

CHAPTER 2**SEWER USE²****SECTIONS**

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²Municipal code reference

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18-201. General provisions. This Chapter sets forth uniform requirements for users of the Publicly Owned Treatment Works of the Town of Smyrna, Tennessee (“POTW”) and enables the Town of Smyrna, Tennessee (the “Town”) to comply with all applicable state and federal laws, including, but not limited to, the Clean Water Act of 1977, 33 U.S.C. § 1251, et seq., as amended; the General Pretreatment Regulations, Title 40, Part 403 of the Code of Federal Regulations, as amended; and the Tennessee Water Quality Control Act of 1977, Tenn. Code Ann. § 69-3-101, et seq., as amended. This Chapter shall apply to all users of the POTW. The objectives of this Chapter are:

- (1) To prevent the introduction of Pollutants into the POTW which will interfere with the operation of the POTW or contaminate the resulting sludge.
- (2) To prevent the introduction of Pollutants into the POTW that will Pass-through the POTW, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the operation of the POTW.
- (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the POTW.
- (4) To provide for fees for the equitable distribution of costs attributable to the construction, operation and maintenance of the POTW.

18-202. Abbreviations. The following abbreviations shall have the designated meanings:

- (1) BOD - Biochemical Oxygen Demand.
- (2) CFR - Code of Federal Regulations.
- (3) COD - Chemical Oxygen Demand.
- (4) EPA - (The) U. S. Environmental Protection Agency.
- (5) l - Liter.
- (6) mg - Milligrams.
- (7) mg/l - Milligrams per Liter.
- (8) NPDES - National Pollutant Discharge Elimination System.
- (9) O & M - Operation and Maintenance.
- (10) OSHA - Occupational Safety and Health Administration.
- (11) POTW - Publicly Owned Treatment Works.
- (12) SWDA - (The) Solid Waste Disposal Act.

- (13) SS - Suspended Solids.
 (14) WPC - (The) Tennessee Department of Environment and Conservation, Division of Water Pollution Control.

18-203. Definitions. Unless a provision explicitly states otherwise, or the context plainly indicates otherwise, the following terms and phrases, shall be defined as follows:

(1) “Accidental Discharge.” Any release of Wastewater which, for any unforeseen reason, fails to comply with any prohibition or limitation in this Chapter.

(2) “Act” or “the Act.” The Federal Water Pollution Control Act, also known as the Clean Water Act of 1977, 33 U.S.C. § 1251, et seq., as amended.

(3) “Approval Authority.” The Director of WPC, or the authorized representative of the director.

(4) “Authorized representative of an Industrial User.” An authorized representative of an Industrial User shall be:

(a) If the User is a corporation:

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

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

(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 agency: a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.

(d) An individual described in paragraphs (a)-(c), above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Town.

(5) “Best Management Practices” or “BMPs.” Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the discharge prohibitions and limits listed in this Chapter. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs

may provide alternative means of complying with certain established Categorical Pretreatment Standards and effluent limits.

(6) “Biochemical Oxygen Demand or BOD.” The quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20°C (68°F) expressed in terms of weight and volume (milligrams per liter).

(7) “Blowdown.” The minimum discharge of recirculating water for the purpose of discharging materials contained in the water, the further buildup of which would cause concentration in amounts exceeding limits established by best engineering practice.

(8) “Building Sewer” or “House Connection.” The connecting pipe from a building to the Sanitary Sewer.

(9) “Color.” Considered to be the true color of the light transmitted by a waste solution after removing suspended material including pseudo colloidal particles.

(10) “Composite Sample.” A sample that is formed by mixing two or more discrete samples (“aliquots”). For flow-proportional Composite Samples, each individual aliquot is collected after the passage of a defined volume of discharge. For time-proportional Composite Samples, the aliquots are collected after the passage of a defined period of time.

(11) “Constituents.” The specific compounds and components which comprise the Wastewater.

(12) “Control Authority.” The POTW.

(13) “Cooling Water.” The water discharged from any use of air conditioning, cooling or refrigeration, or to which the only Pollutant added is heat, that does not come into direct contact with any raw material, intermediate product, water product, or finished product.

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

(15) “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.

(16) “Direct Discharge.” The discharge of treated or untreated wastewater directly to the Waters of the State of Tennessee.

(17) “Director of Utilities.” The administrative officer of the Town who is charged with administrative control of all operations of the POTW as designated by the Town Council and is responsible directly to the Town Council. As used herein, it may also include any Town employee delegated to act for the Town by the Town Manager or the Town Council.

(18) “Domestic Wastewater.” All liquid and waterborne Pollutants, exclusive of Unpolluted Wastewater and Wastewater or wastes from processes or operations of Industrial Users.

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

- (20) “Existing Source.” Any source of a discharge that is not a New Source.
- (21) “Grab Sample.” A sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
- (22) “Holding Tank Waste.” Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, vacuum-pump tank trucks, and septic tank haulers.
- (23) “Industrial User.” A source of non-Domestic Wastewater.
- (24) “Industrial Waste.” The liquid or other wastes resulting from any process of industry, manufacture, trade or business or from the development of natural resources.
- (25) “Infiltration.” The water entering sewers and Building Sewer connections from the soil through defective joints, broken or cracked pipe, improper connections, manhole walls, etc. Infiltration does not include, and is distinguished from, Inflow.
- (26) “Inflow.” The water discharged into sewers from such sources as roof leaders, cellar and yard area drains, foundation drains, commercial and industrial discharges of Unpolluted Wastewater as defined in § 18-203(63), drains from springs and swampy areas, etc. It does not include and is distinguished from Infiltration.
- (27) “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.
- (28) “Interference.” A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal, or exceeds the design capacity of the treatment works or the collection system.
- (29) “Local Administrative Officer.” The Director of Utilities or the Director of Utilities’ designee. The Local Administrative Officer shall administer and enforce the Town’s pretreatment program, as set forth in this Chapter, and the provisions of Tenn. Code Ann. §§ 69-3-123 – 69-3-129.
- (30) “Local Hearing Authority.” The Local Hearing Authority shall be an administrative board consisting of the Town Manager, the Director of Public Works, and the Engineer of Record for the Town.
- (31) “National Categorical Pretreatment Standard,” “Categorical Pretreatment Standards” 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 I, Subchapter N, Parts 405-471.
- (32) “National Pollutant Discharge Elimination System Permit” or “NPDES permit.” A permit to discharge wastewater issued pursuant to § 402 of the Act and Tenn. Code Ann. § 69-3-108.
- (33) “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 adoption of this Chapter or the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Pretreatment 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 (a)(ii) or (iii) 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 are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(34) “Pass-through.” A discharge that exits the POTW into Waters of the State in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Town’s NPDES permit, including an increase in the magnitude or duration of a violation.

(35) “Person.” Any individual, firm, company, association, corporation, governmental agency, board, commission, or municipal corporation other than the Town of Smyrna, Tennessee.

(36) “pH.” The logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of solution. Stabilized pH is that determined after a sample of waste has been subjected to natural aeration.

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

(38) “Pollutant.” means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.

(39) “Pretreatment.” The reduction of the amounts of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutants, or the alteration of the nature of Pollutant properties in wastewater to a less harmful state prior to discharging or otherwise introducing such Pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by 40 CFR § 403.6(d).

(40) “Pretreatment Requirement.” Any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

(41) “Pretreatment Standards.” Prohibited discharge standards, Categorical Pretreatment Standards, and local limits.

(42) “Private Wastewater Disposal System.” Any facilities for wastewater treatment and disposal not maintained and operated by the Town of Smyrna, Tennessee.

