

ORDINANCE 08-O-22 amending the Murfreesboro City Code, Chapter 33—Water and Sewers, Article III Sewer Usage and Specifications, Sections 33-1, 33-32, 33-33, 33-34, 33-35, 33-36, 33-37, 33-39, 33-40 and 33-42, dealing with sewers.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. Section 33-1 of the Murfreesboro City Code is hereby amended at subsection (I), Surcharge for excessive strength, and subsection (J), Additional Surcharge for extraordinary strength, by deleting both subsections in their entirety and substituting in lieu thereof at subsection (I) the following:

“(I) *Surcharges for excessive and extraordinary strength.* The MWSD shall from time to time recommend, and City Council shall by resolution adopt, a schedule of fees for excessive and extraordinary strength surcharges.”

SECTION 2. Section 33-32 of the Murfreesboro City Code is hereby amended by deleting it in its entirety and substituting in lieu thereof the following:

“SECTION 33-32 DEFINITIONS AND ABBREVIATIONS.

(A) For the purposes of this article, the following phrases, words and abbreviations shall have the meaning assigned below unless it is apparent from the context that a different meaning is intended:

- (1) Act shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et seq.
- (2) Ammonia nitrogen (AN) shall mean the quantity of nitrogen determined as ammonia form as measured by specific ion or colorimetric methods, expressed as mg/L.
- (3) Approval authority shall mean the Tennessee Department of Environment and Conservation, Division of Water Pollution Control or its successor.
- (4) Authorized representative of Industrial User
 - (a) If the User is a corporation:
 - [1] The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - [2] The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Industrial User discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (b) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - (c) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (d) The individuals described in paragraphs (a) through (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 City.

- (5) Board shall mean the Water & Sewer Board of the City of Murfreesboro, Tennessee.
- (6) Biochemical oxygen demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees (20°) centigrade, expressed in mg/L.
- (7) BMP – Best Management Practice Best Management Practice(s) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 33-36 (A) [40 CFR 403.5(a)(1) and (b)].BMPs include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, or waste disposal, or drainage from raw materials storage. BMPs may also include alternative means of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.
- (8) BMR – Baseline Monitoring Report shall mean the normal and expected levels of Constituents.
- (9) Building drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside of the inner surface of the building wall.
- (10) Building sewer shall mean the extension from the building drain to the point of connection with the public sewer or other place of disposal.
- (11) Categorical User (CIU) shall mean any person, whether individual, firm, company, association, society, corporation or group whose discharge limits are established by the EPA through specific industrial subcategories.
- (12) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (13) CFR shall mean Code of Federal Regulations.
- (14) Categorical Pretreatment Standard or Categorical Standard shall mean 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 (generally Industrial Users) and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (15) Chronic Violations of Wastewater Discharge Limits shall mean that sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed by any magnitude a numeric Pretreatment Standard or Requirement, including Instantaneous Limits .
- (16) City shall mean City of Murfreesboro, Tennessee, a municipal corporation.
- (17) COD shall mean chemical oxygen demand expressed in mg/L.
- (18) Constituents shall mean all contents and parameters of the waste stream discharged to the sanitary sewer other than sanitary waste.
- (19) Control Authority shall mean the Director of the Murfreesboro Water & Sewer Department.
- (20) Conventional Pollutant shall mean such pollutants as may be found in normal domestic sewage which are amenable to treatment without additional special processes at the POTW.
- (21) Daily Discharge shall mean that discharge to the sanitary sewer which occurs within a 24 hour period.
- (22) Daily Maximum Limit shall mean 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.

- (23) Department shall mean the Murfreesboro Water & Sewer Department.
- (24) Direct discharge shall mean the discharge of treated or untreated wastewater directly to any surface watercourse or underground aquifer.
- (25) Director shall mean the Director of the Murfreesboro Water & Sewer Department or authorized deputy, agent or representative of the Director.
- (26) Edible Oils shall mean liquid biodegradable fats and oils of a vegetable or animal origin that can be conveyed to the POTW without solidifying at ambient temperatures or causing blockage, flow restriction or other problems in the sewage system or POTW, and which are treatable at the POTW by the normal processes used to treat domestic sewage.
- (27) Environmental Protection Agency (EPA) shall mean the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
- (28) Existing Source shall mean any source of discharge that is not a "New Source."
- (29) Fats, Oils, or Greases (FOG) shall mean those substances of animal or vegetable origin, derived from food preparation, that may interfere with the operation of the collection system or POTW, or become a removal problem at the POTW
- (30) gpm shall mean gallons per minute.
- (31) Garbage shall mean solid waste from the preparation, cooking and dispensing of food, and from handling, storage and sale of produce.
- (32) Grab sample shall mean a sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- (33) Holding Tank Waste shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.
- (34) Indirect Discharge shall mean the discharge to the sanitary sewers of nondomestic wastes from any source regulated under section 307(b) or (c) of the Act.
- (35) Industrial User or User shall mean a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act (33 USC 1342).
- (36) Industrial User Classifications shall be established for industries discharging to the sanitary sewer as follows:
 - (a) Class A - Generators of excessive concentrations or quantities of conventional and/or non-conventional wastes which are amenable to treatment, but which require continuous monitoring for BOD, suspended solids, pH and/or ammonia.
 - (b) Class B - Generators of conventional and/or non-conventional wastes which are stronger than domestic wastes, and which are amenable to treatment, which require weekly monitoring for BOD, suspended solids, pH and/or ammonia.
 - (c) Class C - Generators of quantities of wastes which singly are potentially toxic or inhibitory to the POTW processes and/or receiving stream, which require continuous monitoring for materials such as metals, cyanide, phenols, pH, oil and grease, etc.
 - (d) Class D - Generators of wastes which are potentially toxic or inhibitory to the POTW processes and/or receiving stream, which require weekly monitoring for materials such as metals, cyanide, phenols, pH, oil and grease, etc.
- (37) Industrial User Discharge Permit (IUDP) shall mean an individual permit issued to a person or entity that will allow that person or entity to discharge wastewater to the sanitary sewer in accordance with the terms of the permit. Such permit shall be issued for a period not to exceed a period of five years, but may be renewed.
- (38) Industrial Wastes shall mean the liquid waste from industrial or other technical processes.

