHOMA, TENNESSEE

BY: _____



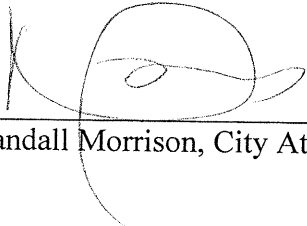
Lane Curlee, Mayor

ATTEST:



Rosemary Womack, City Recorder

APPROVED AS TO FORM AND LEGALITY:

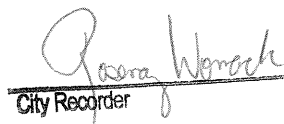


Randall Morrison, City Attorney

PASSED ON FIRST READING: September 23, 2013

PASSED ON SECOND READING: October 14, 2013

I, the undersigned City Recorder of the City of Tullahoma, Tennessee do hereby certify that this is a true and correct copy of the original of this instrument.


City Recorder

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Date

Exhibit A to Ordinance No. 1441

CHAPTER 1

SEWER USE REGULATIONS

SECTION

- 18-101. Purpose and Policy.
- 18-102. Scope.
- 18-103. Abbreviations.
- 18-104. Definitions.
- 18-105. General Regulations.
- 18-106. Applications for Domestic Wastewater Discharge and Industrial Wastewater Discharge Permits.
- 18-107. Industrial User Monitoring, Inspection Reports, Records and Safety.
- 18-108. Wastewater Charges and Fees.
- 18-109. Enforcement.
- 18-110. Penalties and Abatements.
- 18-111. Sewer Regulation Appeals Board.
- 18-112. Miscellaneous Provisions.
- 18-113. Enforcement Response Guide.

18-101. Purpose and Policy. (1) This sewer use chapter sets uniform requirements for users of the publicly owned treatment works for the City of Tullahoma and enables the City of Tullahoma to comply with all applicable State and Federal laws, including the State Pretreatment Requirements (Tennessee Rule 1200-4-14), the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403).

(2) This chapter provides a means for determining wastewater volumes, constituents, and characteristics, the setting of charges and fees, and the issuance of permits to certain users. Revenues derived from the application of this chapter shall be used to defray the Board's cost of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, bond service costs, capital improvements, and depreciation.

(3) This chapter shall supersede Ordinance No. 1048, including all amendments, and any other ordinances or portions thereof, which may be in conflict with this chapter. More specifically, the purposes of this chapter are:

- (a) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;
- (b) To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works;
- (c) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (d) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- (e) To provide for fees for the equitable distribution of the cost of operation,

I, the undersigned City Recorder of the City of Tullahoma, Tennessee do hereby certify that this is a true and correct copy of the original of this instrument.

R. W. W. W.
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- maintenance, and improvement of the Publicly Owned Treatment Works; and
- (f). To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

18-102. Scope. This chapter shall be deemed part of all residential, commercial, industrial, and public contracts for receiving wastewater collection and treatment services from the Board and shall apply to all services received whether the service is based upon contract, agreement, signed application, or other mutual understanding.

18-103. Abbreviations. The following abbreviations, when used in this chapter, shall have the designated meanings:

- (1) AO – Administrative Order
- (2) ASTM – ASTM International
- (3) BOD – Biochemical Oxygen Demand
- (4) BMP – Best Management Practice
- (5) BMR – Baseline Monitoring Report
- (6) CFR – *Code of Federal Regulations*
- (7) CIU – Categorical Industrial User
- (8) COD – Chemical Oxygen Demand
- (9) EPA – U.S. Environmental Protection Agency
- (10) gpd – gallons per day
- (11) IU – Industrial User
- (12) IUDP – Industrial User Discharge Permit
- (13) mg/l – milligrams per liter
- (14) NOV – Notice of Violation
- (15) NPDES – National Pollutant Discharge Elimination System
- (16) NSCIU – Non-Significant Categorical Industrial User
- (17) PC – Pretreatment Coordinator
- (18) POTW – Publicly Owned Treatment Works
- (19) RCRA – Resource Conservation and Recovery Act
- (20) RV – Recreational Vehicle
- (21) SIU – Significant Industrial User
- (22) SNC – Significant Non-compliance
- (23) TSS – Total Suspended Solids
- (24) TUB – Tullahoma Utilities Board or Board of Public Utilities
- (25) USC – United States Code
- (26) WEF – Water Environment Federation

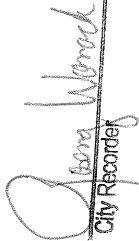
I, the undersigned City Recorder of the City of Tullahoma, Tennessee do hereby certify that this is a true and correct copy of the original of this instrument.

James Librock
City Recorder
10-15-13
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18-104. Definitions. Unless a provision explicitly states 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. section 1251 et seq.
- (2) Approval Authority. The Tennessee Division of Water Pollution Control Director or his/her representative(s)
- (3) Authorized or Duly Authorized Representative of the User.
 - (a) If the User is a corporation:
 - (i) The president, secretary, treasurer, or a vice president of the

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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 or general 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 a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

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

- (4) Available Sewer. A sewer shall be considered available when a parcel of land or property abuts upon a street, public right-of-way, or utility easement that contains a permanent sanitary sewer in which the building or structure to be served by public sanitary sewer is located within 200 feet of the permanent sanitary sewer.

- (5) Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees Celsius, usually expressed as a concentration (e.g., mg/l).

- (6) Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 18-106(3)(b) [Tennessee Rule 1200-4-14-.05(1)(a) and (2)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

- (7) Board. Board of Public Utilities, Tullahoma Utilities Board.

- (8) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter

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R. W. Worch
City Recorder

I, Subchapter N, Parts 405-471.

- (9) Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
- (10) City. The City of Tullahoma, Tennessee.
- (11) Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- (12) Control Authority. The Tullahoma Utilities Board.
- (13) Daily Maximum. The arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day.
- (14) 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.
- (15) Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
- (16) Existing Source. Any source of discharge that is not a "New Source."
- (17) Grab Sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- (18) Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source.
- (19) Industrial User. A source of indirect discharge.
- (20) 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.
- (21) Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the WWF, 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.
- (22) Local Limit. Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Tennessee Rule 1200-4-14-.05(1)(a) and (2).
- (23) Manager. The person designated by the Board to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter. The term also means a Duly Authorized Representative of the Manager.
- (24) Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (25) Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

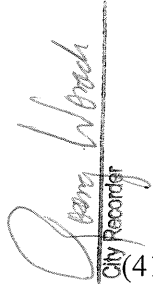
Notarized by the City Recorder of the City of Tullahoma,
Tennessee do hereby certify that this is a true and correct
copy of the original of this instrument.

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Date
Barbara W. Wench
City Recorder

- (26) 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.
- (27). New Source.
- (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 Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
- (i) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- (ii) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
- (iii) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
- (b) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above 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:
- (i) Begun, or caused to begin, as part of a continuous onsite construction program
- (1) any placement, assembly, or installation of facilities or equipment; or
- (2) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- (ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which is 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.
- (28) Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- (29) Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction

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Gemma March
City Recorder

- with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.
- (30) Person. Any and all persons, including individuals, firms, partnerships, associations, public or private institutions, state and federal agencies, municipalities or political subdivisions, or officers thereof, departments, agencies, or instrumentalities, or public or private corporations or officers thereof, organized or existing under the laws of this or any state or country.
- (31) pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- (32) Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- (33) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.
- (34) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
- (35) Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.
- (36) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 18-106(3) of this chapter.
- (37) Publicly Owned Treatment Works or POTW. A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.
- (38) Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (39) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- (40) Significant Industrial User (SIU). Except as provided in paragraph (3) of this definition, a Significant Industrial User is:
- (a) An Industrial User subject to categorical Pretreatment Standards;
 - or
 - (b) An Industrial User that:
 - (i) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary,


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- noncontact cooling and boiler blowdown wastewater);
- (ii) Contributes a process wastestream 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 Board on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
- (c) Upon a finding that a User meeting the criteria in part (b) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the Board may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in Tennessee Rule 1200-4-14-.08(6)(f), determine that such User should not be considered a Significant Industrial User.
- (41) Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 18-106 (3). of this chapter. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.
- (42) Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- (43) Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.
- (44) User. Any person, occupied property, or premises having a connection to the sewer system or having access thereto.
- (45) Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- (46) Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

18-105. General Regulations. (1) Use of Public Sewers Required.