(43) “Process Wastewater.” Any water that, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

(44) “Properly Shredded Garbage.” The organic wastes resulting from the preparation, cooking, and dispensing of foods that have been shredded to such degree that all particles will be carried freely under flow conditions nominally prevailing in Public Sewers, with no particle being greater than one half (1/2) inch in any dimension.

(45) “Public Sewer.” A sewer in which all owners of abutting properties shall have equal rights, and which is controlled by a governmental agency or public utility.

(46) “Publicly Owned Treatment Works” or “POTW.” Any or all of the following: the collection/transmission system, treatment plant, and the reuse or disposal system, which is owned by the Town. The POTW includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal Sewage or Industrial Wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to the WWTP. The term also means the Town. POTW means WWF, as used in the Tennessee Pretreatment Regulations.

(47) “Receiving Stream.” That body of water, stream, or Watercourse receiving the discharge from a wastewater treatment plant or that body of water, stream, or Watercourse formed by the effluent from a wastewater treatment plant.

(48) “Sanitary Sewage” or “Sanitary Wastewater.” Wastewater excluding process wastes from Industrial Users.

(49) “Sanitary Sewer.” A Public Sewer controlled by a governmental agency or public utility that carries liquid and waterborne wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground and surface waters that are not admitted intentionally.

(50) “Sewer.” A pipe or conduit for carrying wastewater.

(51) “Sewerage System.” All facilities for collecting, pumping, treating and disposing of wastewater.

(52) “Shall” is mandatory; “may” is permissible.

(53) “Significant Industrial User.”

(a) All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR, Chapter I, Subchapter N, Parts 405-471; or

(b) Any other Industrial User who:

(i) Discharges an average of twenty-five thousand (25,000) gallons per day or more of Process Wastewater to the POTW;

(ii) Contributes process wastestream greater than five percent (5%) of the hydraulic flow or organic design capacity of the POTW;

(iii) Is designated by the Town, the POTW, the Approval Authority, or EPA to have significant impact, either singly or in combination with other contributing industries, on the POTW, the quality of sludge, the system’s effluent quality, or air emissions generated by the POTW.

(54) “Slug Discharge.” Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or 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.

(55) “Standard Industrial Classification” or “SIC.” A classification of an industry based on its product or service pursuant to the Standard Industrial Classification Manual, 1972, Office of Management and Budget of the Federal Government, as amended.

(56) “Standard Methods.” The analytical procedures set forth in the latest edition of “Standard Methods for the Examination of Water and Wastewater,” published by the American Public Health Association, or “EPA Methods for Chemical Analysis of Water and Wastes,” as per 40 CFR, Part 136 and amendments thereto.

(57) “State.” State of Tennessee.

(58) “Storm Sewer.” A sewer that carries storm and surface waters and drainage, but that excludes Sanitary Sewage and polluted Industrial Wastes.

(59) “Strength.” The concentration of Pollutants or substances contained in a liquid waste.

(60) “Suspended Solids.” The total solid matter that either floats on the surface of or is suspended in water or liquid waste and which is removable by laboratory filtration.

(61) “Town.” The Town of Smyrna, Tennessee. Activities attributable to the Town shall be the responsibility of the Town Council or any Town employee or contractor delegated to act for the Town by the Town Council.

(62) “Town Council.” The Town Council of the Town of Smyrna, Tennessee. As used herein, it may also include any Town employee or contractor delegated to act on matters pertaining to operation of the POTW for the Town by the Town Council.

(63) “Unpolluted Wastewater.” Any Wastewater which is substantially free of Pollutants and is discharged from the following:

(a) Rain downspouts and drains.

(b) Footing drains.

(c) Storm and surface water drains.

(d) Cooling water systems.

Unpolluted Wastewater shall contain, by definition, none of the following:

- (a) BOD in excess of 10 mg/l.
 - (b) Suspended Solids in excess of 10 mg/l.
 - (c) Free or emulsified greases or oils.
 - (d) Acids or alkalides.
 - (e) Phenols or other substances imparting taste or odor to receiving waters.
 - (f) Toxic or poisonous substances.
 - (g) Noxious or odorous gases.
 - (h) Any Wastewater with a temperature which exceeds 60°C (140°F) at its introduction into a Storm Sewer or which exceeds 40°C (104°F) at its introduction into a Receiving Stream.
- (64) "User." Any Person who contributes, causes or permits the contribution of Wastewater into the POTW, including without limitation, Industrial Users.
- (65) "Wastewater." Water-carried wastes that are contributed to the POTW from any source.
- (66) "Wastewater Treatment Plant" or "WWTP." The facilities of the Town for treating and disposing of Wastewater.
- (67) "Watercourse." A channel in which a flow of water occurs, either continuously or intermittently.
- (68) "Waters of the State." All bodies or accumulations of water, surface or underground, within the boundaries of the State of Tennessee.

18-204. Use of Public Sewers required. (1) It shall be unlawful for any Person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town or in any area under the jurisdiction of the Town, any human excrement, garbage, or objectionable waste.

(2) It shall be unlawful for any Person to discharge to any outlet other than a Sanitary Sewer, within the corporate limits of the Town, any Domestic or Industrial Wastes except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter and where an appropriate NPDES Permit has been obtained from WPC pursuant to section 402 of the Act.

(3) Where a Storm Sewer, as defined by § 18-203(58), is adjacent to a property, it shall be legal to discharge Cooling Water, as defined by § 18-203(13) and which meets the requirements of § 18-203(63), into said Storm Sewer in accordance with subsequent provisions of this Chapter and where the Town determines that sufficient capacity exists in said Storm Sewer to carry the Cooling Water without exceeding the design storm drainage capacity of said Storm Sewer and where an appropriate NPDES Permit has been obtained from WPC pursuant to section 402 of the Act.

(4) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public Sanitary Sewer of the Town that discharges to the POTW, who has installed suitable toilet and other facilities therein necessary for the discharge of Domestic and Industrial Wastes, is hereby required at the owner(s) expense to connect such facilities directly with the proper public Sanitary Sewer in accordance with the requirements of the Town of Smyrna, Tennessee, within ninety (90) days after date of official notice to do so, provided that such public Sanitary Sewer abuts the property.

(5) All new connections to the Smyrna, Tennessee POTW shall be made in accordance with the provisions of Chapter 1 of this Title.

18-205. Private Wastewater disposal. (1) Where a public Sanitary Sewer is not available under the provisions of § 18-204(4), such toilet and other facilities necessary for the discharge of Domestic and Industrial Wastes shall be connected to a Private Wastewater Disposal System complying with the requirements of the State, Rutherford County, and/or the Town, and provisions of the most recently adopted building code of the Town.

(2) Before commencement of construction of a Private Wastewater Disposal System, the owner(s) shall first obtain a written permit from the appropriate regulatory authority and furnish a copy thereof to the Director of Utilities. The copy of the permit shall be accompanied by such supplemental data as deemed necessary by the building official to maintain an accurate file of such Private Wastewater Disposal Systems to facilitate the planning of future Public Sewer service.

(3) The type, capacity, location, and layout of a Private Wastewater Disposal System, including methods of sludge disposal, shall comply with all requirements of the State and/or the Town or other governmental body having jurisdiction.

(4) At such time as a Public Sewer is constructed which abuts a property served by a Private Wastewater Disposal System, a direct connection shall be made to the Public Sewer within ninety (90) days in compliance with this Chapter; and septic tanks, cesspools, and similar Private Wastewater Disposal Systems shall be cleaned of sludge and filled with suitable material at the owners expense.