- (39) Instantaneous Limit shall mean 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.
- (40) Interference shall mean 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.
- (41) Local Limit shall mean the specific discharge limit developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- (42) Maximum Monthly Limit shall be that value specified in the Industrial User discharge permit as the maximum concentration and/or mass quantity of pollutants which may be discharged into the sanitary sewer. Generally these values are established by the plant protection criteria listed in Section 33-36 (F) or the federal Categorical Limit, whichever is lower.
- (43) mg/L shall mean concentration of a pollutant in milligrams per liter of volume.
- (44) Monthly Average shall mean the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
- (45) Medical Waste shall mean isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (46) MWSD shall mean the Murfreesboro Water & Sewer Department.
- (47) National Pollution Discharge Elimination System permit (NPDES) permit shall mean the permit issued to a POTW pursuant to Section 402 of the Act (33 USC 1342).
- (48) National Pretreatment Standard or Pretreatment Standard shall mean any regulation containing pollution discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act (33 USC 1347) which applies to Industrial Users.
- (49) Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake, sinkhole or other body of surface or ground water.
- (50) New Source shall mean:
- (a) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
 - [1] The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - [2] The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
 - [3] The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, may 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 paragraph (a) [1], [2], or [3] immediately 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:

- [1] Begun, or caused to begin, as part of a continuous onsite construction program
- [aa] any placement, assembly, or installation of facilities or equipment; or
- [bb] 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
- [2] Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- (51) Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- (52) Non-conventional Pollutant shall mean any pollutant that is neither a toxic pollutant nor a conventional pollutant (e.g. ammonia nitrogen, manganese, iron, etc.).
- (53) Pass Through shall mean a discharge which enters and exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Murfreesboro NPDES permit, including an increase in the magnitude or duration of a violation.
- (54) pH shall mean the reciprocal logarithm of the hydrogen ion concentration, used as a measure of the acidity or alkalinity of a solution, expressed in standard units.
- (55) Person shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- (56) Pollutant shall mean substances, including but not limited to dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater such as, but not limited to, pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor.
- (57) POTW – Publicly Owned Treatment Works. shall mean a treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to the Wastewater Treatment Plants. The City, a municipality, as defined in Section 502(4) of the Act (33 USC 1362) has jurisdiction over the direct and indirect discharges to and the discharges from such treatment works.
- (58) Premises shall mean a parcel of real estate or portion thereof including any improvements thereon which is determined by the Director to be a single User for purposes of receiving, using and paying for services.
- (59) Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the municipal sewer or POTW. This reduction or alteration may be obtained by physical, chemical, or biological processes; by process changes; or by other means except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard, or by other means except as prohibited by 40 CFR 403.6(d).

- (60) Pretreatment requirements shall mean any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an Industrial User.
- (61) Pretreatment Standards or Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits
- (62) Prohibited Discharge Standards or Prohibited Discharges shall mean absolute prohibitions against the discharge of certain substances such as appear in Section 33-36 (A) of this ordinance or other discharges as may be established by local, state or federal action.
- (63) Publicly Owned Treatment Works or POTW shall mean a treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to the Wastewater Treatment Plants. The City of Murfreesboro, a municipality, as defined in Section 502(4) of the Act (33 USC 1362) has jurisdiction over the direct and indirect discharges to and the discharges from such treatment works.
- (64) Public sewer shall mean a sewer controlled by the City to which owners of the abutting properties may have access. In general, the public sewer shall include the main sewer in the street and the service branch to the curb or property line, or a main sewer upon private property and any sewers which are connected with the sewage system of the City.
- (65) RCRA – Resource Conservation and Recovery Act
- (66) Sanitary Sewer shall mean the collection and conveyance system which carries sewage to the treatment plant. Intentional discharge of storm water or ground water to the sanitary sewer is prohibited.
- (67) Septic Tank Waste shall mean any solely domestic sewage from holding tanks such as portable toilets, campers, trailers, and septic tanks.
- (68) Sewage or wastewater shall mean a combination of the water-carried human bodily discharges and gray water from residences, business buildings, institutions and industrial establishments together with such ground, surface and storm water as may be present in a sanitary sewer.
- (69) Sewage treatment plant and Sewage works shall mean the POTW.
- (70) Sewer shall mean a pipe or conduit for carrying sewage.
- (71) Shall is mandatory; "may" is permissive.
- (72) Significant Industrial User (SIU) shall mean any Industrial User subject to categorical standards, or any other Industrial User discharging twenty-five thousand gallons or more of process wastewater per day into the sanitary sewer, makes up five percent (5%) of the average dry weather hydraulic or organic capacity of the POTW, or any Industrial User which has the potential to adversely affect the operation of the POTW or the quality of the POTW effluent.
- (73) Significant Noncompliance (SNC) shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (c), (d) or (h) of this Section) and shall mean:
- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 33-36 (F);
 - (b) 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 Standards or Requirement including Instantaneous Limits, as defined by Section 33-36 (F) multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
 - (c) Any other violation of a Pretreatment Standard or Requirement as defined by Section 33-36 (F) (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Director determines

- has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- (d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of emergency authority to halt or prevent such a discharge;
 - (e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
 - (f) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - (g) Failure to accurately report noncompliance; or
 - (h) Any other violation(s), which may include a violation of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the local pretreatment program.
- (74) Slug Loading or Slug Discharge shall mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.
- (75) Standard Industrial Classification or SIC shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (76) Storm Water shall mean any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt. The discharge of storm water into the sanitary sewer is prohibited.
- (77) Storm Sewer or Storm Drain shall mean a sewer which carries storm and surface water and drainage, but excludes sewage and polluted industrial waste.
- (78) Technical Review Criteria (TRC) Violations are those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).
- (79) Total Suspended Solids (TSS) shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids; and which are removable by laboratory filtering.
- (80) Toxic pollutant shall mean any pollutant or combination of pollutants listed as toxic under section 307(a)(1) of the Clean Water Act (CWA), or in the case of biosolids use or disposal practices, any pollutant identified in regulations implementing section 405(d) of the CWA.
- (81) USC shall mean United States Code.
- (82) Unpolluted water shall mean water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the State of Tennessee, or EPA, for disposal to storm or natural drainage, or directly to surface waters.
- (83) Upset, POTW shall mean any disruption of any biological, chemical or physical process at the POTW such that normal treatment efficiency is impaired.
- (84) Upset, Industrial User means an Industrial User exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An Upset does not include noncompliance to the extent caused

by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

- (85) User shall mean any person, firm, corporation or governmental entity that discharges, causes or permits the discharge of wastewater into a public sewer.
- (86) Waste shall mean any sewage and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to or for the purposes of disposal.
- (87) Wastewater shall mean any water-carried wastes or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, or institutions, whether treated or untreated, which are contributed to the POTW.
- (88) Wastewater Constituents or Characteristics shall mean the individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate, and such other parameters as may serve to define, classify or measure the content, quality, quantity and strength of wastewater.
- (89) Wastewater Treatment Plant or Treatment Plant shall mean that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
- (90) Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently."

SECTION 3. Section 33-33 of the Murfreesboro City Code is hereby amended at subsection (D) by adding the following after the last sentence:

"Independent of and in addition to any fines and penalties, the Director may, after giving thirty days notice of intent to do so, discontinue the public water supply service to any premises if there has not been compliance with this subsection requiring connection to an accessible sewer."