- (a) Disposal of Waste. It shall be unlawful for any person to place, deposit, or permit to be deposited on public or private property within the City of Tullahoma any human or animal excrement or other objectionable waste in such a manner to create a public nuisance or to create a threat or danger to the public health and safety. This Section shall not apply to the depositing of animal excrement by livestock or through other generally accepted agricultural activities, nor to the depositing of excrement from household pets, provided such excrement is not deposited nor allowed to accumulate to such an extent as to cause a public nuisance or otherwise to constitute a threat or danger to the public health or safety, and provided further that it shall be unlawful to

Sharon H. Hord
City Recorder

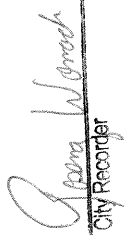
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place, deposit or to permit to be deposited upon the property of another within the City of Tullahoma human or animal excrement or other objectionable waste in any amount without the permission of the owner of such property. Public Nuisance or threat or danger to the public health and safety shall be as determined by the City of Tullahoma Codes Dept. and Coffee County Health Dept. or other local regulatory agency having jurisdiction.

- (b) Direct Discharge Prohibited. It shall be unlawful to discharge to any natural outlet, within the City of Tullahoma, or any area under the jurisdiction of said City, any sewage or other polluted waters, except where a Federal or State discharge permit has been duly issued and is currently valid for such discharge.
 - (c) New Private Disposal Systems Prohibited. Except as hereinafter provided or as otherwise permitted by ordinance or regulation, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other private facility intended or used for the disposal of sewage.
 - (d) City's Right to Require Sanitary Facilities. The owner, tenant, or occupant of all houses, buildings, improvements, or properties used for residential, commercial, industrial or recreational and all other human occupancy purposes to which sewer is available as defined in this chapter shall, upon demand by the Board, install suitable toilet facilities therein and connect the same directly with the proper public sewer in accordance with the provisions of this chapter and shall cease to use any other means for the disposal of sewage, waste, wastewater, and other polluting matter. (See definition of available sewer.)
 - (e) Connection to Public Sewer--General Requirements. At such time as a sewer becomes available to a property served by a private wastewater disposal system, and upon demand by the Board, a direct connection shall be made within thirty (30) days to the public sewer. Where a sewer is available, wastewater from the premises shall be discharged either directly or indirectly into the sewer, and the property shall be billed for sewer service. However, if the making of the connection is delayed by the customer, the property shall be subject to such charges thirty (30) days after the sewer is declared operable by the Board. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall be abandoned. An extension of time may be granted by the Manager for cause. (See definition of Available Sewer.)
- (2) Private Sewage Disposal.
The disposal of sewage by means other than the use of the available public sanitary sewage system shall be in accordance with local, county, and State laws. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the available public sanitary sewage system is not available, and where such is otherwise permitted by ordinance or regulations.
- (3) Building Sewers and Connections.
- (a) Connection of Building Sewers to POTW. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sanitary sewer or appurtenance thereof without first

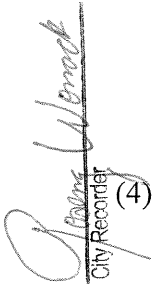
James W. Worch
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- obtaining a written permit from the Board. The owner or his agent shall make application on a special form furnished by the Board. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Board.
- (b) Costs of Installation. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the property owner. The property owner shall indemnify the Board from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (c) Separate Sewers Required. A separate and independent building sewer shall be provided for every building at owner's expense. For existing buildings that share building sewers, the building sewers shall be separated upon the sale of any building involved or upon notice from the Board.
- (d) Old Building Sewers. Building sewers left following the demolition of buildings may be used in connection with new buildings only when they are found, upon examination and test by the property owner to the Board's satisfaction, to meet all requirements of this chapter and Board policies.
- (e) Construction Controls for New Sewers. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and back filling the trench, shall all conform to the requirements of the standard plumbing code or other applicable rules and regulations of the City and/or the Board. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the latest edition of the ASTM. and the WEF Manual of Practices shall apply.
- (f) Sewer Entrances to Private Facilities. Whenever possible, the building sewer shall be brought to the building at elevations below the basement floor. In all building 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.
- (g) Extraneous Water Prohibited. No person shall make connection of roof down spouts, exterior foundations drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Exceptions may be made only if such connection is approved by the Manager for purpose of disposal of polluted surface drainage or groundwater. Such connections, if approved, will require a wastewater discharge permit.
- (h) Quality of Construction. All connections to the public sewer system shall be made gas tight and water tight. Any deviations from the prescribed procedures and materials must be approved by the Board before installation. Requirements of the Board's specifications and the latest edition of the International Code Council, International Building Code - International Plumbing Code shall be followed unless superseded by local, State, or Federal ordinances.


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- (i) Inspection and Testing of Sewers. The applicant for the building sewer permit shall notify the Board when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made by or under the supervision of the Board. Testing shall be performed as required by policy established by the Board.
- (j) Excavation Safety. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public. Property disturbed in the course of the work shall be restored in a manner satisfactory to the Board.
- (k) Condition of Private Sewers. The user shall be responsible for the integrity of building sewers on his property. If it is determined that a building sewer is faulty or in a bad state of repair, such that extraneous storm water can enter the POTW, the Board shall require the user to repair his line. If the line is not repaired within a reasonable time period allowed by the Board, water and sewer may be terminated.
- (l) Grease Traps. Upon construction or renovation, all cafes, restaurants, motels, hotels, or other commercial or institutional food preparation establishments shall install a grease trap on the kitchen waste line, provided however, all existing cafes, restaurants, motels, hotels, or other commercial food preparation establishments shall be required to construct a grease trap, at the owner's expense, within ninety (90) days after notification by the Board, if and when the Board determines that a grease problem exists which is capable of causing damage or operational problems to structures or equipment in the public sewer system, or if such is otherwise required by City ordinance, State, or Federal law. The Board shall retain the right to inspect and approve installation of the grease trap facility. The grease trap must be designed in accordance with current acceptable engineering standards and shall be easily accessible for cleaning. Grease traps shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer. If the Board is required to clean out the public sewer lines as a result of a stoppage resulting from a nonconforming grease trap, the property owner or operator shall be billed the greater amount of two-hundred dollars (\$200.00) or the actual cost required to clean the public sewer lines. In the event that an owner or operator of a facility refuses to properly maintain a grease trap, as determined by the Board, the Board may terminate water and sewer services to the facility. The installation of grease traps shall be in accordance with Section 18-105(3)(h).
- (m) Alteration to and Obstruction to Public Sewers. No person shall obstruct entrance to or operation of the Board's Sanitary Sewer System. Existing manhole tops are to be kept uncovered and accessible at all times. In the event that construction involving the filling of an area around a manhole occurs, the owner of the property or the person causing the construction to be accomplished shall bear all costs associated with the required adjustment of the sewer manholes. No building or other structure shall be constructed over a sewer line or easement thereof. Fill in or grading of a property such that storm water concentrates at a manhole will not be permitted. The Board reserves


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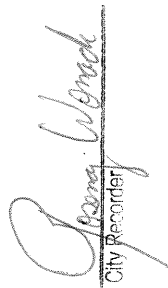
the right to enter onto its easements at all times to maintain its system and to remove or cause to be removed all obstructions to said entrance, and furthermore to assess the costs of the removal of obstructions against the owner thereof.

- (n) Interruption of Service. The Board shall not be liable for any damage resulting from failure or overflow of any sewer main, service line or valve, or by discontinuing the operation of its wastewater collections, treatment and disposal facilities, for repair, extensions, or connections, or from the accidental failure of the wastewater collection, treatment and disposal facilities from any cause whatsoever. In cases of emergency, the Board shall have the right to restrict the use of its wastewater collection, treatment, and disposal facilities in any reasonable manner for the protection of the Board and the Wastewater Control System.

Maintenance of Building Sewer and Grinder Pumps.; Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property to insure that the building sewer is watertight. This maintenance will include repair or replacement of the service line as deemed necessary by the Manager to meet specifications of the Board. If upon smoke testing or visual inspection by the Board, roof downspout connections, exterior foundation drains, area drains, basement drains, building sewer leaks or other sources of rainwater, surface runoff or ground water entry into the POTW sewer system are identified on building sewers on private property, the Manager may:

- (a) Notify the property owner in writing of the nature of the problems identified on the property owner's building sewer and the specific steps required to bring the building sewer within the requirements of this chapter. All steps necessary to comply with this chapter must be completed within a reasonable time specified by the Manager entirely at the expense of the property owner.
- (b) Except, however, the Board will be responsible for replacing/maintaining grinder pumps located on private property unless a grinder pump was installed for the convenience of the owner. The Manager or his duly authorized representative shall be permitted to enter all properties for the purpose of inspection, observation, testing, and repair of grinder pumps and appurtenances thereto.
- (5) Regulations of Hauled Wastewater Disposal.