(5) The owner(s) shall operate and maintain any Private Wastewater Disposal Systems in a sanitary manner at all times, at no expense to the Town.

(6) Under no circumstances shall Holding Tank Waste and septic tank wastes originating outside the Town be discharged into the Smyrna POTW. Holding Tank Waste and septic tank wastes from private systems within the Town shall be discharged into the POTW only under the following conditions:

(a) No Person owning vacuum-pump or septic tank trucks or other liquid waste transport trucks shall discharge directly or indirectly such Wastewater into the POTW unless such Person shall first have applied for and received a Wastewater haulers discharge permit from the Town. All applicants for Wastewater haulers discharge permits shall complete such forms as required by the Town, pay appropriate fees, and agree in writing to abide by the provisions of this section and any special conditions or regulations established by the Town. The owners of such vehicles shall affix and display their permit number on the side of each vehicle used for such purposes. Such permits shall be valid for a maximum period of one (1) year from date of issuance, provided that such permit shall be subject to revocation by the Town for violation of any provision of this section or reasonable regulation established by the Town. Such permits shall be limited to the discharge of Sanitary Sewage containing no Industrial Waste. Pumpage from commercial grease traps is specifically prohibited from discharge into the POTW. The manager of the WWTP shall designate the locations and times where such trucks may be discharged, and may refuse to accept any truckload of waste at his/her absolute discretion where it appears that the waste could interfere with the effective operation of the POTW.

(b) No Person shall discharge any other Holding Tank Waste including industrial process wastes into the POTW unless he shall have applied for and have been issued a permit by the Town. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, and shall limit the Wastewater Constituents and characteristics of the discharge. Such User shall pay any applicable charges or fees therefore, and shall comply with the conditions of the permit issued by the Town.

(c) No Person shall operate a dumping station for the discharge of Sanitary Sewage from recreation vehicles into the POTW unless the User of the dumping station has first applied for and received a recreational vehicle dumping station permit from the Town. All applicants for recreational vehicle dumping station permits shall complete such form as required by the Town, pay appropriate fees, and agree in writing to abide by the provisions of this section and any special conditions or regulations established by the Town. These permits shall be issued only for approved facilities designed to receive Sanitary Sewage.

18-206. Federal and State law. Nothing contained in this Chapter shall be construed to interfere with any additional requirements that may be imposed by federal or state agencies.

18-207. Special agreements. Nothing contained in this Chapter shall be construed as preventing the execution of a contract, special agreement, or arrangement between the Town and any Person whereby water or Wastewaters of unusual Strength, character, or quantity may be admitted into the POTW upon such terms and conditions as the Town deems appropriate so long as the objectives of this Chapter, limitations established by 40 CFR, Part 403 and NPDES Permit requirements of the Town and other state laws, regulations and permits are not adversely affected.

18-208. Industrial discharge permits required. (1) No Significant Industrial User shall discharge Wastewater into the POTW without first obtaining an industrial discharge permit.

(2) The Town may require other Users to obtain industrial discharge permits as necessary to carry out the purposes of this Chapter.

(3) Any Significant Industrial User or User designated by the Town under subparagraph (2) must apply for a new or modified permit before making a significant change in the character or volume of its Wastewater.

(4) A significant change in the character or volume of Wastewater shall be deemed to be proposed if substances, compounds, and elements not previously constituting any significant part of a User's Wastewater are to be introduced into such waste or if the average concentration of any substance, compound, or element in the waste, or average volume proposed to be discharged will cause a violation of any of the User's permit limitations. In case of doubt as to whether an intended change constitutes a significant change, it shall be the responsibility of the User intending to make such a change to make the necessary application or obtain a written ruling from the Town that an application for a new or modified industrial discharge permit is not required.

(5) Any User subject to a new national or state Categorical Pretreatment Standard shall apply for a new industrial discharge permit within one hundred eighty (180) days after the promulgation of the applicable national or state Categorical Pretreatment Standard. Industrial discharge permits of Users subject to such standards shall be issued or reissued in compliance with such standards within the time frames prescribed by such standards.

(6) It shall be unlawful for any User that has been denied an industrial discharge permit to discharge Industrial Waste into the POTW.

(7) The Town hereby has the authority to develop and enforce specific limits and to implement the prohibitions listed in § 18-214 of this Chapter. Such limits are subject to continued development and revision as necessary to prevent Pollutants contributed by any User or Users from resulting in Interference or Pass-Through, and to ensure compliance with the Town's NPDES permit or sludge use or disposal practices.

18-209. Industrial discharge permit application. A User required to obtain an industrial discharge permit must submit an application containing the following information:

(1) Identifying information, including the name and address of the facility, the name of the operator and owners, contact information, and a description of activities, facilities, and plant production processes on the premises;

(2) A list of any environmental control permits held by or for the facility, or that should be, or are anticipated to be, held by or for the facility;

(3) A description of operations that includes:

(a) A brief description of the nature, average rate of production, standard industrial classification of the operation(s) carried out by the Industrial User, and a schematic process diagram that indicates points of discharge to the POTW from the regulated processes.

(b) The time and duration of discharges;

(c) The location for monitoring all wastes to be covered by the permit;

(d) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams as necessary to allow use of the combined wastestream formula of Tennessee Rule 1200-4-14-.06(5).

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

(5) The results of sampling and analysis identifying the nature and concentration and/or mass, where required by the Standard or the Town, of regulated Pollutants in the discharge from each regulated process. Both Daily Maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the Town or the applicable Standards to determine compliance with the Standard. Sampling and analysis shall be performed in accordance with the techniques prescribed in § 18-220.

(6) Any other information as may be deemed necessary by the Local Administrative Officer, or his/her designee, to evaluate the permit application.

(7) A signed copy of the certification statement contained in § 18-251.

(8) A User that has been denied an industrial discharge permit may challenge such denial under the procedures set forth in §§ 18-245 and 18-246.

18-210. Contents of industrial discharge permit. An industrial discharge permit shall include such conditions as are deemed reasonably necessary by the Local Administrative Officer to prevent Pass-through or Interference, protect the quality of the water body receiving the WWTP's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(1) Industrial discharge permits must contain:

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

(b) A statement that the industrial discharge permit is nontransferable without prior notification to the Town in accordance with §18-213 and provisions for furnishing the new owner or operator with a copy of the existing industrial discharge permit;

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

(d) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements should include an identification of Pollutants or Best Management Practices to be monitored, sampling frequency, and sample type based on federal, state, and local law;

(e) 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.

(f) Requirements to control Slug Discharge, if determined by the Local Administrative Officer to be necessary;

(2) Industrial discharge permits may contain, but need not be limited to:

(a) Limits on the average and/or maximum Wastewater Constituents, volume, and characteristics. The Town may impose mass limitations on Users that are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases where the imposition of mass limitations are appropriate;

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

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

(d) Requirements for submission of technical reports or discharge reports under § 18-222.

(e) Requirements for notification of the Town of any new introduction of Wastewater Constituents or any significant changes in the character or volume of the Wastewater Constituents being introduced into the Sewerage System.

(f) Other conditions as deemed appropriate by the Town to insure compliance with the requirements and purposes of this Chapter.

(3) A User may challenge the contents of an industrial discharge permit under the procedures set forth in §§ 18-245 and 18-246.