SECTION 4. Section 33-33 of the Murfreesboro City Code is hereby amended at subsection (E) by adding the following after the last sentence:

"Independent of and in addition to any fines and penalties, the Director may discontinue the public water supply service to any premises if there has not been compliance with this subsection requiring proper maintenance of the building sewer (service line connection) located on the premises thirty days after notice to comply."

SECTION 5. Section 33-34 of the Murfreesboro City Code is hereby amended by adding the following language as subsections (H) and (I):

- "(H) Independent of and in addition to any fines and penalties, the Director may discontinue the public water supply service to any premises if there has not been compliance with Section 33-33(D) requiring connection to an accessible sewer.
- (I) Independent of and in addition to any fines and penalties, the Director may discontinue the public water supply service to any premises if there has not been compliance with Section 33-33(E) requiring proper maintenance of the building sewer (service line connection) located on the premises thirty days after notice to comply."

SECTION 6. Section 33-35 of the Murfreesboro City Code is hereby amended at subsection (A) by inserting the words, "paying the appropriate connection fees and" after the word, "first" and deleting the word, "Director" and substituting in lieu thereof the words, "City Building and Codes Department."

SECTION 7. Section 33-35 of the Murfreesboro City Code is hereby amended at subsection (E) by deleting the word, "article" and substituting in lieu thereof the word, "chapter".

SECTION 8. Section 33-35 of the Murfreesboro City Code is hereby amended at subsection (F) by adding the words, "the edition of the" before the words, "International Plumbing Code" and by adding the words, "for One or Two Family Dwellings then adopted by the City" after the words, "International Residential Code".

SECTION 9. Section 33-35 of the Murfreesboro City Code is hereby amended at subsection (K) by adding the words, "for One or Two Family Dwellings" after the words, "International Residential Code".

SECTION 10. Section 33-35 of the Murfreesboro City Code is hereby amended by deleting subsection (B) in its entirety and relabeling (C) through (N) as (B) through (M) respectively.

SECTION 11. Section 33-36 of the Murfreesboro City Code is hereby amended by deleting it in its entirety and substituting in lieu thereof the following:

"SECTION 33-36 USE OF THE PUBLIC SEWERS:

(A) Prohibited discharges.

- (1) General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
- (2) Discharge of wastes having any of the following characteristics to the public sanitary sewer is specifically prohibited:
 - (a) Any liquid or vapor having a temperature higher than one hundred fifty degrees (150°) Fahrenheit or in any combination of temperature and volume sufficient to raise the temperature of the wastewater plant influent to one hundred degrees (100°) Fahrenheit (thirty-eight degrees (38°) centigrade) or which will inhibit biological activity in the treatment plant resulting in Interference.
 - (b) Any water or waste which may contain more than one hundred mg/L by weight of petroleum, mineral, silicon, nonbiodegradeable cutting oil, or other oil, wax or grease, whether emulsified or not, or containing any substances which may solidify or become viscous at temperatures between thirty-two degrees (32°) Fahrenheit and one hundred fifty degrees (150°) Fahrenheit at the point of discharge into the sewage system, or in concentrations which may cause interference or Pass Through.
 - (c) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 300 mg/L or in any such quantities that they interfere with the operation of the collection system or POTW, or become a removal problem at the POTW.
 - (d) Pollutants which may create a fire or explosive hazard in the collection system or POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21.
 - (e) Any garbage that has not been properly shredded. The use of garbage disposals by restaurants, institutional and/or commercial kitchens or food wholesalers or retailers is specifically prohibited.
 - (f) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, hair, feathers, tar, plastics, wood, paunch manure, or any solid or viscous substance capable of causing obstruction to the flow in sewers which may result in any Interference, or cause other interferences with the proper operation of the lift stations or treatment plant, or the disposal of effluent or solids produced during treatment.

- (g) Any water or waste having a pH lower than 5.5 or higher than 10.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, personnel or the sewage works.
 - (h) Any water and waste containing a toxic or poisonous substance in amounts exceeding standards established by the Environmental Protection Agency pursuant to Section 307(a) (b) or (c) of the Act or contained in 40 CFR 403.5.02.
 - (i) Any water or waste which singularly or in combination with other substances in the sewage may result in the presence of toxic gases, vapors or fumes within the collection system or POTW in a quantity that may cause workers health and safety problems.
 - (j) Any trucked or hauled pollutants except at discharge points given by written approval is granted by the Director.
 - (k) Any radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use or which may be hazardous to plant facilities or personnel or which interfere with the reuse or disposal of effluent or solids produced by the treatment processes.
 - (l) Any discharge which imparts color which cannot be removed by the normal and customary treatment processes of the POTW, such as, but not limited to, dye and ink wastes, vegetable tanning solutions, etc., which consequently imparts color to the POTW effluent.
 - (m) Any pollutant including pollutants from any single User in excess of seventeen hundred (1700) pounds per day of BOD, or seventeen hundred (1700) pounds of suspended solids per day, or three hundred (300) pounds of edible oils per day, or one hundred thirty-five (135) pounds of ammonia nitrogen per day, or any amount released at a flow rate and /or pollutant concentrations which either singly or by interaction with other pollutants will cause Interference or Pass Through violation at the POTW.
 - (n) Any material which creates a hazard to the workers in the sanitary sewer system or treatment plant, including, but not limited to, medical and other sharps, infectious agents, toxins, or explosive agents.
 - (o) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process water to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Director. Industrial cooling water or unpolluted process water may be discharged to a storm sewer upon approval of the Director or, when available, to a natural outlet subject to the NPDES permit conditions.
 - (p) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 300 mg/L or in any such quantities that they interfere with the operation of the collection system or POTW, or become a removal problem at the POTW
 - (q) Intermittent slugs, or short time – high volume discharges, at such discharge rates or concentrations as to overload either the public sewers or the treatment facilities. The Industrial User shall notify the POTW immediately of any slug loading, as defined in Code §33-32(B)(37). When grab samples indicate that slug loading has occurred, the Industrial User shall be liable for excessive strength surcharges or penalties as described in Code §§33-1 and 33-40.
 - (r) The discharge of waste that would be otherwise considered hazardous waste or require the hazardous waste discharge notifications required in Tennessee rule 1200-4-14-.12(16).
- (B) Regulated Discharges:
- (1) Waste having any of the following characteristics may be accepted only under such conditions and/or limitations as may be established by the Director.
 - (a) Any water or waste containing ammonia nitrogen, BOD, edible oils, suspended solids or any other constituents of such character or quantity that unusual attention or expense is required to handle or treat such constituents at the POTW.