- (a) Disposal of Private Waste by Truck. The Board is not obligated to accept or to continue to accept any trucked wastes, regardless of source, Owner or Operator. If the Board chooses to accept trucked wastes, the Manager has sole authority to determine who is eligible to dispose trucked wastes and the requirements and conditions of that privilege. The Manager shall designate the locations and times where trucked wastes may be discharged, and may refuse to accept any wastes which, in his judgment, would interfere with the effective operation of the treatment works or any sewer line or appurtenance thereto. The Owner or Operator disposing of trucked wastes shall, upon request, provide manifest to the POTW that states the source of the wastes they wish to discharge, the volume of wastewater from each source, and whether


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any industrial waste is included in the wastewater. Unless otherwise specifically allowed in writing by the Manager, trucked wastes will only be accepted from the following sources: residential septic tanks, portable toilets, or residential sewage holding tanks, including RV's. Grease trap wastes are not acceptable under any condition. Any damages created by the disposal of trucked wastes, including harm to the POTW operations, process, and/or equipment, regardless if intentional or unintentional, shall be the monetary responsibility of the Owner and/or Operator. These damages include any fines and/or penalties that may be assessed against the Board by regulatory agencies.

- (b) Holding Tanks. No person shall discharge any holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the Manager. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, and shall limit the wastewater constituents and characteristic of the discharge. Such user shall pay any applicable charges or fees therefore, and shall comply with the conditions of the permit issued by the Manager. No permit shall be required to discharge domestic waste from a recreational vehicle holding tank provided such discharge is made into an approved facility designed to receive such waste.
- (c) Fees for Holding Tank Waste Disposal Permit. For each permit issued under the provisions of Section 18-106 a service charge therefore shall be paid to the Board to be set as specified in Section 18-108.
- (d) Revocation of Permit. Failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of such permit by the Manager. The possession within the City 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 system within the City of Tullahoma.

18-106. Applications for Domestic Wastewater Discharge and Industrial Wastewater Discharge Permits.

- (1) Applications for Discharge of Domestic Wastewater. All users and prospective users which generate domestic wastewater shall make application to the Manager for written authorization to discharge to the municipal wastewater treatment system. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the municipal sewer shall not be made until the application is received and approved by the Manager, the building sewer is installed in accordance with Section 18-105(3) of this chapter and an inspection has been performed by the Manager or his representative.

The receipt by the Board of a prospective customer's application for service shall not obligate the Board to render the service. If the service


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(2) Industrial Wastewater Discharge Permits.

No Significant Industrial User shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Manager. The Manager may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this chapter.

(i) Identifying Information.

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from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 18-106(4) (Tennessee Rule 1200-4-14-.06(5)).

(vii) Measurement of Pollutants.

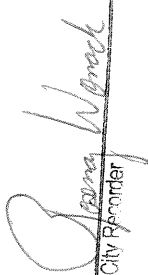
- (1) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
- (2) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Manager, of regulated pollutants in the discharge from each regulated process.
- (3) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
- (4) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 18-107(1)(a) of this chapter. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Manager or the applicable Standards to determine compliance with the Standard.
- (5) Sampling must be performed in accordance with procedures set out in Section 18-107(1)(c) of this chapter.

(viii) Any request to be covered by a general permit based on Section 18-106(2)(c).

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

(c) Wastewater Discharge Permitting: General Permits.

- (i) At the discretion of the Manager, the Manager may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:
 - (1) Involve the same or substantially similar types of operations;
 - (2) Discharge the same types of wastes;
 - (3) Require the same effluent limitations;
 - (4) Require the same or similar monitoring; and
 - (5) In the opinion of the Manager, are more appropriately controlled under a general permit than under individual wastewater discharge permits.
- (ii) To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, and any other information the POTW deems appropriate.
- (iii) The Manager will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in part (c)(i) (1) thru (5) of this section and applicable State regulations, and a copy of the User's written request for coverage for three (3) years after the

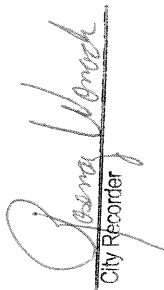

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expiration of the general permit.

- (iv) The Manager may not control an SIU through a general permit where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for Users whose limits are based on the Combined Waste stream Formula or Net/Gross calculations.
- (d) Permit Conditions. Wastewater Discharge Permits shall be expressly subject to all provisions of this chapter and all other regulations, user charges and fees established by the Board. The conditions of Wastewater Discharge Permits shall be uniformly enforced by the Board in accordance with this chapter, and applicable State and Federal regulations. Permits must contain all items required by Federal regulations; and further, may include but not necessarily be limited to the following:
 - (i) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - (ii) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 - (iii) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
 - (iv) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - (v) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
 - (vi) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
 - (vii) A statement that compliance with the individual wastewater discharge permit or the general permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit or the general permit; and
 - (viii) Other conditions as deemed appropriate by the Manager to ensure compliance with this chapter, and State and Federal laws, rules, and regulations.
- (e) Duration of Permits. An individual permit or a general permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual permit or a general permit may be issued for a period less than five (5) years or may be stated to expire on a specific date. Each individual permit or general permit will indicate a specific date upon which it will expire. The terms and conditions of the permit may be subject to modification and changes by

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the Board during the life of the permit as limitations or requirements as identified hereinbefore are modified and changed. The user shall be informed of any proposed changes in his 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.

(f) Individual Wastewater Discharge Permit and General Permit Reissuance.

A User with an expiring individual permit or a general permit shall apply for permit reissuance by submitting a complete permit application, in accordance with part (k) of this section of the chapter, a minimum of thirty (30) days prior to the expiration of the User's existing individual wastewater discharge permit or general permit.

(g) Transfer of a Permit. Wastewater Discharge Permits are issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be re-assigned or transferred or sold to a new owner, new user, different premise, or a new or changed operation.

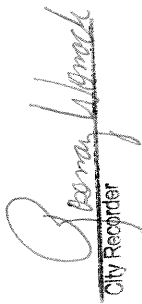
(h) Permit Modification. The Manager may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (i) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- (ii) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
- (iii) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (iv) Information indicating that the permitted discharge poses a threat to the POTW, POTW personnel, or the receiving waters;
- (v) Violation of any terms or conditions of the individual wastewater discharge permit;
- (vi) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (vii) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to Tennessee Rule 1200-4-14-.13;
- (viii) To correct typographical or other errors in the individual wastewater discharge permit.

(i) Revocation of Permit. 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:

- (i) Violation of any terms or conditions of the Wastewater Discharge Permit or other applicable Federal, State, or local law or regulation.
- (ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.
- (iii) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
- (iv) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in

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plant operations or wastewater characteristics.

- (j) Confidential Information. Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, general permits, and monitoring programs, and from the Manager's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

(k) Application Signatories and Certifications.

- (i) All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 18-107(2)(x).
- (ii) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Manager prior to or together with any reports to be signed by an Authorized Representative.

- (l) Individual Wastewater Permit and General Permit Content. An individual wastewater discharge permit or a general permit shall include such conditions as are deemed reasonably necessary by the Manager to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. Individual wastewater discharge permits and general permits must contain:

- (i) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
- (ii) Effluent limits based on applicable Pretreatment Standards;
- (iii) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

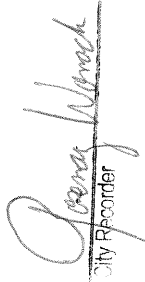

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- (iv) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- (v) Requirements to control Slug Discharge, if determined by the Manager to be necessary.

(3) Prohibitions and Limitations on Wastewater Discharge

(a) Requirements of Wastewater Permits.