18-211. Expiration of industrial discharge permit. An industrial discharge permit shall be issued for a specified time period, not to exceed five (5) years. The User shall apply for industrial discharge permit reissuance a minimum of ninety (90) days prior to the expiration of the User's existing industrial discharge permit. The terms and conditions of the industrial discharge permit may be subject to modification by the Town during the term of the industrial discharge permit based on modifications of the prohibited discharge standards identified in § 18-214 or as the Town deems necessary. The User shall be informed of any proposed changes in its industrial discharge permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the modified or reissued industrial discharge permit may include a time schedule for compliance. A User may challenge the contents of a modified or reissued industrial discharge permit under the procedures set forth in §§ 18-245 and 18-246. While such challenge is pending before the Local Hearing Authority, the previous industrial discharge permit shall remain in effect.

18-212. Revocation of permit. In accordance with the procedure set forth in § 18-238, the Town may revoke any User's industrial discharge permit for good cause, including, without limitation, the following:

- (1) Failure to report the Wastewater Constituents and characteristics of its Wastewater.
- (2) Failure to notify the Local Administrative Officer of significant changes to the character or volume of its Wastewater.
- (3) Failure to notify the Local Administrative Officer of any change to the User's operations or systems that might cause a significant change in the character or volume of its Wastewater.
- (4) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring in accordance with provisions of § 18-227.
- (5) Violation of any other conditions or requirements in its industrial discharge permit.
- (6) Falsifying self-monitoring reports and certification statements;
- (7) Tampering with monitoring facilities;
- (8) Failure to pay any penalties, charges, or fees provided for under this Chapter.
- (9) Failure to meet any compliance schedules.
- (10) Submission of an incomplete industrial discharge permit application.
- (11) Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance.
- (12) Violation of any other provision of this Chapter or any applicable state or federal regulation.

18-213. Industrial discharge permit not transferable. An industrial discharge permit is issued to a specified User for a specific operation. An industrial discharge permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without prior submission of applicable revisions to the application for the existing industrial discharge permit and without the written approval of the Town. Any succeeding owner or User shall also comply with the terms and conditions of the existing industrial discharge permit.

18-214. Prohibited discharge standards. (1) General prohibitions. No User shall contribute or cause to be contributed, any Pollutant or Wastewater into the POTW that causes Pass-through or Interference. These general prohibitions apply to all such Users of the POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other national, state, or local Pretreatment Standards or Requirements.

(2) Specific prohibitions. No User shall contribute or cause to be contributed, any of the following Pollutants, substances, or Wastewater into the POTW:

(a) Any Wastewater having a temperature that will inhibit biological activity in the WWTP or resulting in other interference with the treatment processes but, in no case, Wastewater with a temperature which exceeds 60°C (140°F) at its introduction into the POTW or which exceeds 40°C (104°F) at its introduction into the WWTP.

(b) Any water or waste containing:

(i) more than 50 mg/l of fat, oil, or grease;

(ii) petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through; or

(iii) other substances that will solidify or become viscous at temperatures between 0°C (32°F) and 60°C (140°F).

(c) Wastewater from Industrial Users containing floatable oils, fat or grease.

(d) Any garbage that has not been properly shredded so that no particles are any greater than one-half inch (1/2") in any dimension.

(e) Any waste capable of causing abnormal corrosion, abnormal deterioration, damage to or creating a hazard to structures, equipment, or personnel of the Sewerage System or interfering with proper operation of the Town's WWTP. All wastes discharged to the POTW must have a pH value in the range of 6 to 10 standard units. Prohibited materials include but are not limited to concentrated acids or alkalides and high concentrations of compounds of sulfur, chlorine, and fluorine, and substances which may react with water to form strongly acidic or basis products.

(f) Any waters or wastes having a Color which is not removable by existing Wastewater treatment processes and which causes the WWTP effluent to exceed Color requirements for discharge to the Receiving Stream.

(g) Any liquids, solids, or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the system, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21. At no time shall two successive readings (15 to 30 minutes between readings) on an explosion hazard meter³ at the point of discharge into the POTW be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower

³ Model GX-3 Meter as manufactured by Gas Tech, Inc., Mountain View, California, referenced to establish a standard of quality for a measuring device.

Explosive Limit (L.E.L.) of the meter. Prohibited materials covered single reading over ten percent (10%) of the Lower Explosive Limit (L.E.L.) of the meter. Prohibited materials covered by this section include, but are not limited to, gasoline, kerosene, naphtha, benzene, fuel oil, motor oil, mineral spirits, commercial solvents, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, and hydrides.

(h) Any other solid or viscous substance in quantity or character capable of causing obstruction to flow in sewers or interference with proper operation of Wastewater treatment facilities such as, but not limited to, eggshells from egg processors, ashes, cinders, ceramic wastes, sand, mud, straw, shavings, thread, glass, rags, metal, feathers, bones, tar, plastics, wood, paunch manure, insulation materials, fibers of any kind, stock or poultry feeds, processed grains, viscera or other fleshy particles from processing or packing plants, or lime or similar sludges.

(i) Any noxious or malodorous solids, liquids, or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.

(j) Any substance which may cause WWTP effluent or any other product of the POTW such as residue, sludge, or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the system to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed by Town, state or federal authorities.

(k) Any substance which will cause the POTW to violate its NPDES Permit and/or the quality standards of the Receiving Stream.

(l) Any water or wastes which, by interaction with other waters or wastes in the POTW, release noxious or malodorous gases, form Suspended Solids which interfere with the POTW, or create a condition deleterious to structures and treatment processes.

(m) Any form of Inflow as defined by § 18-203(26) including storm drainage and uncontaminated thermal process water.

(n) Infiltration as defined by § 18-203(25) in excess of two hundred (200) gallons per inch of pipe diameter per mile of pipe per day.

(o) Any Unpolluted Wastewater, as defined in § 18-203(63).

(p) Any water or wastes that contain more than ten (10) mg/l of hydrogen sulfide, sulfur dioxide or nitrous oxide.

(q) Any toxic or poisonous substance or any other materials in sufficient quantity to injure or interfere with the Wastewater treatment processes, or to constitute a hazard to humans or animals, or to cause a violation of the water quality standards or effluent standards for the stream or Watercourse receiving the effluent from the WWTP or to exceed limitations set forth in Categorical Pretreatment Standards.

(r) Any Wastewater containing Suspended Solids of such character and quality that unusual provisions, attention or expense is required to handle such materials at the WWTP.

(s) Any Wastewater containing quantities of radium or naturally occurring or artificially produced radioisotopes in excess of presently existing or subsequently accepted limits for drinking water as established by current drinking water regulations promulgated by EPA.

(t) Any Wastewater that causes the Town to exceed any limits or criteria established by WPC for the Town at any time.

(u) Slug Discharges, as defined in § 18-203(54).

(v) Any Wastewater 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.

(w) Any Wastewater, including but not limited to Wastewater containing oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate or pollutant concentration which will cause Interference with the POTW.

(x) Any trucked or hauled Wastewater, except at discharge points designated by the POTW.

(3) The admission into the POTW of any Wastewater having a Suspended Solids content in excess of five hundred (500) mg/l on a twenty-four (24) hour composite basis, or for any single sample having a Suspended Solids content greater than fifteen hundred (1500) mg/l will be subject to review by the Town. Where necessary in the opinion of the Town, the User shall provide and operate, at its own expense, such Pretreatment as may be required to reduce the Suspended Solids content to meet the above requirements.

(4) The admission into the POTW of any Wastewater in volumes, or with Constituents such that existing dilution conditions in the sewers or at the WWTP would be affected to the detriment of the POTW, shall be subject to review and approval of the Town. Where necessary in the opinion of the Town, Pretreatment or equalizing units may be required to bring Constituents or volumes of flow within the limits previously prescribed or to an otherwise acceptable level, and to hold or equalize flows such that no peak flow conditions may hamper the operation of any unit of the POTW. Said equalization or holding unit shall have a capacity suitable to serve its intended purpose and be equipped with acceptable outlet control facilities to provide flexibility in operation and accommodate changing conditions in the waste flow.