- (b) Any waters or wastes having noxious or malodorous substances which either alone or in combination with other substances which may be present in the wastewater may cause an offensive odor or public nuisance.
- (c) Hauled septage may be discharged only at the POTW receiving station subject to the fees and conditions set forth in this article, and in conformance with the rules and policies of the Water and Sewer Department.
 - [1] Types of Hauled Septage Accepted:
 - [aa] Residential Septic tank pumpage.
 - [bb] Sanitary wastes from holding tanks.
 - [cc] Special wastes with prior approval.
 - [2] Septage Hauler Permit Required:
 - [aa] All haulers are required to possess a valid Discharge Permit prior to being allowed to discharge. Failure to adhere to the terms of the permit may result in penalties and/or suspension or revocation of the permit.
 - [bb] Permits and renewals may be issued upon submission of completed application, required fees and satisfactory evidence of vehicle insurance.
 - [cc] Permit renewals will not be issued to haulers who fail to comply with the terms and conditions set forth in the permit, City ordinance or state and federal statutes.
 - [dd] The Permit holder shall immediately notify the City in writing of any changes in the business name, ownership, address, telephone number or registered vehicle. Changes to vehicles include addition, replacement, deletion or modification of the capacity of the registered vehicles.
 - [ee] A copy of the Hauled Septage Permit shall be carried in each registered vehicle.
 - [3] Vehicle Registration Required:
 - [aa] Every vehicle used by the hauler to haul liquid wastes must be registered with the City. Registration shall include the make, model, tank capacity and license number of the vehicle.
 - [bb] Each registered vehicle shall be issued a special discharge permit sticker which must be attached to the upper left corner of the windshield.
 - [cc] Vehicles used to haul or store hazardous materials, petroleum products or petroleum derivative wastes, corrosives or toxic wastes are specifically prohibited.
 - [4] Hauled Septage Prohibited Materials:
 - [aa] In the case of multiple pump outs in a single load, any part of the load which is prohibited shall render the entire load unacceptable.
 - [bb] Any wastes containing flammable, explosive, corrosive, or toxic material(s).
 - [cc] Any wastes containing material(s) which may be inhibitory to the processes at the wastewater treatment plant, or which may result in a Pass Through violation in the plant effluent.
 - [dd] Grease trap wastes, or other wastes containing floatables or materials which may exceed the capacity of the treatment plant.
 - [ee] Any solids or other materials which may solidify and cause blockage or handling problems in the system.
 - [ff] Wastes from portable toilets that contain formaldehyde or formalin based deodorizers.
 - [gg] Groundwater from remedial or reclamation sites.
 - [hh] Wastes from outside Rutherford County.
 - [ii] The City reserves the unconditional right to accept or reject any hauled materials as it deems necessary to protect its employees, facilities, treatment processes or effluent quality.
 - [5] Manifests Required for All Hauled Septage:
 - [aa] Haulers must complete and submit a manifest for each load discharged, identifying the exact source(s) of the hauled material, including name, complete address, telephone number, waste characteristics, and approximate gallons for each site pumped, as well

as the permit number of the hauler, vehicle license number and signature of the driver.

[bb] Any haulage that does not originate from a single-family dwelling must include the generator's signature.

[cc] Manifests shall conform to the sample provided by the Department, are due on the day of discharge to the sanitary system, and should be deposited in the receptacle provided at the receiving station.

[6] Hauled Septage Fees:

[aa] Fees shall be established and approved by City Council for activities related to septage hauling, including permit application and renewal, vehicle registration, and discharge to the POTW.

[bb] Laboratory analysis fees shall be assessed in accordance with Code §33-42 when evidence indicates that the permit holder has discharged prohibited materials.

(d) Any waters or wastes which may violate pretreatment standards as adopted by EPA or any modification thereof which may be permitted by approval authorities.

(e) Any waters or wastes having toxic, poisonous or incompatible pollutants in such quantities as to constitute a hazard to humans or animals, be deleterious to pipelines or structures, interfere with treatment processes or cause the treatment plant to violate its NPDES permit or applicable receiving water standards.

(C) National Categorical Pretreatment Standards - Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

(1) Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with section 33-36(C)(4).

(2) When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

(3) When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Director may impose an alternate limit in accordance with 40 CFR 403.6(e).

(4) When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Director. The City may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 33-36(C)(4)(a)[1] through 33-36(C)(4)(a)[5] below.

(a) To be eligible for equivalent mass limits, the Industrial User must:

[1] Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;

[2] Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;

[3] Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

[4] Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and

[5] Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

- (b) An Industrial User subject to equivalent mass limits must:
 - [1] Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - [2] Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - [3] Continue to record the facility's production rates and notify the Director whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 2.2F(1)(c) of this Section. Upon notification of a revised production rate, the Director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 - [4] Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 2.2E(1)(a) of this Section so long as it discharges under an equivalent mass limit.
- (c) When developing equivalent mass limits, the Director
 - [1] Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
 - [2] Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - [3] May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 2.6. The Industrial User must also be in compliance with Section 13.3 regarding the prohibition of bypass.
- (5) The Director may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Director. When converting such limits to concentration limits, the Director will use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by paragraph 2.6 of this ordinance (see 40 CFR 403.6(d)). In addition, the Director will document how the equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available. (see 40 CFR 403.6(c)(7))
- (6) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in lieu of the promulgated categorical Standards from which the equivalent limitations were derived. (See 40 CFR 403.6(c)(7)).
- (7) Where categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
- (D) State Pretreatment Standards. Users must comply with Tennessee Department of Environment and Conservation Pretreatment Standards Rules Chapter 1200-04-14.
- (E) Industrial User Production Levels. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Director within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate. (See 40 CFR 403.6(c)(9)).

(F) Local Limits.

- (1) The Director is authorized to establish instantaneous, Daily Maximum or Monthly Average Local Limits pursuant to 40 CFR 403.5(c).

The ability of the wastewater treatment facility to function effectively and meet effluent limitations is contingent upon the incoming wastewater flow being within the Plant Protection Criteria parameters.

Additional substances may be added to the Plant Protection Criteria whenever there is a reason to suspect the presence of such substances in quantities such as to interfere with the proper functioning of the treatment facility or its ability to meet effluent standards or when the effluent limits for discharge of wastewater plant effluent are changed.

Policies for the control of regulated discharges in order to achieve and maintain plant protection criteria shall be proposed by the Director and recommended by the Board to the City Council, which shall adopt them by resolution. Such policies shall include provision for any regulated discharger to request and receive a hearing before the Board in regard to establishment of discharge conditions or violations thereof.

The Director may impose mass limitations in addition to the concentration-based limitations of the adopted Plant Protection Criteria.

- (2) Grease, oil and sand interceptors and grease bins shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. Each interceptor shall be of a type and capacity specifically approved by the Director and shall be located in a site specifically approved by the Director.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers, which, when bolted in place shall be gas tight and watertight.

Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at the owner's expense, in continuously efficient operation at all times.

Whenever blockages occur downstream from the owner, the Director may require the owner to submit regular reports of pumping grease, oil and sand interceptors, or other actions taken by the owner to alleviate reoccurrence.

- (3) Accidental Discharge/Slug Discharge Control Plans. The Director shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges, and may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Director may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:
- (a) Description of discharge practices, including non-routine batch discharges;
 - (b) Description of stored chemicals, including quantities and chemical properties;
 - (c) Procedures for immediately notifying the Director of any accidental or Slug Discharge, which include the permanent posting on the User's bulletin board or other prominent place advising employees to call the POTW in the event of such discharge and listing the current telephone number for the POTW. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
 - (d) Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

All production facilities, including chemical storage areas, shall be open to inspection by the Director as required.

- (e) Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.
- (4) Right of Revision. The City reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this chapter.
- (5) Dilution. No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Director may impose mass limitations on Users who are using or suspected of using dilution to meet applicable Pretreatment Standards or Requirements or in other cases when the imposition of mass limitations is appropriate.
- (G) Discharge Permit Required.
 - (1) Each Industrial User proposing to discharge to the sanitary sewer wastes of any description, exclusive of sanitary wastes, shall file with the Director an application for the discharge of such wastes at least ninety days prior to the commencement of discharge.
 - (2) An Industrial User Discharge Permit shall be:
 - (a) Issued for a specified time period, not to exceed five (5) years from the effective date of the permit, or may be issued for a period less than five (5) years, at the discretion of the Director. Each IUDP will indicate a specific date upon which it will expire.
 - (b) Such permit is nontransferable unless it meets the requirements set forth in section 33-36(G)(10).
 - (c) The permit shall specify effluent limits, concentration, and/or mass loading limits, including Best Management Practices based on applicable general pretreatment standards in TN Rule 1200-4-14-08(6)(a)3.(iii).
 - (d) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, 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 Director to be necessary.
 - (g) Individual Wastewater Discharge Permit Application Contents
 - [1] All Users required to obtain an individual wastewater discharge permit must submit a permit application. The Director may require Users to submit all or some of the following information as part of a permit application:
 - [aa] Identifying Information:
 - (i) The name and address of the facility, including the name of the operator and owner.
 - (ii) Contact information, description of activities, facilities, and plant production processes on the premises;
 - [bb] Environmental Permits. A list of any environmental control permits held by or for the facility.
 - [cc] Description of Operations.
 - (i) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - (ii) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

- (iii) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- (iv) Type and amount of raw materials processed (average and maximum per day);
- (v) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- [dd] Time and duration of discharges;
- [ee] The location for monitoring all wastes covered by the permit;
- [ff] Flow Measurement. 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 set out in Tennessee Rule 1200-4-14-.06(5).
- [gg] Measurement of Pollutants.
 - (i) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - (ii) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Director, of regulated pollutants in the discharge from each regulated process.
 - (iii) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - (iv) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in 33-36 (G)(18) and 33-36(G)(19) of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Director or the applicable Standards to determine compliance with the Standard.
 - (v) Sampling must be performed in accordance with procedures set out in Section (G) (18) of this ordinance.
- (hh) Any other information as may be deemed necessary by the Director to evaluate the permit application.
 - (ii) Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.
- (3) An IUDP does not relieve the permittee of any responsibility for compliance with all Federal, State or Local pretreatment standards, including those which become effective during the term of the permit.
- (4) The expiration date of a permit shall be not construed as permission to exceed the limits set by the permit after the permit has expired.
- (5) It shall be the responsibility of existing Industrial Users to file new or updated data with the Director whenever:
 - (a) The current permit period expires;
 - (b) Prior to a substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous waste for which the Industrial User has submitted initial notification under TN Rule 1200-4-14-.12(10).
 - (c) Prior to any change of ownership or location.
- (6) Applications shall be filed on forms provided by the Director and shall include data on the raw materials used, finished products, process descriptions, chemicals used and stored, sources of process wastes proposed for discharge to the sanitary sewer, approximate number of employees, anticipated water consumption and proposed pretreatment. A baseline monitoring report shall accompany the permit if an Industrial User is classified as a new source or is subject to a new categorical regulation, and shall describe the average flows and concentrations of constituents, the pretreatment system and its operation, solvent management plans, and details for the disposal of solid and hazardous wastes. The application shall further describe the discharge rates and hours of operation. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes, as well as site plans, floor plans, mechanical and plumbing plans, and details to show all

sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge; a list of any environmental control permits held by or for the facility shall be appended to the application.

- (7) Confidential Information. Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the Director's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Director that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.
- (8) Permit applications, industry-generated reports and written acknowledgement of directions to the industry by the City shall be signed by a corporate officer or duly authorized representative provided the authorization is made in writing to the Director. If the authorization is no longer accurate because a different individual or position has responsibility for overall operation of the facility, a new authorization must be submitted to the Director within thirty days.
- (9) A fee shall be assessed for processing all Industrial User permit applications. The fee shall be set by the City Council upon recommendation of the Board and shall be subject to periodic review and adjustment.
- (10) Transfer of Industrial User Discharge Permit. An IUDP may be transferred to a new owner or operator only if the permittee submits a written request to the Director at least ninety days in advance of the change in ownership or operator, and the Director approves the transfer of the permit. The notice to the Director must include a written certification by the new owner or operator which:
 - (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
 - (b) Identifies the specific date on which the transfer is to occur; and
 - (c) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.
 - (d) Provision of a copy of the existing permit to the new owner and/or operator. Failure to provide advance request for a transfer renders the existing IUDP void as of the date of facility transfer.
- (11) The Director may require updated information or additional data from any Industrial User at any time and failure to respond in a timely manner shall constitute a violation of the discharge permit conditions.
- (12) The Director shall provide written acknowledgement of the application and will either approve or reject the request to discharge or, when necessary request more data. If the application is approved, the City will issue a discharge permit setting forth the conditions under which the wastes may be discharged to the sewers. The permit shall set specific limits for toxic and other pollutants. For categorical industries, these limits shall be those specified by federal and state regulations, except where more stringent limits are required to protect the POTW processes or effluent. Flow, conventional, and nonconventional pollutants may be limited for significant non-categorical Users.
- (13) The permit may be revoked at any time for good and sufficient cause as described in Code §§33-37 and 33-40.
- (14) Compliance by existing sources with categorical Pretreatment Standards shall be within 3 years of the date the Standard is effective unless shorter compliance time is specified in the appropriate subpart of 40 CFR chapter 1, subchapter N. Existing Sources which become Industrial Users subsequent to promulgation of an applicable categorical Pretreatment Standard shall be considered existing

Industrial Users except where such sources meet the definition of a New Source. New Sources shall install and have in operating condition, and shall "start up", all pollution control equipment required to meet all applicable Pretreatment Standards before beginning to discharge. Within the shortest feasible time (not exceeding 90 days), New Sources must meet all applicable Pretreatment Standards.