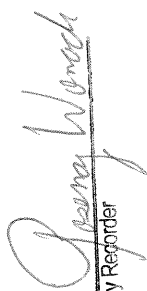
- (i) No person shall discharge or cause to be discharged into the POTW any wastewater other than domestic sewage resulting from normal human habitation including food preparation activities unless he holds a Wastewater Discharge Permit as described in Section 18-106(2). This Section shall not apply to existing sources until they are notified of its requirement in writing.
 - (ii) The Board may waive the requirements for a Wastewater Discharge Permit on a case-by-case basis for dischargers whose effluent does not violate the criteria for domestic sewage as established by the controlling agency and who, furthermore, are not categorical users. Notwithstanding the following, existing non-permitted dischargers or dischargers who have had the permit requirement waived may be required to obtain a discharge permit upon sixty (60) days notification by the controlling authority based on the observed character of the user's operations or his waste stream or suspected impact on the POTW or other factors which the Board may define.
 - (iii) In order to avoid wastewater influent to the treatment plant which creates adverse effects, or interferes with any wastewater treatment or collection processes, or creates any hazard in receiving waters or results in the Board being in violation of applicable effluent standards, including sludge disposal standards, the Board shall establish and amend wastewater effluent limits as deemed necessary. Limits for certain parameters are set as protection criteria for the POTW. Discharge limits for industrial users will be set in discharge permits as outlined in Section 18-105 of this chapter. Such limits will be calculated based on the anticipated ability of the plant to absorb specific wastewater constituents without violation of its NPDES permit, safety of the public, and/or disruption of plant operations, including sludge disposal; not to exceed, however, Federal limits where applicable.
- (b) Prohibitions on Wastewater Discharge.
- (i) General Prohibitions. Regardless of permit status, no User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or


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Requirements.

- (ii) Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
 - (2) Wastewater having a pH less than 5.0 or more than 10.0, or otherwise causing corrosive structural damage to the POTW or equipment;
 - (3) Solid or viscous substances in amounts which will or may cause obstruction of the flow in the POTW resulting in Interference [but in no case solids greater than three (3) inches in any dimension];
 - (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
 - (5) Wastewater having a temperature greater than 120 degrees F, (40 degrees C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
 - (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
 - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 - (8) Trucked or hauled pollutants, except at discharge points designated by the POTW in accordance with Section 18-105(5) of this chapter;
 - (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
 - (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the POTW's NPDES permit;
 - (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
 - (12) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Manager;


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- (13) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
- (14) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l;
- (15) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter. In addition, no waste stream shall have a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test method specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.
- (16) Improperly Shredded Garbage: Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewer.
- (17) Excessive Discharge Rate: Wastewaters at a flow rate which is excessive relative to the capacity of the treatment works or which could cause a treatment process upset and subsequent loss of treatment efficiency; or wastewaters containing such concentrations or quantities of pollutants that their introduction into the treatment works over a relatively short time period (sometimes referred to as "slug" discharges) would cause a treatment process upset and subsequent loss of treatment efficiency.
- (18) Human Hazard: Any wastewater which causes hazard to human life or creates a public nuisance.
- (19) Any substance which will or may cause operational problems or the failure of wastewater pumping equipment in the collection system or at the wastewater treatment plant.
- (c) Limitation on Wastewater Discharges. No person shall discharge or convey or cause to be discharged or conveyed to the public sewer any wastewater containing pollutants of such character or quality that will:
 - (i) Not be amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
 - (ii) Constitute a hazard to human or animal life or to the stream or water course receiving the treatment plant effluent.
 - (iii) Exceed limits as set forth in the Wastewater Discharge Permit or violate the Federal Pretreatment Standards.
 - (iv) Cause the treatment plant to violate its NPDES permit, pass-through limits or other applicable receiving water standards, or cause interference with plant operations.
- (4) National Categorical Pretreatment Standards.

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Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471. Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standards, if more stringent than limitations imposed under the chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The Manager shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.

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

(5) State Pretreatment Standards

Users must comply with State of Tennessee pretreatment standards.

(6) Local Limits

The Manager is authorized to establish Local Limits pursuant to Tennessee Rule 1200-4-14-.05(3).

(7) The Board's Right of Revision

The Board reserves the right to establish, by ordinance or in individual wastewater discharge permits or in general permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this chapter.

(8) Dilution

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

(9) Right to Establish More Restrictive Criteria

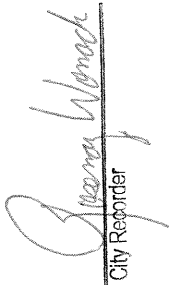
No statement in this chapter is intended or may be construed to prohibit the Manager from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge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

(10) Control of Prohibited Wastes

(a) Regulatory Actions. If wastewaters containing any substances in excess concentrations as described in Section 18-105(3) of this chapter are discharged or proposed to be discharged into the sewer system of the Board of Public Utilities of the City of Tullahoma, the Board shall take action necessary to:

(i) Prohibit the discharge of such wastewater.

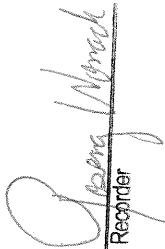
(ii) Require a discharger to demonstrate that in-plant modifications


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will eliminate the discharge of such substances to a degree as to be acceptable to the Board.

- (iii) Require pretreatment, including storage facilities or flow equalization, necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these rules and regulations of Federal pretreatment standards and any other applicable requirements promulgated by the EPA in accordance with Section 307 of the Clean Water Act of 1977.
 - (iv) Require the person or discharger making, causing, or allowing the discharge to pay any added cost of handling and treating excess loads imposed on the POTW. Nothing herein authorizes discharge, otherwise prohibited, upon payment of cost therefore.
 - (v) Discontinue sewer service to the discharge until such time as the problem is corrected.
 - (vi) Take such other remedial action provided by law as may be deemed to be desirable or necessary to achieve the requirements of this chapter.
- (b) Submission of Plans. Where pretreatment or equalization of wastewater flows prior to discharge into any part of its POTW is required by the Board; plans, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities shall be submitted to the Board for review and approval in accordance with timetables established by the Board. Approval shall in no way exempt the discharge of such facilities from compliance with any applicable code, ordinance, rule or regulation of any governmental unit or the Board. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to, and approval of, the Board. Plans must bear the properly executed stamp of an engineer licensed to practice in the State of Tennessee.
- (c) Pretreatment Facilities. Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 18-106(3) of this chapter within the time limitations specified by EPA, the State, or the Manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Manager for review, and shall be acceptable to the Manager before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this chapter.
- (d) Additional Pretreatment Measures.
- (i) Whenever deemed necessary, the Manager may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and

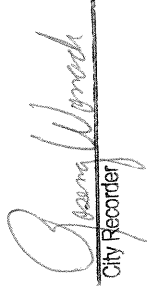
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determine the User's compliance with the requirements of this chapter.

- (ii) The Manager may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit or a general permit may be issued solely for flow equalization.
- (iii) Grease, oil, and sand/grit interceptors shall be provided when, in the opinion of the Manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, sand or grit. All interception units shall be of a type and capacity approved by the Manager, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the User at their expense.
- (iv) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- (v) Treatment Bypasses
 - (1) Definitions
 - (a) Bypass means the intentional diversion of wastestreams from any portion of an industrial user's facility.
 - (b) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
 - (2) A bypass is prohibited and the Manager may take enforcement action against an industrial user for a bypass unless:
 - (a) The bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There is no feasible alternative to the bypass, such as the use of auxiliary treatment or retention of the untreated wastewater or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (c) The industrial user properly notifies the Manager as described in paragraph (4) below.
 - (3) The Manager may approve an anticipated bypass, after considering its adverse effects, if the Manager determines


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that it will meet the three conditions listed in paragraph (2) above.

- (4) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the Manager, if possible at least ten (10) days before the date of the bypass.

Industrial users must provide an oral notice to the Manager upon discovery of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Manager may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

- (5) An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the system. These bypasses are not subject to the provisions of paragraphs (2) and (4) of this section.

(e) Accidental Discharge/Slug Discharge Control Plans. The Manager shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Manager may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Manager may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- (i) Description of discharge practices, including non-routine batch discharges;
- (ii) Description of stored chemicals;
- (iii) Procedures for immediately notifying the Manager of any accidental or Slug Discharges, as required by Section 18-109(1)(a) of this chapter; and
- (iv) Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
- (v) Significant Industrial Users are required to notify the Manager

immediately of any changes at its facility affecting the potential for a Slug Discharge.