(5) Dilution is prohibited as substitute for Wastewater treatment, except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement. No Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement. The Town may impose mass limitations on Industrial Users whenever it deems appropriate.

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

(7) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those of this Chapter.

(8) The Town reserves the right to establish additional regulations containing more stringent limitations or requirements on discharges to the POTW if deemed necessary.

18-215. National Categorical Pretreatment Standards. Where applicable, Users must comply with the Categorical Pretreatment Standards found at 40 CFR, Chapter I, Subchapter N, Parts 405-471.

18-216. Pretreatment facilities. (1) Industrial Users shall provide Wastewater treatment as necessary to comply with this Chapter, any permit issued by the Town to the Industrial User, and all Categorical Pretreatment Standards within the time limitations specified by EPA, the State, or the Local Administrative Officer, whichever is more stringent. Any Pretreatment facilities necessary for compliance shall be provided, operated, and maintained at the User's sole expense. Such sole responsibility shall not be affected nor shall any responsibility be assumed by the Town, notwithstanding that the Town may render any advice or assistance to any User.

(2) Where Pretreatment facilities are required under § 18-215, plans, specifications, and other pertinent data or information relating to such facilities shall first be submitted to the Town for review and approval in accordance with this Chapter. Satisfactory evidence must be included that the method of disposal of Pretreatment sludge has the approval of the appropriate state and/or local solid waste program agency. Such approval shall not exempt the discharge or such facilities from compliance with any applicable code, ordinance, rule, regulation, or order of any governmental authority. Any subsequent alteration or addition to such Pretreatment or flow control facilities shall not be made without due notice to and prior approval by the Town.

(3) Such Pretreatment facilities shall be constructed, maintained in good working order, and properly operated as efficiently as possible by the User at his own cost and expense, subject to the requirements of this Chapter and all other applicable codes, ordinances, and laws.

18-217. Accidental/Slug Discharge control plans. Each Significant Industrial User, at its sole expense, shall develop, submit for approval and implement an Accidental/Slug Discharge control plan to ensure that all Significant Industrial Users are protecting against Accidental or Slug Discharges. An Accidental/Slug Discharge control plan shall address, at a minimum, the following:

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

(2) A description of stored chemicals;

(3) Procedures for immediately notifying the Local Administrative Officer (or the WWTP operator) of any accidental or Slug Discharge, as required by § 18-225(4) of this ordinance; and

(4) 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 and equipment for emergency response.

(5) Review and approval of such plans and operating procedures do not relieve the Significant Industrial User from the responsibility to modify its facility as necessary to meet the requirements of this Chapter.

18-218. Measurement of flow. The volume or quantity of Wastewater discharged by an Industrial User into the POTW shall be measured by one or more of the following methods:

(1) If the volume of water used by any Industrial User is substantially the same as the volume secured from the municipal waterworks system, then the volume of water purchased shall be considered to be the volume of waste discharged.

(2) If a substantial portion of the water secured by an Industrial User from the municipal waterworks system is not returned to the POTW, the quantity of Wastewater shall be determined as follows:

(a) By a meter (or meters) on the water supply line (or lines) to the industrial and/or process operations not discharging to the POTW, or

(b) By a meter (or meters) on the waste line (or waste lines) that discharges into the POTW.

(c) If meters as required under subsections (a) or (b) above are not installed, an estimate shall be made by the Town for that proportion of water purchased which is used for industrial purposes and not returned to the POTW.

(3) If any Industrial User now discharging or proposing to discharge Wastewater into the POTW does not secure its entire water supply requirements from the municipal waterworks system, such User shall install and maintain a meter (or meters) on its waste line (or waste lines) that discharge into the POTW or shall install such additional meters on the private water supply as required to permit determination of the total quantity discharged to the POTW from both sources under procedures comparable to subparagraphs (1) and (2) above.

18-219. All sources of water discharge and supply must be identified. All sources of water supply and all discharges of Wastewater into the POTW must be identified in accordance with the provisions of § 18-218. Any omission shall be considered as an unauthorized use of the POTW.

18-220. Monitoring facilities. (1) Any Industrial User shall provide, operate and maintain, at the User's sole expense, monitoring facilities to allow inspection, sampling, and flow measurement of the Building Sewer and/or internal drainage systems. These monitoring facilities shall be as specified by the Town. The monitoring facilities shall be situated on the User's premises.

(2) There shall be ample room in or near such monitoring facilities to allow accurate sampling and preparation of samples for analysis. The facilities shall be maintained at all times in a safe and proper operating condition at the User's sole expense.

(3) When deemed necessary by the Town, continuous recording and/or sampling equipment shall be installed and maintained at the User's sole expense.

(4) All sampling and monitoring facilities shall be provided in accordance with requirements of the Town and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written

notification by the Town. Additional construction time may be granted where so dictated by equipment availability.

(5) The Town shall review monitoring facilities of present Significant Industrial Users and may require additional monitoring facilities as required for compliance with subparagraphs (1)–(3) above.

(6) New Sources shall provide monitoring facilities as specified by the Town prior to plant start up.

18-221. Sampling and monitoring requirements. (1) All Pollutant analyses, including sampling techniques, to be submitted as part of a industrial discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the EPA Administrator, unless otherwise specified in an applicable Categorical Pretreatment Standard.

(2) 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, and that is representative of conditions occurring during the reporting period.

(3) Except as indicated in subparagraphs (6) and (7) below, the User must collect Wastewater samples using 24-hour flow-proportional Composite Sampling techniques, unless the Town specifically authorizes the User to use time-proportional Composite Sampling or Grab Sampling. Where time-proportional Composite Sampling or Grab Sampling is authorized by the Town, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities.

(4) Multiple Grab Samples collected during a 24-hour period may be composited prior to the analysis as follows:

(a) For cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field;

(b) For volatile organics and oil and grease, the samples may only be composited in the laboratory.

(5) Composite Samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Local Administrative Officer, as appropriate. In addition, Grab Samples may be required to show compliance with any Instantaneous Limits.

(6) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using Grab Sampling techniques.

(7) For sampling required in support of baseline monitoring and 90-day compliance reports required in §§ 18-222(1) and 18-223 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 Local Administrative Officer may authorize a lower minimum. The Local Administrative Officer shall specify the number of Grab Samples to be collected by the Industrial User that are necessary to assess and assure compliance with applicable Pretreatment Standards and the reports required by § 18-223.

18-222. Baseline reporting. (1) 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 Local Administrative Officer a baseline report that contains the information in subsections (a)–(g) 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 Local Administrative Officer a baseline report that contains the information listed in subsections (a)–(e) 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.

(a) Identifying information, including the name and address of the facility, and the name of the operator and owners;

(b) A list of any environmental control permits held by or for the facility, or that should be, or are anticipated to be, held by or for the facility;

(c) A description of operations that includes a brief description of the nature, average rate of production, standard industrial classification of the operation(s) carried out by the Industrial User, and a schematic process diagram that indicates points of discharge to the POTW.