- (15) Where pretreatment is required, such equipment shall be operated continuously during periods of discharge.
- (16) Any industry discharging industrial process wastes of any description shall install a suitable monitoring manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Director. The manhole shall be installed by the owner at the owner's expense and shall be maintained by the owner so as to be safe and accessible at all times.
- (17) Any industry discharging industrial process wastes of any description shall be charged a surveillance fee as recommended by the Board and approved by the City Council to compensate the City for the added cost of collecting and analyzing waste samples on a periodic basis to insure compliance with the terms of this article. Results of such analyses will be furnished to the industry. The surveillance fee shall be levied in addition to all other applicable charges, Users fee and/or taxes, and shall be subject to adjustment on an annual basis.
- (18) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. Sampling and analysis of industrial discharges shall be conducted as deemed necessary by the Director. No person shall interfere with the collection of a representative sample during any condition of flow by intentionally diluting for the purpose of altering the sample or discharge flow, intentionally altering the sample or discharge flow to produce inaccurate test values, diverting flows around sampling points, disconnecting or disrupting the operation of samplers, discharging in such a manner as to avoid sampling, or taking any other action to defeat sampling. [Note: The Control Authority is required to indicate the frequency of monitoring necessary to assess and assure compliance by the User with applicable Pretreatment Standards and Requirements.]
 - (a) Except as indicated in Section (b) and (c) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Director. Where time-proportional composite sampling or grab sampling is authorized by the Department, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Department, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits
 - (b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
 - (c) For sampling required in support of baseline monitoring and 90-day compliance reports required [Tennessee Rule 1200-4-14-.12(2) and (4)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by Tennessee Rule 1200-4-14-.12(5) and (8), the Industrial User is required to collect the number of grab samples necessary to

assess and assure compliance by with applicable Pretreatment Standards and Requirements.

- (19) Analytical Requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director or other parties approved by EPA.
- (a) If an Industrial User subject to the reporting requirement in TN Rule 1200-4-14-.12(5) or (8) monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Director, using the procedures in paragraph (19), the results of this monitoring shall be included in this report.
- (b) The reports required by TN rule 1200-4-14-.12(2)(4)(5) and (8) must be based upon data obtained through appropriate sampling and analysis performs during the period covered by the report, which data are representative of conditions occurring during the reporting period. The Director shall require that frequency of monitoring necessary to access and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Director. Where time-proportional composite sampling or grab sampling is authorized by the Director, the samples must be a representative of the discharge, and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Director, as appropriate.
- (20) Automatic samplers may be required:
- (a) Where the nature of the manufacturing operation or process wastes provides a reasonable possibility for an accidental or intentional discharge in violation of this chapter.
- (b) Where the installation of such monitoring unit is a condition for acceptance of the wastes in the public sewer.
- (c) Where accidental or intentional interference with the collection of a representative sample is detected on more than one occasion during a twelve month period.
- Where automatic sampling and/or monitoring units are utilized, the Industrial User shall provide all necessary site modifications, provide the necessary electricity, and shall pay an additional monthly rental on the unit(s). The rental charge shall be based on the cost of purchasing and maintaining the unit(s). The monthly rental charge shall be established by action of the Board and approval by the City Council and shall be subject to periodic review.
- (21) The results of any sampling and analysis of industrial discharge to the sanitary sewer conducted by or on behalf of an industry shall be forwarded to the Department. If sampling performed by a User indicates a violation, the User must notify the Director within twenty-four (24) hours of becoming aware of the violation. The User may repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware

of the violation. Resampling by the Industrial User is not required if the City has performed the sampling at the User between the time when the initial sampling was conducted and the time when the User or the Department receives the results of this sampling, or if the Department has performed the sampling and analysis in lieu of the Industrial User.

(22) Waste concentration in excess of those prescribed by the Industrial User discharge permit:

- (a) Wastes having an average five-day BOD in excess of two hundred fifty mg/L, edible oils in excess of one hundred mg/L, suspended solids in excess of three hundred mg/L or ammonia in excess of fifteen mg/L may be accepted into the sanitary sewer subject to a surcharge in accordance with Code §33-1 to cover the additional cost of treating such wastes. The surcharge will be based on the equally weighted average of all samples collected within the billing cycle and the metered water consumption (less any metered water excluded from the sewage system, if applicable, in accordance with Code §33-51) or the metered sewage discharge. The surcharge shall be subject to review and adjustment on an annual basis to reflect changes in operating costs.
- (b) Wastes having an ammonia concentration in excess of one hundred fifty mg/L, BOD in excess of fifteen hundred mg/L, edible oils in excess of three hundred mg/L, or suspended solids in excess of fifteen hundred mg/L may be accepted into the sanitary sewer subject to a surcharge at twice the normal surcharge rate provided that these conventional and/or nonconventional pollutants do not result in upset, Pass Through or interference with the POTW processes. The surcharge calculation shall utilize one-fourth ($\frac{1}{4}$) of the volume recorded for the thirty-day billing period for each week or fraction thereof that the extraordinary concentration(s) occur. The maximum amount of the extraordinary surcharge shall not exceed the average total cost for POTW operation during the period of the discharge, plus the period required for recovery of the POTW processes when such processes are upset as a result of the extraordinary strength discharge(s).
- (c) All applicable surcharges shall be independent of penalties which may be imposed for violation of Industrial User permit violations.
- (d) The daily maximum limit for toxic pollutants shall be deemed in violation whenever the concentration of wastes collected within a twenty-four hour period are greater than or equal to twice the maximum monthly average specified in the Industrial User discharge permit and are subject to penalties as described in Code §33-40.
- (e) The monthly average maximum limit for toxic pollutant substances shall be deemed in violation whenever the average of all samples collected during the month exceeds the maximum monthly average specified in the Industrial User discharge permit and penalties shall be assessed in accordance with Code §33-40.
- (f) All Industrial Users shall notify the POTW immediately by telephone of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees to call the POTW in the event of a discharge as described. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- (g) Within five (5) days following such discharge, the User shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

- (23) If any discharge to the wastewater system, or any proposed discharge to the system is responsible for or is likely to be responsible for an Upset, Interference, or Pass Through violation at the POTW, the Director may take any action necessary to:
- (a) Prohibit the discharge of such wastewater.
 - (b) Require a discharger to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances in conformity with this article.
 - (c) Require pretreatment, including storage facilities, or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these rules and regulations.
 - (d) Take such other remedial action as may be deemed to be desirable or necessary to achieve the purpose of this article.
- (24) Where pretreatment or equalization of wastewater flows prior to discharge into any part of the wastewater treatment system is required, plans, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities shall first be submitted to the Director for review and approval. 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 alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to and prior approval of the Director.
- (25) Where preliminary treatment facilities are provided for any water or waste, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense, and bypass of such pretreatment facilities is prohibited unless
- (a) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime;
 - (c) This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (d) The User submitted notices as required under paragraph (27) of this section.
- For the purposes of this subsection,
- [1] Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.
 - [2] Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

The Director may approve an anticipated bypass, after considering its adverse effects, if it is determined that it will meet the three conditions listed in this paragraph (25), or it is for essential maintenance to assure efficient operation and will not cause the Pretreatment Standards or Requirements to be violated.