(f) Right of Entry. Agents of the Board, the Tennessee Department of Environment and Conservation, and/or EPA upon presentation of credentials shall be permitted to enter all properties of the contributing industry for the purpose of inspection, observation, measurement, sampling, and testing.

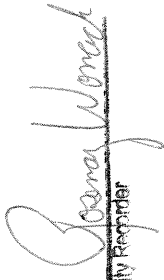
(g) Reporting of Hazardous Waste Discharge.

(i) Industrial users shall notify the Manager, EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of substances which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However notifications of changed conditions must be submitted under 40 CFR 403.12(j). The notification requirement in this section does not apply to pollutants already reported by the User subject to categorical Pretreatment Standards under the self-monitoring requirements of 40 CFR 403.12(b), (d), and (e).

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

(iii) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Manager, the EPA Regional Waste Management Waste

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Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

- (iv) In the case of any notification made under this Section, the 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.
- (v) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable Federal or State law.

18-107. Industrial User Monitoring, Inspection Reports, Records and Safety.

(1) Wastewater Sampling and Analysis

(a) Analytical Requirements.

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

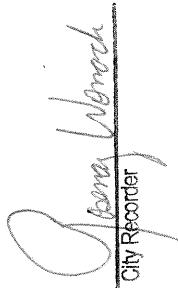
- (b) Control Manhole. When required by the Board, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole shall be accessibly and safely located, and shall be constructed in accordance with plans and specifications approved by the Board. The manhole and monitoring facilities shall be installed by the user at his expense, and shall be operated and maintained and replaced as necessary by him so as to be safe and accessible and produce accurate measurements and data at all times. The Board shall have access and use of the control manhole as may be required for their monitoring of the industrial discharge.

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

Whether constructed on public or private property, the control manhole(s) shall be constructed in accordance with the Manager's requirements and all applicable local agency construction standards and specifications. When, in the judgment of the Manager, an existing user requires a monitoring facility, the user will be so notified in writing.

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Construction must be completed within 180 days following written notification unless as extension is granted by the Manager.

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

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

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

(iii) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 18-107(2)(b) and 18-107(2)(c) [Tennessee Rule 1200-4-14-.12(2) and (4)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Manager may authorize a lower minimum. For the reports required by Section 18-107(2)(a) (Tennessee Rule 1200-4-14-.12(5) and (8)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

(2) Industrial Self-Monitoring Requirements

(a) Discharge Monitoring Reports. In order to effectively administer and enforce the provisions of these regulations, the Board shall require discharge monitoring reports, including but not limited to questionnaires, technical reports, sampling reports, test analyses, and periodical reports of wastewater discharge. Specific requirements and frequencies of discharge reports shall be included in the Industrial User's Wastewater Discharge Permit. At minimum, requirements shall be as stipulated in 40 CFR Part 403.12(h), latest edition.

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(i) Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under Tennessee Rule 1200-4-14.06(1)(d), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Manager a report which contains the information listed in paragraph (ii), below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Manager a report which contains the information listed in paragraph b, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(1) All information required in Sections 18-106(2)(b)(i), 18-106(2)(b)(ii), 18-106(2)(b)(iii)(1), and 18-106(2)(b)(vi).

(a) The User shall provide the information required in Section 18-106(2)(b)(vii)(1) thru 18-106(2)(b)(viii)(4).

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

(c) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in Tennessee Rule 1200-4-14-.06(5) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with Tennessee Rule 1200-4-14-.06(5) this adjusted limit along with supporting data shall be submitted to the Board;

(d) Sampling and analysis shall be performed in accordance with Section 18-107(1)(a);

(e) The Manager may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

(f) The baseline report shall indicate the time, date and


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(3) Compliance Certification. A statement reviewed by the User's Authorized Representative as defined in Section 18-104(3) and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(4) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in paragraph (2)(d)(iv) of this section of this chapter.

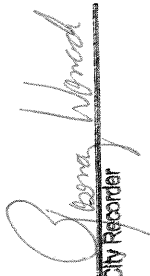
(5) Report Certification. All baseline monitoring reports must be certified in accordance with part (2)(j) of this section of this chapter and signed by an Authorized Representative as defined in Section 18-104(3).

(c) Compliance Date Report - Categorical User. Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the user facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis 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 to by a qualified professional.

(d) Periodic Compliance Report - Categorical Users.

(i) Any Categorical User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of New Source, after commencement of the discharge into the POTW, shall submit to the Manager during the months of June and December, unless required more frequently in the

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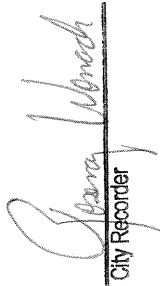
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Pretreatment Standard or by the Manager, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards and the measured or estimated average and daily maximum flows for the reporting period.

At the discretion of the Manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Manager may agree to alter the months during which the above reports are to be submitted.

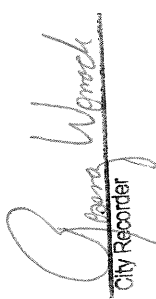
- (ii) The Manager may impose mass limitations on users where the imposition of mass limitations is appropriate. In such cases, the report required by part (iv) of this section shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the user.
- (iii) The reports required by this Section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Manager, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the Wastewater Discharge Permit or the Pretreatment Standard. All analyses shall be performed in accordance with procedures established by the Approval Authority pursuant to Section 304(h) of the Act and contained in 40 CFR, Part 136 and amendments thereto 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. Analysis of these samples shall be conducted by an independent laboratory approved by the Approval Authority.
- (iv) Compliance Schedule Progress Reports
 - (1) A compliance schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
 - (2) No increment referred to above shall exceed nine (9) months;
 - (3) The User shall submit a progress report to the Manager no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

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- (4) In no event shall more than nine (9) months elapse between such progress reports to the Manager.
- e. All requirements of this Section shall conform to 40 CFR, Part 403.12(e) and (f), latest edition.
- (e) Periodic Compliance Reports - Non-categorical Significant Industrial User.
- (i) All Significant Industrial Users must, at a frequency determined by the Manager submit no less than twice per year (June and December [or on dates specified]) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period.
- (ii) All periodic compliance reports must be signed and certified in accordance with part (2)(j) of this section of this chapter.
- (f) Monitoring Programs.
- (i). The Board shall require of Users such technical or monitoring programs, including the submission of periodic reports, as it deems necessary and as are required by law. The user shall pay all applicable charges for the monitoring program, in addition to the sewage disposal and other charges established by the Board.
- (ii) The monitoring program shall require the User to conduct a sampling and analysis program of a frequency and type specified by the Board to demonstrate compliance with prescribed wastewater discharge limits. The User may either:
- (1) Conduct his own sampling and analysis program provided he demonstrates to the Board that he has the necessary qualifications and facilities to perform the work; or ,
- (2) Engage a private laboratory approved by the Board.
- (iii) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- (iv) In the event that the Board suspects that a violation of any part of this chapter or of the user's Wastewater Discharge Permit is occurring, it may take samples for the purpose of monitoring the discharge. Should this monitoring verify that a violation is occurring, the costs of the monitoring and associated laboratory fees will be borne by the discharger. Should no violation be found, the costs will be at the expense of the Board.
- (g) Recordkeeping. 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. Records shall include the date, exact place, method, and time of sampling, and the name of the


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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 the Board, or where the User has been specifically notified of a longer retention period by the Manager.

(h) Notification of Violations and Repeated Sampling and Reporting. If

sampling performed by an industrial user indicates a violation, the industrial user shall notify the Manager 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 the Manager within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the Board performs sampling at the User's facility at least once a month, or if the Board performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Board receives the results of this sampling, or if the Board has performed the sampling and analysis in lieu of the Industrial User.

(i) Reporting All Analysis. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Manager using the procedures prescribed in paragraph (1)(c) of this section of this chapter, the results of this monitoring shall be included in the report.

(j) Signature and Certification.

Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 18-106(2); Users submitting baseline monitoring reports under Section 18-107(2)(b)(ii)(5) [Note: See 40 CFR 403.12 (1)]; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 18-107(2)(d) [Note: See 40 CFR 403.12(d)]; Users submitting periodic compliance reports required by Section 18-107(2)(d) [Note: See 40 CFR 403.12(e) and (h)]. The following certification statement must be signed by an Authorized Representative as defined in Section 18-104(3):

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.

(k) Reports of Changed Conditions. Each User must notify the Manager of any significant changes to the User's operations or system which might


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alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

(i) The Manager may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 18-106(2) of this chapter.