(d) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

(i) Regulated process streams; and

(ii) Other streams as necessary to allow use of the combined wastestream formula of Tennessee Rule 1200-4-14-.06(5). The Town may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(e) Measurement of Pollutants, including the following:

(i) The Pretreatment Standards applicable to each regulated process;

(ii) The results of sampling and analysis identifying the nature and concentration and/or mass, where required by the Standard or the Town, of regulated Pollutants in the discharge from each regulated process. Both Daily Maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation to the Local Administrative Officer as required by the Town or the applicable Standards to determine compliance with the Standard;

(iii) A minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

(iv) Samples should be taken immediately downstream from Pretreatment facilities if such exist or immediately downstream from the regulated process if no Pretreatment exists. If other Wastewaters are mixed

with the regulated Wastewater prior to Pretreatment, the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula of Tennessee Rule 1200-4-14-.06(5) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 1200-4-14-.06(5), this adjusted limit along with supporting data shall be submitted to the Local Administrative Officer;

(v) Sampling and analysis shall be performed in accordance with the techniques prescribed in § 18-220;

(vi) The Town 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;

(vii) The baseline report shall indicate the time, date and place of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant discharges to the POTW;

(f) A compliance certification statement, reviewed by an authorized representative of the User 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 for the Industrial User to meet the Pretreatment Standards and Requirements; and

(g) A compliance schedule if additional Pretreatment and/or O&M will be required to meet the Pretreatment Standards. This shall be the shortest schedule by which the User will provide such additional Pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

(2) The following conditions shall apply to the compliance schedule required by subparagraph (1)(g):

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

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

(c) The User shall submit a progress report to the Local Administrative Officer no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

(d) In no event shall more than nine (9) months elapse between such progress reports to the Local Administrative Officer.

18-223. Reports on compliance with Categorical Pretreatment Standards. 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 Categorical Pretreatment Standards and Requirements shall submit to the Local Administrative Officer a report containing the information described in § 18-222, subparagraphs (1)(d)–(f). For Users subject to Categorical Pretreatment Standards and Requirements expressed in terms of allowable Pollutant discharge per unit of production (or other measure of operation), this report shall include the User’s actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance § 18-251 of this Chapter. All sampling shall be done in accordance with the techniques prescribed in § 18-221.

18-224. Monthly compliance reports. (1) All Significant Industrial Users shall submit monthly compliance reports indicating the nature and concentration of Pollutants in the discharge that are subject to Pretreatment Standards, and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation to determine the compliance status of the User. These monthly compliance reports shall be submitted using copies of monitoring forms available from the Town or approved by the Local Administrative Officer. Monthly compliance reports shall be received by the Town on or before the fifteenth (15th) day of the month following the reporting period. All monthly compliance reports shall be signed and certified in accordance with § 18-251 of this Chapter.

(2) Monthly compliance reports may be submitted by email, provided however that the User shall also submit a hard copy of the monthly compliance report by U.S. Mail on the same day as the email submittal. If the User relies on its email submittal to comply with deadline established in §18-224(1), the postmark of the contemporaneous hard copy submittal shall be the exclusive method for establishing the submittal date.

(3) If a Significant Industrial User monitors any regulated Pollutant, at the appropriate sampling location, more frequently than required by the Town, using the procedures prescribed in §18-221, the results of this monitoring shall be included in the report.

18-225. Reports of potential problems. (1) If sampling performed by an Industrial User indicates a violation, the User must notify the Local Administrative Officer within twenty-four (24) hours of becoming aware of the violation. The Industrial User shall also repeat sampling and analysis and submit the results of the repeat analysis to the Local Administrative Officer within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the Town performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Town receives the results of this repeat sampling, or if the Town has performed the sampling and analysis in lieu of the Industrial User.

(2) Each Industrial User must notify the Local Administrative Officer of any change to the User’s operations or system that might cause a significant change in the character or volume of its Wastewater at least three (3) months before the change.

(3) Significant Industrial Users are required to notify the Local Administrative Officer immediately of any changes at its facility affecting the potential for a Slug Discharge.

(4) All Industrial Users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including all Slug Discharges.

(5) Emergency notification procedures, including the contact information for the Local Administrative Officer, or his/her designee, shall be posted in a prominent place in each Industrial User's facility so that all employees shall be advised of the procedures to be followed in the event of a violation, change, or discharge described in this section.

18-226. Hazardous Waste Notification. All Industrial Users shall notify the Town, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under TENN. COMP. R. & REGS. 1200-1-11.

(1) Such notification must include the name of the hazardous waste as set forth in TENN. COMP. R. & REGS. 1200-1-11, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: An identification of the hazardous constituents contained in the 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 months. All notifications must take place within 180 days of the effective date of this paragraph or no later than 180 days after the first discharge of the listed or characteristic hazardous waste, whichever is greater. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted within 90 days of such change. The notification requirement in this rule does not apply to pollutants already reported under the self-monitoring requirements of §§ 18-222 and 18-223

(2) Industrial Users are exempt from the requirements of 18-226(1) during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in TENN. COMP. R. & REGS. 1200-1-11-.02(4)(a) and (4)(d). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in TENN. COMP. R. & REGS. 1200-1-11-.02(4)(a) and (4)(d), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

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

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

18-227. Inspection. Industrial Users shall be subject to periodic inspections. Such inspections shall be made annually or more frequently, as deemed necessary by the Town or as indicated in the User's industrial discharge permit, where applicable. The purpose of the inspection shall be to determine the character and Strength of the Users' Wastewater to ascertain whether the purposes of this Chapter are being met, all Standards and Requirements are being complied with, and to calculate user charges.

18-228. Authority for inspection. (1) The Local Administrative Officer and other duly authorized employees and contractors of the Town, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, flow measurement, sampling, and testing of Industrial Wastes and other Pollutants, in accordance with this Chapter, at the expense of the Wastewater discharger.

(2) The Local Administrative Officer and other duly authorized employees and contractors of the Town are authorized to obtain information concerning industrial processes that have a direct bearing on the kinds and sources of discharges to the POTW. Any information submitted to the Town pursuant to this ordinance may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, the Town may make the information available to the public without further notice. If a confidentiality claim is asserted, the information will be treated in accordance with the procedures in 40 CFR part 2 (Public Information). Notwithstanding the foregoing, any information and data provided to the Town that is effluent data shall be available to the public without restriction, and all other information which is submitted to the Town shall be available to the public to the extent provided by T.C.A. §§ 10-7-501, et seq.

(3) Persons or occupants of premises where Wastewater is created or discharged shall allow the Local Administrative Officer and other duly authorized employees and contractors of the Town ready access at all reasonable times to all points on the premises in any way related to the generation, storage, transmission, discharge or documentation of Pollutants or Wastewater for the purposes of inspection, sampling, records examination or in the performance of any of their duties.

(4) The Local Administrative Officer and other duly authorized employees and contractors of the Town shall have the right to set up at any location on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

(5) Where a User has security measures in force that would require proper identification and clearance before entry upon the premises, the User shall make necessary arrangements with the security guards so that, upon presentation of suitable identification, the Local Administrative Officer and other duly authorized employees and contractors of the Town will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(6) While performing the necessary work on private properties referred to in subsection (1) above, the Local Administrative Officer and other duly authorized employees and contractors of the Town shall observe all safety rules applicable to the premises established by the User; the User shall be held harmless for injury or death to Town employees or contractors; and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the User and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the User to maintain safe conditions as required by § 18-220(2).

18-229. Record-keeping. Users subject to the reporting requirements of this Chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices. Records shall include the date, exact place, method, and time of sampling, and the name of the Person(s) taking the samples; the dates analyses were performed; the Person 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 five (5) years. This period shall be automatically extended for the duration of any litigation concerning the User or the Town, or where the User has been specifically notified of a longer retention period by the Town.