(ii) The Manager may issue an individual wastewater discharge permit or a general permit under Section 18-106(2)(f) of this chapter or modify an existing wastewater discharge permit or a general permit under Section 18-106(2)(h) of this chapter in response to changed conditions or anticipated changed conditions.

(l) Reports from Unpermitted Users. All Users not required to obtain an individual wastewater discharge permit or general permit shall provide appropriate reports to the Manager as the Manager may require.

18-108.

Wastewater Charges and Fees.

(1) Purpose of Charges and Fees.

A schedule of charges and fees shall be adopted by the Board of Public Utilities which will enable it to comply with the revenue requirements of the Federal Water Pollution Control Act Amendments of 1972, PL 92-500. Charges and fees shall be determined in a manner consistent with regulations of the Federal Grant Program to ensure that sufficient revenues are collected to defray the Board's cost of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, bond service costs, capital improvements, and depreciation.

(2) Classification of Users.

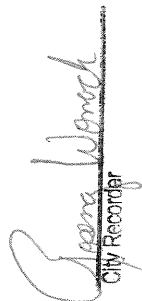
All users are to be classified by the Manager either by assigning each one to a "user classification" category according to the principal activity conducted on the user's premises, by individual user analyzation, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics, to provide an effective means of source control, and to establish a system of charges and fees which will insure an equitable recovery of the Board's costs.

(3) Type of Charges and Fees. The charges and fees as established in the Board's schedule of charges and fees, may include, but not be limited to:

- (a) User classification charges,
- (b) Fees for monitoring, maintenance, and analysis,
- (c) Fees for permits,
- (d) Surcharge fees,
- (e) Discharge permit fees.

(4) Basis for Determination of Charges.

The Board shall establish monthly rates and charges for the use of the system and for the services supplied by the system. Said charges shall be based upon the cost categories of administration costs, including billing and accounting costs; operation and maintenance costs of the wastewater collection and treatment system; water distribution; and debt service costs. Charges and fees may be based upon a minimum base charge for each premise, computed on the basis of "normal domestic wastewater".


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- (5) Computation and Assessments.
The computation of and assessment of surcharge, monitoring charges, maintenance charges, and testing or analysis charges shall be subject to the appeals procedure provided in this chapter.

(6) Industrial Waste Surcharge

- (a) In the event the user discharges industrial wastes to the public sewer having an average Biochemical Oxygen Demand (BOD) content in excess of 250 mg/l, and/or an average Total Suspended Solids (TSS) content in excess of 250 mg/l, and/or an average Ammonia-Nitrogen content in excess of 25 mg/l, the user shall pay a surcharge based upon the excess strength of their wastes.
- (b) The surcharge rate in dollars per pound shall be set by the Board and reviewed annually and adjusted if necessary.

- (7) Annual Notification. Each user of the system will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

18-109. Enforcement.

(1) Illegal Discharges

(a) Notification of Discharges.

To enable countermeasures to be taken, users shall notify the Manager (or his designated official) immediately upon discharging wastes in violation of this Chapter. This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the discharge and the measures being taken to prevent future occurrence. Such notification will not relieve users of liability for any expense, loss, or damage to the sewer system treatment plant, or treatment process, or for any fines imposed on the Board on account thereof under State and Federal law.

(b) Notice to Employees.

In order that employees of users be informed of the Board's requirements, users shall make available to their employees copies of this Chapter together with such other wastewater information and notices which may be furnished by the Manager from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of a discharge in violation of this Chapter.

(c) Preventive Measures.

Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system shall be eliminated.

(2) Enforcement Response.

- (a) Following are the enforcement actions to be administered by the Manager or his authorized agent:

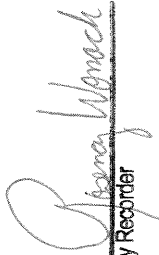
- (i) Notice of Violation (NOV). Whenever the Manager finds that any user has violated or is violating this Chapter, or a discharge permit or order issued hereunder, the Manager or his agent may serve upon said user a written notice of violation. Within fifteen

Joey Wreck
City Recorder

10-15-13
Date

- 37

I, the undersigned City Recorder of the City of Tullahoma, Tennessee do hereby certify that this is a true and correct copy of the original of this instrument.

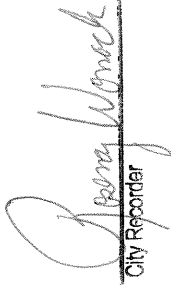

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into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to 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 Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

- (vi) Cease and Desist Orders. When the Manager finds that a User has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or a general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Manager may issue an order to the User directing it to cease and desist all such violations and directing the User to:
 - (1) Immediately comply with all requirements; and
 - (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.
- (vii) Penalties. Notwithstanding any other portions of this chapter, permits, or orders issued hereunder shall be assessed penalties in accordance with Section 18-110 of this chapter. Such assessments may be added to the user's next scheduled sewer bill and the Manager shall have such other collection remedies as he has to collect other service charges. Users desiring to dispute such charges must file a request for the Manager to reconsider the penalty within ten (10) days of being notified of the penalty. Where the Manager believes a request has merit, he shall convene a hearing on the matter within ten (10) days of receiving the request from the user.
- (vii) Emergency Suspensions. The Manager may suspend service to a user when it is necessary to stop an actual or substantial endangerment to the health or welfare of person, the POTW, or the environment. In the event the user fails to voluntarily comply with the suspension order, the Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection. A user who is responsible, in whole or in part, for imminent endangerment shall submit to the Manager a detailed written report describing the causes of the event and the measures taken to prevent any further recurrence. The Manager may allow the user to recommence discharge when the endangerment has

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Penny Womack
City Recorder

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passed.

(ix) Termination of Sewer Service. Any user who violates the conditions of this chapter or a permit or order, or any applicable State or Federal law is subject to permanent termination of service. Causes include, but are not limited to:

- (1) Failure to obtain a discharge permit.
- (2) Violation of permit conditions.
- (3) Failure to accurately report wastewater constituents and discharge characteristics.
- (4) Failure to report significant changes in operations or discharge.
- (5) Illegal discharge.
- (6) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.
- (7) Other actions which endanger the POTW processes, the health of individuals, or the environment.

(x) Termination of Water Service. Any owner of property being served by a private wastewater disposal system who fails to abandon such private wastewater disposal system and make a direct connection to the public sewer after the same becomes available is subject to termination of water service.

(xi) Publication of Users in Significant Noncompliance.

- (1) The Manager shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (4), (5) or (9) of this Section and shall mean:
- (2) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2;
- (3) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (4) Any other violation of a Pretreatment Standard or

Barbara W. Wacker
City Recorder

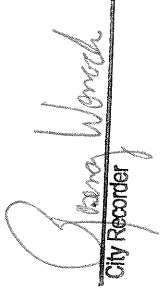
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- (5) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Manager's exercise of its emergency authority to halt or prevent such a discharge;
- (6) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or a general permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (7) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (8) Failure to accurately report noncompliance; or
- (9) Any other violation(s), which the Manager determines will adversely affect the operation or implementation of the local pretreatment program.

Whenever the Manager finds that any person has violated this article or any prohibition, limitation, or requirement contained in this article or permit or order issued hereunder, he will initiate the appropriate enforcement response as outlined in section 18-113.

- (i) Except in those emergency situations as provided for in Section 18-108(2)(a)(vii), the Manager shall afford any user an opportunity for a hearing and shall provide not less than forty-eight (48) hours notice thereof, before terminating services for any reason other than non-payment.
- (ii) Any User, permit applicant, or permit holder effected by any decision, action or determination made by the Manager interpreting or implementing the provisions of this Chapter or in granting or refusing of any permit issued hereinunder, may file with the Manager a written request for reconsideration within twenty (20) days of such decision, action or determination setting forth in detail the facts supporting the User's request for reconsideration. The Manager's decision, action or determination shall remain in full force and effect during such period of reconsideration and during the appeal therefrom, unless modified or suspended by the Sewer Regulation Appeals Board. If the ruling made by the Manager is unsatisfactory to the person requesting reconsideration, he may within twenty (20) days after

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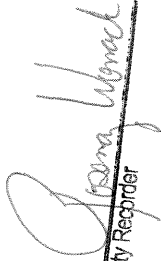
notification of the action, file a written appeal to the Sewer Regulation Appeals Board. The written appeal shall be heard within thirty (30) days from the date of filing, unless an extension of such time for a hearing is agreed upon by the Manager and the appellant. The Sewer Regulation Appeals Board shall make a final decision of the appeal within thirty-five (35) days of the close of the meeting. Appeal from the decision of the Sewer Regulation Appeals Board shall be to the Board of Mayor and Aldermen of the City of Tullahoma. Such appeal shall be in writing and shall be filed at the office of the Tullahoma Utilities Board within thirty (30) days after receipt of the decision of the Sewer Regulation Appeals Board. Unless facts appear to the contrary, it will be presumed that the appellant received the decisions of the Sewer Regulation Appeals Board within three (3) working days of the date of the same. The decision, action or determination of the Sewer Regulation Appeals Board shall remain in effect during the pendency of any appeal unless modified or suspended by the Board of Mayor and Aldermen. A decision of the Board of Mayor and Aldermen shall remain in effect during the pendency of any appeal to the Courts unless the same is modified or suspended by a Court of competent jurisdiction after notice and evidentiary hearing. An appeal of a decision of the Board of Mayor and Aldermen to a Court of competent jurisdiction shall be made within sixty days from the date of the decision of the Mayor and Aldermen.

18-110.

Penalties and Abatements.

- (1) **Public Nuisance.** Discharges of wastewater in any manner in violation of this Chapter or of any order issued by the Manager as authorized by this Chapter, is hereby declared a public nuisance and shall be corrected or abated as directed by the Manager. Any person creating a public nuisance shall be subject to the provisions of the City of Tullahoma codes or ordinances governing such nuisance. Any costs of emergency corrections incurred by the Board shall be billed at actual cost to the user.
- (2) **Persons Subject to Penalties.** Any person discharging any wastes such that the Industrial User Discharge Permit (IUDP) limits are exceeded, regardless of whether an interference, upset, or pass-through incident occurs at the POTW in excess of the NPDES limits, shall be subject to penalties as follows:
 - (a) Any person discharging loadings of compatible pollutants, including five-day BOD, ammonia or suspended solids such that the POTW capacity is not overloaded to the degree that an interference, upset, or pass-through incident occurs shall be assessed all applicable surcharges.
 - (b) Any person discharging loadings of compatible pollutants, including five-day BOD, ammonia or suspended solids such that the POTW capacity is overloaded to the degree that an interference, upset, or pass-through incident occurs shall be assessed one thousand dollars (\$1,000) penalty; or, the amount of civil penalties and/or fines assessed against the Board by State and/or Federal regulatory agencies plus the costs incurred by

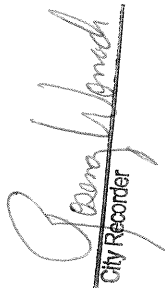
I, the undersigned City Recorder of the City of Tullahoma, Tennessee do hereby certify that this is a true and correct copy of the original of this instrument.


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the Board in defending itself, including, but not limited to, reasonable attorney's fees, expert witness expenses and court reporter fees, against such charges arising from the IUDP/NPDES violation, whichever is greater. This amount shall be in addition to any and all surcharges which may be applicable for treating said waste. Each occurrence resulting in POTW violations of Daily Maximum, Monthly Average, or percent removal limits shall be considered separate violations.

- (c) Any person who has a violation of the Daily Maximum Limit or Monthly Average Limit for incompatible pollutants such that no interference, upset, or pass-through limits shall be subject to enforcement action in accordance with the following schedule and subject to the following conditions:
- (i) For the first significant violation of any IUDP limit in any twelve-month period; or, for any violation of an IUDP limit that is not significant, the person shall be issued a Notice of Violation (NOV). A significant violation is defined for this sub-section only as a violation that exceeds an established IUDP limit by more than ten percent (10%).
 - (ii) For the second significant violation of any parameter during a period of one (1) year from the first significant violation of any parameter, the person shall be assessed a penalty of \$50 for each multiple or fraction thereof by which the IUDP limit is exceeded.
 - (iii) For each successive significant violation of a particular parameter during a period of one (1) year from the previous significant violation of that parameter, the penalty assessed for each multiple or fraction thereof by which the IUDP is exceeded shall be increased in \$50 increments.
 - (iv) In no event shall any penalty for a single parameter and/or a combination of penalties assessed for a violation of multiple parameters on a single effluent monitoring report exceed the sum of \$2000.
 - (v) If both the Daily Maximum and Monthly Average Limit are exceeded for the same parameter on a single effluent monitoring report, or during the same month, the penalty assessed shall be the higher of the two, not both.
 - (vi) Upon a finding of good cause, penalties under this sub-section may be waived or suspended for violations that occur while the User is timely meeting all requirements and conditions of an approved Compliance Schedule, provided the parameters violated are specified within the Compliance Schedule.
 - (vii) Violations previous to the enactment of the provisions of this sub-section, as amended, shall not be used for the \$50 incremental penalty increases set forth in sub-paragraph (b) above. However, to qualify for the provisions set forth in sub-paragraph (a) above, the User shall have had no significant violations of an IUDP limit within the previous twelve (12) months, regardless of the timing of the enactment of these provisions.
- (d) Any person violating the Daily Maximum Limit for incompatible pollutants such that an interference, upset, or pass-through does occur


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at the POTW to the extent that NPDES or pass-through limits are exceeded, shall be assessed one thousand dollars (\$1,000) penalty; or the amount of civil penalties and/or fines assessed against the Board by the State and/or Federal regulatory agencies plus any costs incurred by the City in defending itself, including, but not limited to, reasonable attorney's fees, expert witness expenses, and court reporter fees, against such charges arising from the IUDP/NPDES violation, whichever is greater.

- (e) Any person violating the Maximum Monthly Average concentration for incompatible pollutants such that an interference, upset, or pass-through does occur at the POTW to the extent that the NPDES or pass-through limits has been exceeded, shall be assessed ten thousand dollars (\$10,000) penalty; or, the amount of civil penalties and/or fines assessed against the Board by State and/or Federal regulatory agencies, plus any costs incurred by the Board in defending itself, including, but not limited to, reasonable attorney's fees, expert witness expenses and court reporter fees, against such charges arising from the IUDP/NPDES violations, whichever is greater.
- (f) Any person discharging wastes such that sixty-six percent (66%) of the values obtained within a reporting period exceed the Daily Maximum Limits or Maximum Monthly Average by any amount, or thirty-three percent (33%) of the values obtained exceed the Daily Maximum Limit or the Maximum Monthly Average for compatible pollutants by forty percent (40%) or for incompatible pollutants by twenty percent (20%) shall be deemed a significant violation and notice of the same shall be published in the local newspaper. Additionally, such notice shall be published whenever an industrial user has been shown to have caused a POTW upset, to have discharged a material which has potential health hazards to persons in or around the treatment system and/or receiving stream, to have discharge without a permit in force, to have failed to file the required reports, or otherwise failed to conform to the requirements of the Board with regard to pretreatment rules and policies.

(3) Basis for Imposing Penalties.

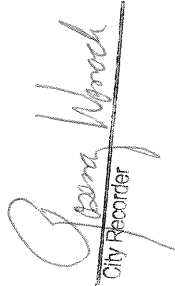
The basis for imposing penalties shall be as follows:

- (a) Violations as reported to the Board by the Industry's self-monitoring.
- (b) Violations as discovered by the Board in performing verification and demand monitoring.
- (c) Other monitoring activities which demonstrate non-compliance.

(4) POTW Laboratory Analyses.

The values obtained at the POTW laboratory for compatible and incompatible pollutants shall be considered eligible to determine compliance with the Industrial User's Discharge Permit.

Whenever a value obtained by the POTW laboratory for an incompatible pollutant indicates that a violation has occurred, the industry involved may challenge the POTW analysis. Whenever a value obtained by the POTW laboratory is challenged by the industrial user, a sample shall be sent to a commercial laboratory for analysis. In the event that the value obtained by the laboratory indicates no violation has occurred, the Board shall concur that


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no violation has occurred, and the cost of the additional analysis by the laboratory shall be borne by the Board. In the event the value obtained by the laboratory indicates that a violation has occurred, the industrial user shall be assessed an amount equal to twice the amount invoiced by the laboratory to recover the costs of sampling and analysis, plus the amount of the penalty(s) and/or costs specified in the provisions of this article.