18-230. Publication of Users in significant noncompliance. The Town 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 that, 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 subparagraphs (3), (4) or (7) of this section) and shall mean:

(1) 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 any Instantaneous Limits;

(2) 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 any Instantaneous Limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other Pollutants except pH), TRC calculations for pH are not required;

(3) Any other violation of a Pretreatment Standard or Requirement (Daily Maximum of longer-term average, Instantaneous Limit, or narrative standard) that the Town determines has caused, alone or in combination with other discharges, Interference or Pass-through (including endangering the health of POTW personnel or the general public);

(4) Any discharge of a Pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Town's exercise of its emergency authority to halt or prevent such a discharge;

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

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

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s), which may include a violation of Best Management Practices, which the Town determines will adversely affect the operation or implementation of the Town's pretreatment program.

18-231. Protection of equipment. No Person shall maliciously, willfully, or negligently break, damage, destroy, deface, tamper with, or remove any equipment or materials which are a part of the POTW or any equipment or materials used by the Town for the purpose of making waste examinations and waste flow measurements and left upon the premises of a User. Only Persons authorized by the Town will be allowed to uncover, adjust, maintain, and remove such equipment and materials.

18-232. Enforcement Response Plan. The Town shall maintain an Enforcement Response Plan, as modified from time to time, that shall govern the Town's enforcement of this Chapter.

18-233. Notice of violation. Whenever the Town has reason to believe that a User has violated, is violating, or is about to violate any provision(s) of this Chapter, an industrial discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Local Administrative Officer may cause a notice of violation to be served upon the alleged violator or violators. The notice of violation shall specify the provision(s) of this Chapter, industrial discharge permit, order, or Pretreatment Standard or Requirement alleged to be violated, or about to be violated, and the facts alleged to constitute a violation thereof and shall inform the violators of the opportunity for a hearing before the Local Hearing Authority pursuant to §§ 18-245 and 18-246.

18-234. Corrective action plan. Within 10 days of the receipt of a notice of violation, the User shall submit to the Local Administrative Officer a written explanation of the violation and a plan for the satisfactory correction and/or prevention thereof, including specific required actions. Such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the notice of violation, nor does it preclude the Local Administrative Officer from issuing a separate compliance order pursuant to § 18-236.

18-235. Emergency authority. (1) Whenever the Local Administrative Officer finds that an emergency exists requiring immediate action to protect the public health, safety, or welfare, the health of animals, fish or aquatic life, a public water supply,

or the POTW or WWTP, the Local Administrative Officer may, without prior notice, issue an order reciting the existence of such an emergency and requiring that such action be taken as he/she deems necessary to address the emergency, including suspension of a User's right to discharge into the POTW.

(2) If the violator fails to respond or is unable to respond to the Local Administrative Officer's order, the Local Administrative Officer may take such emergency action as he/she deems necessary, or contract with a qualified Person or Persons to carry out the emergency measures. The Local Administrative Officer may assess the User(s) responsible for the emergency condition for actual costs incurred by the Town in addressing the emergency.

18-236. Compliance order. When the Local Administrative Officer finds that a User has violated or continues to violate any provision(s) of this Chapter, an industrial discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Local Administrative Officer may issue a compliance order to that User. A compliance order shall set forth required corrective action to be taken and a schedule of compliance specifying the dates by which such corrective actions must be performed. The Local Administrative Officer may order that the User's sewer service be discontinued until the User satisfies the requirements of the compliance order. A compliance order may not extend the deadline for compliance established by a Pretreatment Standard or Requirement, nor may it 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. A compliance order may be issued concurrently with a notice of violation. The compliance order may, without limitation:

(1) Require a User to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances in conformity with this Chapter.

(2) Require Pretreatment, including storage facilities or flow equalization, necessary to reduce or eliminate the objectionable characteristics or substances.

(3) Require additional monitoring and management practices designed to minimize the amount of Pollutants discharged to the POTW.

(4) Take such other remedial action as may be deemed to be desirable or necessary to achieve the purposes of this Chapter.

18-237. Order to cease and desist. When the Local Administrative Officer finds that a User has violated or continues to violate any provision(s) of this Chapter, an industrial discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Local Administrative Officer 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.

18-238. Termination of discharge. The Local Administrative Officer may revoke an industrial discharge permit and/or terminate any User's right to discharge into the POTW for violation of any of the conditions listed in § 18-212. Prior to such revocation and/or termination, the User will be notified of such proposed action and be offered an opportunity to show cause under § 18-244 why the proposed action should not be taken. Exercise of this option by the Local Administrative Officer shall not be a bar against, or a prerequisite for, taking any other action against the User.

18-239. Injunction. When a User is alleged to have violated or is about to violate the provisions of this Chapter, the Local Administrative Officer may petition the Chancery Court of Rutherford County, Tennessee, through the Town's Attorney for the issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of the violation. Court proceedings brought under this section shall not be a bar against, or a prerequisite for, taking any other action against the User.

18-240. Pretreatment enforcement costs or expenses. (1) When the Local Administrative Officer finds that a User has violated or continues to violate any provision(s) of this Chapter, an industrial discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Local Administrative Officer may issue an order requiring the User to pay any costs or expenses incurred by the Town in connection with the User's violation, including, without limitation:

- (a) Compensation for damage to the POTW, WWTP, or other Wastewater treatment processes.
- (b) Costs of inspection and investigation to evaluate damage to the POTW, WWTP, or other wastewater treatment processes.
- (c) Extraordinary monitoring of the wastes associated with the violation.
- (d) Extraordinary treatment measures or processing imposed on the Town by the violation.
- (e) Any fine or penalty related to a violation of the Town's NPDES permit.
- (f) Costs or expenses incurred by the Town related to damage to the environment that is attributed to the violation.
- (g) Attorneys' fees.

(2) The Town may also require the User to furnish a bond or other security, with terms specified by the Town, to hold the Town harmless from any loss or expense that it may incur as a result of such noncompliance or any future non-compliance.

(3) Any order for costs or expenses issued in accordance with this section shall be paid no later than thirty (30) days after the date of service of such order, except as provided for in § 18-240(4).

(4) Any User against whom an order for costs or expenses is issued may challenge that order under the procedures set forth in §§ 18-245 and 18-246. If the decision by the Local Hearing Authority includes costs or expenses incurred by the Town, in any amount, such costs and expenses must be paid no later than fourteen (14) days after the decision by the Local Hearing Authority.

(5) An order under this section shall not be a bar against, or a prerequisite for, taking any other action against the User.

18-241. Civil penalties. (1) Any User who does any of the following acts or omissions shall be subject to a civil penalty of up to ten thousand dollars (\$10,000) per day for each day during which the act or omission continues or occurs:

(a) Violates any discharge prohibition, standard or limitation imposed by this Chapter.

(b) Violates the terms or conditions of the User's industrial discharge permit.

(c) Fails to submit applications, documentation or plans required under this Chapter.

(d) Fails to allow or perform an entry, inspection, monitoring, reporting or notification requirement of this Chapter.

(e) Fails to pay user or cost recovery charges imposed under this Chapter.

(f) Violates a final determination or order of the Local Hearing Authority or the Local Administrative Officer.

(2) In assessing a civil penalty, the Local Administrative Officer shall consider the following factors, without limitation:

(a) The User's compliance history..

(b) Whether the violation occurred after a schedule of compliance was issued.

(c) Damages to the Pretreatment agency, including compensation for the damage to the POTW, and also including any penalties, costs, and attorneys' fees incurred by the Pretreatment agency as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damages.

(d) The severity of the violation, both in terms of the potential environmental damage of the Pollutant, and its effect on the POTW.

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

(f) Cause of the discharge or violation.