Analytical Values At or Near Detection Limits.

To prevent penalties from being imposed as a result of inherent analytical imprecision, the penalties specified in this Section shall only be imposed whenever any limit is exceeded, and the value obtained is at least 1.5 times the analytical detection limit for the method employed to obtain the value, except when this limit is not met but the POTW has been assessed penalties by State and/or Federal agencies as a result of the industrial discharge, in which case the amount of civil penalties and/or fines assessed against the Board by State and/or Federal regulatory agencies plus any costs incurred by the Board in defending itself, including, but not limited to, reasonable attorney's fees, against such charges arising from the IUDP/NPDES violation, whichever is greater shall be applicable.

(6) Separate Offense for Each Day a Violation Occurs.

Each day in which any such violation continues shall be deemed a separate offense. Any fine provided for in this Section shall be in addition to damages to which the Board may be entitled to pursuant to other provisions of this Article and as may otherwise be provided by law.

(7) Penalties Resulting from Failure to Comply.

The issuance of a notice of violation, administrative order, or compliance schedule shall not relieve the recipient of any penalties that result from failure to comply with the provisions of this Article.

(8) Liability for Loss or Damage.

Any person violating any of the provisions of this Article shall become liable to the Board for any expense, loss or damage occasioned the Board by reason of such violation including court costs, and reasonable attorney's fees, expert witness expenses, and court reporter fees, or in addition to any other penalty, fine, charge or assessment.

(9) Injunctive Relief.

When the Manager finds that a User has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Manager may petition the Chancery or Circuit Court through the Board's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit or general permit order, or other requirement imposed by this chapter on activities of the User. The Manager may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

(10) Civil Penalties.

A User who has violated, or continues to violate, any provisions of this chapter, an individual wastewater discharge permit or a general permit, or


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order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City for a maximum penalty of \$1,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

The Manager may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Board.

(11) Criminal Prosecution.

A User who willfully or negligently violates any provision of this chapter, an individual wastewater discharge permit, a general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor punishable by a penalty of at least \$1,000 a day for each violation of Pretreatment Standards and Requirements.

18-111. Sewer Regulation Appeals Board.

(1) Members.

The Board of Public Utilities shall serve as the Sewer Regulation Appeals Board.

(2) Powers of the Board.

The Sewer Regulation Appeals Board shall have the following powers:

- (a) To conduct hearings on appeals from decisions of the Manager in actions taken under the pursuant to this chapter.
- (b) The Board shall have the power to issue subpoenas requiring attendance and testimony of witnesses and production of evidence relevant to any matter involved in hearings before the Board. This power may be exercised by the Board on its own initiative or upon application of the parties.
- (c) The Chairman, Vice Chairman, or Chairman pro tem shall be authorized to administer oaths. All testimony before the Board shall be under oath.
- (d) To prescribe such rules and regulations for the convening of the Board, the conduct of hearings and all matters pertaining to and in furtherance of the authority and powers herein grants.

18-112. Miscellaneous Provisions.

(1) Power and Authority of Inspectors

(a) Right of Entry: Inspection and Sampling.

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

- (i) Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Manager

I, the undersigned City Recorder of the City of Tullahoma, Tennessee do hereby certify that this is a true and correct copy of the original of this instrument.

[Signature]
City Recorder

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shall be permitted to enter without delay for the purposes of performing specific responsibilities.

- (ii) The Manager shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- (iii) The Manager may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated monthly to ensure their accuracy.
- (iv) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Manager and shall not be replaced. The costs of clearing such access shall be borne by the User.
- (v) Unreasonable delays in allowing the Manager access to the User's premises shall be a violation of this chapter.

(b) Safety.

While performing the necessary work on private properties referred to in the above paragraph, the Manager or duly authorized employees of the Board shall observe all safety rules applicable to the premises established by the company, the Board employees and the Board shall indemnify the company against loss or damage to its property by Board employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(c) Easement.

The Manager and other duly authorized employees of the Board bearing proper credentials and identification shall be permitted to enter all private properties through which the Board holds a duly negotiated easement for the purposes of inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

18-113. Enforcement response guide. (1) There is hereby established an enforcement response guide as follows:

<u>NONCOMPLIANCE CATEGORY</u>	<u>NATURE OF VIOLATION</u>	<u>ENFORCEMENT RESPONSE</u>	<u>ACTION BY</u>
1. Failure to file for permit	IU unaware of requirement; No harm to POTW/Environment.	Phone Call; NOV with application	Pretreatment Coordinator (PC)
	IU unaware of requirement, Harm to POTW/Environment	AO with Penalty	Manager (M)

	Failure to apply after notice by POTW	Terminate Service; civil action or criminal investigation	Manager Attorney (A)
2. Failure to renew	IU has not submitted renewal application within 10 days of due date.	Phone Call, NOV	PC
3. Exceeded limit; No harm to POTW and no violation of NPDES or Pass-Through limits	Not significant, no more than 10% over limit	Phone Call, NOV	PC
<i>NOTES:</i> <i>Penalty not to exceed \$2000 for any single event or effluent monitoring report under this category (#3).</i> <i>Upon finding of good cause, penalties under this section may be suspended for violations that occur while the User is timely meeting all requirements and conditions of an approved Compliance Schedule, provided the parameters violated are specified within the Compliance Schedule.</i>	First significant violation of any parameter in 12 month period or greater	Phone Call, NOV	PC
	Second significant violation of any parameter within 12 months of first	NOV with Penalty; \$50 per multiple or fraction over limit	PC, M
	First significant violation of a particular parameter within the 12 month time period of a significant violation of any other parameter.	NOV with Penalty; \$50 per multiple or fraction over limit	PC, M
	Each additional significant violation of previously violated parameter within 12 months of any significant violation	NOV with Penalty; increase penalty multiplier by \$50 for each additional significant violation of same parameter	PC, M
4. Exceeded limit; caused harm at POTW and/or caused violation of NPDES and/or Pass-Through limits	Isolated	AO with Penalty; Show Cause, Civil Action	PC, M, A

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<i>NOTE: Penalties to be determined based on conditions stated in Section 18-109(2).</i>	Recurring	AO with Penalty, Show Cause: Terminate Service: Civil or Criminal investigation	PC, M, A
5. Reporting violation	Isolated, not significant	Phone call, NOV	PC
	Recurring, not significant	AO, Show Cause	PC, M
	Failure to report, inaccurate report, falsification	AO, Show Cause: Terminate Service: Civil or Criminal investigation	PC, M, A
5. Compliance Schedule	Failure to meet milestone by less than 30 days	AO, Show Cause	PC, M
	Failure to meet milestone by more than 30 days	AO, Show Cause: Terminate service	PC, M, A
6. Illegal discharge	Initial violation, dilution in lieu of treatment, discharge of unpermitted substances, failure to operate pretreatment facility, no harm to POTW/Environ.	AO, Show Cause	PC, M
	Recurring, evidence of intent or negligence, or harm to POTW/ Environment	AO, Show Cause: Terminate Service: Civil or Criminal investigation	PC, M, A
7. Entry Denial	Entry denied or consent withdrawn, copies of records denied	AO, Show Cause: Terminate Service	PC, M, A
8. Improper action	Incorrect sampling or procedures when self- monitoring, incomplete records, failure to report additional monitoring; no evidence of intent	Phone Call, NOV	PC
	Recurring or evidence of intent	AO; Show Cause; Civil or Criminal investigation	PC, M, A
9. Failure to connect	Failure to abandon private wastewater disposal system and make a direct connection to public sewer	Cease and Desist Order; Termination of water service; penalty; civil action	M, A

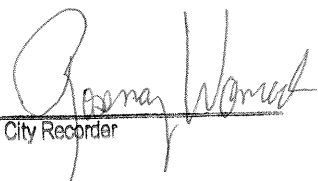
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(2) Time frame for response. Initial enforcement responses involving contact with the industrial user and requiring information on corrective or preventative action will occur within fifteen (15) days of violation detection. Significant noncompliance will be addressed with an enforceable order within thirty (30) days of identification of

noncompliance. Follow up actions, including actions taken for continuing or recurring violations will occur within sixty (60) days of the initial enforcement response. For all continuing violations the response will include a compliance schedule. Violations that threaten health, property or environmental quality are considered emergencies and will evoke immediate responses such as halting the discharge and terminating service.

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City Recorder

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