(g) Effectiveness of the action taken by the User to cease the violation.

(h) The technical and economic reasonableness of reducing or eliminating the discharge.

(i) The economic benefit gained by the violator.

(3) Any civil penalty assessed in accordance with this section shall be paid no later than thirty (30) days after the date of service of the civil penalty, except as provided for in § 18-241(4).

(4) Any User against whom a civil penalty is assessed may challenge that assessment under the procedures set forth in §§ 18-245 and 18-246. If the decision by the Local Hearing Authority includes a civil penalty, in any amount, such civil penalty must be paid no later than fourteen (14) days after the decision by the Local Hearing Authority.

(5) The assessment of a civil penalty shall not be a bar against, or a prerequisite for, taking any other action against the User.

18-242. Termination of water or sewer service. Whenever a User fails to pay any applicable and duly prescribed charges, indemnities or penalties provided for under this Chapter, within the time limits prescribed for such payment, procedure for enforcement shall be as follows:

(1) The Town shall give notice to such User by certified mail stating the specifics of the non-payment and requiring that the Person make full payment within ten (10) calendar days after receipt of notice.

(2) The Town may thereupon, without further notice, cause the User's water service from the public water system to be discontinued or sever the User's connection to the Sewerage System.

(3) In any case where water service is discontinued or the sewer connection is severed by the Town for enforcement purposes, the restoration of such service shall be conditioned on full payment of all delinquent user charges and penalties and any expenses incurred in the enforcement proceedings and in the restoration of the service.

18-243. Users not connected who fail to comply. In any case that involves a Person who fails to comply with this Chapter but who is not connected to or is not a User of the POTW, the Town shall give notice to such Person by certified mail, stating the specifics of the failure of compliance and requiring that the Person promptly remedy the failure. At the same time, the Town shall report the facts of such case in writing to such other government agency as may have jurisdiction and power to take appropriate enforcement action.

18-244. Order to show cause. The Local Administrative Officer may order any alleged violator to show cause before the Local Administrative Officer why a proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the Local Administrative Officer regarding the alleged violation; the proposed enforcement action; the reasons for the proposed enforcement action; and directing the User to show cause before the Local Administrative Officer why the proposed enforcement action should not be taken. The notice of hearing shall also inform the User of his/her/its right to be represented by counsel at the hearing and shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

18-245. Petition for hearing. (1) Any industrial discharge permit issuance, reissuance, modification, or denial, any notice of violation pursuant to § 18-233, any termination discharge pursuant to § 18-238, any civil penalty assessed pursuant to § 18-241, and any order issued by the Local Administrative Officer pursuant to §§ 18-235, 18-236, and 18-240 shall become final and not subject to review unless the User subject to the action or order requests by written petition a hearing before the Local Hearing Authority, no later than thirty (30) days after the date such order is served. The Local Hearing Authority may review an action or order that becomes final in the absence of a petition for hearing on the same grounds upon which a court of the State may review default judgments.

(2) A petition for a hearing under this section shall be submitted to the Local Administrative Officer. The Local Administrative Officer shall give the petitioner thirty

(30) days' written notice of the time and place of the hearing, but in no case shall the hearing be held more than sixty (60) days from the receipt of the written petition, unless the Local Administrative Officer and the petitioner agree to a postponement. Any Person to whom an emergency order is directed pursuant to § 18-235 shall comply with the emergency order immediately, but on petition to the Local Hearing Authority shall be afforded a hearing as soon as possible, but in no case shall such hearing be held later than three (3) days from the receipt of such petition by the Local Hearing Authority.

(3) The petitioner shall have the opportunity to examine all relevant documents, records, and regulations of the Town prior to the hearing.

18-246. Hearing procedures. The hearing provided for in § 18-245 will be conducted by the Local Hearing Authority. The following procedures shall apply:

(1) A verbatim record of the proceedings shall be taken by a stenographer and filed with the Town, together with the findings of fact and conclusions of law made pursuant to subparagraph (6). The transcript so recorded shall be made available to the petitioner or any party to the hearing upon payment of a charge set by the Town to cover the costs of preparation.

(2) In connection with the hearing, the Local Administrative Officer shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the chancery court of Rutherford County shall have jurisdiction upon the application of the Local Hearing Authority or the Local Administrative Officer to issue an order requiring such Person to appear and testify or produce evidence as the case may require, and any failure to obey such order of the court may be punished by such court as contempt.

(3) Any member of the Local Hearing Authority may administer oaths and examine witnesses.

(4) The petitioner has the right to be represented by counsel, to cross-examine any and all witnesses against it, and to present any affirmative legal or equitable defenses.

(5) The hearing shall be conducted informally and evidence pertinent to the facts and issues raised may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. The Local Hearing Authority shall require all present to conduct themselves in an orderly fashion.

(6) Solely on the basis of the evidence produced at the hearing, the Local Hearing Authority shall make findings of fact and conclusions of law and enter such decisions and orders as, in its opinion, will best further the purposes of the pretreatment program and shall give written notice of such decisions and orders to the alleged violator. The order issued under this section shall be issued no later than thirty (30) days following the close of the hearing by the chair.

(7) The decision of the Local Hearing Authority shall be final and binding on all parties unless appealed to chancery court under the common law writ of certiorari as set out in Tenn. Code Ann. § 27-8-101 within sixty (60) days from the date such order or determination is made.

18-247. Judicial proceedings and relief. Notwithstanding any other provisions of this Chapter, the Town may initiate proceedings in the Chancery Court of

Rutherford County, Tennessee, under Tenn. Code Ann. § 69-3-127, to seek injunctive relief and any other relief available to the Town in law or equity against any Person who is alleged to have violated, or is about to violate, the provisions of this Chapter, to enforce this Chapter or to recover damages caused by the failure of any User to comply with this Chapter.

18-248. Cost recovery. The Town may from time to time adopt charges and fees as part of its budget process for the purpose of recovering costs from Users for the implementation of this Chapter and for the construction, operation, and maintenance of the POTW. Charges and fees may include, but are not limited to:

- (1) Service connection charges.
- (2) User charges.
- (3) Industrial User surcharges.
- (4) Fees for monitoring, inspections and surveillance procedures.
- (5) Fees for reviewing accidental discharge procedures and construction.
- (6) Fees for permit applications.
- (7) Fees for filing appeals.
- (8) Other fees as the Town Council may deem necessary to carry out the requirements contained herein.

18-249. Rate schedules. The Town will adopt and modify from time to time separate rate schedules to supplement this Chapter.

18-250. Amendment. The Town expressly reserves the absolute right to amend, modify, rescind, or supplement this Chapter at any time.

18-251. Certification statements. The following certification statement is required to be signed and submitted by Users submitting industrial discharge permit applications in accordance with § 18-209, baseline monitoring reports in accordance with § 18-222, reports on compliance with the Categorical Pretreatment Standard deadlines in accordance with § 18-223, and monthly compliance reports in accordance with § 18-224. The following certification statement must be signed by an authorized representative of the Industrial User as defined in § 18-203(4):

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.

18-252. Criminal Penalties. In accordance with Tenn. Code Ann. § 69-3-115(c), any person who willfully and knowingly falsifies any records, information, plans, specifications, or other data, or who willfully and knowingly causes the Town to violate

its NPDES permit or to otherwise fail to comply with applicable water quality standards, or who willfully fails, neglects or refuses to comply with any of the provisions of the Water Quality Control Act of 1977, as amended, commits a Class E felony and is subject to punishment by a fine of not more than twenty-five thousand dollars (\$25,000) or incarceration, or both.