- (26) Each Industrial User shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director for review, and shall be approved before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the facility as necessary to meet the requirements of this article.
- (27) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Director at least ten (10) days before the date of the bypass, if possible. In the event that an unanticipated bypass that exceeds applicable Pretreatment

Standards, the User shall submit oral notice to the Director within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

- (28) A Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a User indicates a violation, the User must notify the Director within twenty four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation. Re-sampling by the Industrial User is not required if the Department performs sampling at the User's facility at least once a month, or if the Department performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Department receives the results of this sampling, or if the Department has performed the sampling and analysis in lieu of the Industrial User.
- (29) All measurements, tests and analyses of the characteristics of water and waste to which reference is made throughout this Chapter shall be determined in accordance with procedures set forth in 40 CFR Part 136 or equivalent methods approved by EPA and shall be determined at the control manhole provided for in subsection (16) herein.
- (30) Any User of the public sewer who discharges industrial waste or matter must satisfy and meet the United States Federal Government guidelines for pretreatment as may be prescribed from time to time by the Environmental Protection Agency or its successor agency and the guidelines for pretreatment as may be prescribed from time to time by the water quality control division of the Tennessee Department of Health and Environment or its successor agency and further must furnish at its own expense any additional monitoring equipment as reasonably may be necessary in the opinion of the Director of the Department.
- (31) The Director must require appropriate reporting from those Industrial Users with discharges that are not subject to categorical Pretreatment Standards. Significant Non-Categorical Users must submit to the Control Authority at least once every six months (on dates specified by the Director) a description of the nature, concentration, and flow of pollutants required to be reported by the Control Authority. In cases where local limit requires compliance with Best Management Practice or pollution prevention alternative, the User must submit documentation required by the Control Authority to determine the compliance status of the User. These reports must be based on sampling and analysis performed in the period covered by the report, and in accordance with the sampling techniques described in 40 CFR part 136 and amendments thereto. This sampling and analysis may be performed by the Control Authority in lieu of the significant noncategorical industrial user.

The Director may require categorical Users to submit semi-annual self-monitoring reports to the Department. These reports shall describe effluent quality (analysis) and quantity (flow measurement), significant changes in operations or processes, personnel, hours of operation, and current solvent management and hazardous waste disposal. The reports shall include the results of all sampling and actions by the User during the period covered by the report. The report shall indicate the time, date, location of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected discharges to the POTW and that it has been done by a qualified professional in accordance with prescribed methods.

In the event that the User is not meeting IUDP limits, the report shall contain a proposed compliance schedule which shall incorporate the major events leading to compliance; i.e., the hiring of a consulting engineer, submission of pretreatment plans and specifications, construction timetables, etc., where

applicable. The City may accept, reject or modify the proposed compliance schedule, issue a different compliance schedule, revised IUDP or administrative order. The Director may require more frequent reporting from any categorical or Significant Industrial User.

- (32) Certification statement. The following certification statement is required to be signed and submitted by a duly Authorized Representative of Users submitting permit applications, baseline monitoring reports, reports on compliance with the Categorical Pretreatment Standard deadlines, periodic compliance reports.

"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 managed 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."

The certificate statement shall be signed and dated by a corporate officer or a duly authorized representative as described in subsection (G)(5) of this section, and shall bear the name and title of that officer or representative.

- (33) Record keeping - Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Director.
- (34) Date of Receipt of Reports. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.
- (35) Violations of this article may include any or all of the following actions, none of which are necessarily prerequisite to another.
- (a) *Notice of Violation (NOV)*. Whenever the Department finds that any User has violated or is violating this article, or a discharge permit or order issued hereunder, the Director or agent may serve upon such User a written notice of violation. Within fifteen days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Director. Submission of this plan in no way relieves the User of liability for any violation occurring before or after receipt of the notice of violation.
- (b) *Consent Orders (CO)*. The Director is hereby empowered to enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with the User responsible for noncompliance. Such orders will include specific action to be taken by the User to correct the noncompliance within a time period specified by the order. Consent orders shall have the same force and effect as administrative orders.
- (c) *Administrative Orders (AO)*. When the Director finds that a User has violated the article or a permit or order issued thereunder, the Director may issue an order to the User responsible directing that, following a specified period, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be

reasonably necessary and appropriate to treatment technology, additional monitoring and management practices.

- (d) *Show cause hearing.* The Director may order any User who causes or contributes to violations of this article or any permit or order issued hereunder to show cause why a proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action and a request that the User show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail at least ten days prior to the hearing. Whether or not a duly notified User appears as noticed, immediate enforcement may be pursued.
- (e) *Cease and desist orders.* When the Department finds that a User has violated or is violating this article or any permit or order issued hereunder, the Director may issue an order to cease and desist all such violations and direct those persons in noncompliance to comply forthwith and/or take such appropriate action as may be needed to correct continuing or threatened violation, including halting operations and terminating the discharge.
- (f) *Penalties.* Notwithstanding any other portion of this article, any User who is found to have violated any provision of this article, permits or orders issued hereunder shall be assessed penalties in accordance with Code §33-40. Such assessments may be added to the User's next scheduled sewer bill and the Director shall have such other collection remedies to collect other service charges. Unpaid charges and penalties shall constitute a lien against the User's property. Users desiring to dispute such charges must file a request for the Director to reconsider the penalty. Where the Director believes a request has merit, the Director shall convene a hearing on the matter within thirty days of receiving the request from the User.
- (g) *Emergency suspensions.* The Director may suspend service to a User when it is necessary to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of a person, the POTW or the environment. In the event the User fails to voluntarily comply with the suspension order, the Director shall take such steps as deemed necessary, including immediate severance of the sewer connection. A User who is responsible, in whole or in part, for imminent endangerment shall submit to the Director a detailed written report describing the causes of the event and the measures taken to prevent any further reoccurrence. The Director may allow the User to recommence discharge when the endangerment has passed.
- (h) *Revocation of a permit.* Any User who violates the conditions of this article or a permit or order or any applicable state or federal law is subject to revocation of a discharge permit and to permanent termination of service. Causes include, but are not limited to:
 - [1] Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - [2] Violation of permit conditions, pretreatment requirement, or this ordinance;
 - [3] Failure to accurately report wastewater constituents and discharge characteristics;
 - [4] Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;
 - [5] Illegal discharge;
 - [6] Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring or sampling;
 - [7] Tampering with monitoring equipment;
 - [8] Failure to pay sewer charges, administrative penalties or other fees;
 - [9] Failure to meet compliance deadlines;
 - [10] Failure to provide advance notice of the transfer of ownership of the permitted facility; and
 - [11] Other actions which endanger the POTW processes, the health of individuals or the environment.
- (i) *Publication of violations.* The Director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by MWSD a list of the Users which, at any time during the

previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users or any other Industrial User that violates paragraphs (c),(d) or (h) of Section 33-32(A)(73), 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 Instantaneous Limits as defined herein;
 - [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 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;
 - [3] Any other violation of a Pretreatment Standard or Requirement such as Daily Maximum, long-term average, Instantaneous Limit, or narrative standard that the Director 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 Director's exercise of the 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 individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
 - [6] Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - [7] Failure to accurately report noncompliance; or any other violation(s), which may include a violation of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the local pretreatment program.
- (j) *Enforcement response.* Whenever the Director finds that any person has violated this article or any prohibition, limitation or requirement contained in this article or permit or order issued hereunder, the Director will initiate the appropriate enforcement response as outlined in the Enforcement Response Guide which is incorporated herein as if copied verbatim. The Enforcement Response Guide may be found on file for review in the City Recorder's office and on the City's web site at murfreesborotn.gov.
- (k) *Review hearing.* Whenever a User believes that an enforcement response is in error, a hearing before the Board may be requested, provided that such request is made before the deadline specified by the enforcement response. The Board will review the noncompliance event and enforcement response at its next scheduled meeting and render a final decision.
- (l) *Legal action.* Upon any indication of a lack of response to a duly-issued enforcement order, the matter will be referred to the City Attorney for appropriate legal action, including court citation.
- (36) No Industrial User may accept or treat liquid wastes from any other site for the purpose of pretreatment and discharge to the public sewer system without such arrangement having been reviewed by the Board and approved in writing by the Director.
- (37) Remedies Nonexclusive. The remedies provided for in this ordinance are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Director may take other action against any User when the circumstances

warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant Use

- (38) The City of Murfreesboro has the legal authority to seek injunctive relief for noncompliance by Industrial Users with Pretreatment Standards and Requirements. The City of Murfreesboro shall also have authority to seek or assess civil or criminal penalties in at least the amount of \$1,000 a day for each violation by Industrial Users of Pretreatment Standards and Requirements.

(H) Baseline Monitoring Reports

Users that become subject to new or revised categorical Pretreatment Standards are required to comply with the following reporting requirements..

- (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 Director a report which contains the information listed in paragraph (2), 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 Director a report which contains the information listed in paragraph (2), 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.
- (2) Users described above shall submit the information set forth below.
 - (a) All information required in Section 33-36(G)(2)(g)(1)[aa] – [ii].
 - (b) Measurement of pollutants.
 - [1] The User shall provide the information required in Section 33-36(G)(2)(g)(1)[gg].
 - [2] The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - [3] Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in Tennessee Rule 1200-4-14-.06(5) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with Tennessee Rule 1200-4-14-.06(5), this adjusted limit along with supporting data shall be submitted to the Director.
 - [4] Sampling and analysis shall be performed in accordance with Section 33-36(G)(18) and (19).
 - [5] The Director 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.
 - [6] 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.
 - (c) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in 33-32(A)(4) and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
 - (d) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

A compliance schedule pursuant to this Section must meet the requirements set out below in (e):

(e) Compliance Schedule. The following conditions shall apply to the compliance schedule:

[1] 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 required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

[2] No increment referred to above shall exceed nine (9) months;

[3] The User shall submit a progress report to the Director 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

[4] In no event shall more than nine (9) months elapse between such progress reports to the Director.

(f) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with 33-36(G)(32) of this ordinance and signed by an Authorized Representative as defined in 33-32(A)(4).

(3) Compliance schedule for meeting categorical Pretreatment Standards. The following conditions shall apply to the schedule required by (2)(e) of this section:

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

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

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

(l) Affirmative Defenses To Discharge Violations

(1) Upset

(a) For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (c), below, are met.

(c) A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

[1] An upset occurred and the User can identify the cause(s) of the upset;

- [2] The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - [3] The User has submitted the following information to the Director within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days:
 - [aa] A description of the indirect discharge and cause of noncompliance;
 - [bb] The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - [cc] Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
 - (d) In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
 - (e) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.
 - (f) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.
- (2) Prohibited Discharge Standards
- A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 33-36(A)(1) of this ordinance or the specific prohibitions in Sections 33-36(A)(2)(a)(b)(f)(h)(m)(n) of this ordinance if :
- (a) it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and
 - (b) A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or
 - (c) No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the Department was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.
- (3) Bypass
- (a) For the purposes of this Section,
 - [1] Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.
 - [2] Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
 - (b) A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraph (c) below and paragraph (4) of this Section.
 - (c) Bypass Notifications
 - [1] If a User knows in advance of the need for a bypass, it shall submit prior notice to the Director, at least ten (10) days before the date of the bypass, if possible.
 - [2] A User shall submit oral notice to the Director of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes

aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(4) Bypass

- (a) Bypass is prohibited, and the Director may take an enforcement action against a User for a bypass, unless
- [1] Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - [2] There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - [3] The User submitted notices as required under paragraph (c) of this section.
- (b) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph (a) of this Section.

SECTION 12. Section 33-37 of the Murfreesboro City Code is hereby amended by deleting it in its entirety and substituting in lieu thereof the following:

"SECTION 33-37 TERMINATION OF SERVICE.

- (A) Whenever the Director finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may serve upon that User a written Notice of Violation. Within ten (10) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Director. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation.
- (B) Emergency Suspensions. Nothing in this Section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
- (1) The Director may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.
 - (2) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Director that the period of endangerment has passed,
 - (3) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing.

- (4) Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.
- (C) Consent Orders. The Director may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders and shall be judicially enforceable.
- (D) Show Cause Hearing. The Director may order a User which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Director to show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail with return receipt requested at least ten (10) days prior to the hearing. Such notice may be served on any Authorized Representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.
- (E) Compliance Orders. When the Director finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.
- (F) Cease and Desist Orders. When the Director finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater 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 Director 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.
- (G) The User may request a hearing before the Murfreesboro Water and Sewer Board to contest the decision of the Director, provided that the request is submitted in writing at least ten (10) days prior to a regularly scheduled Board meeting.
- (H) The Board may conduct the hearing and take the evidence or it may designate any of its members to conduct the hearing and transmit a report, including transcripts and other evidence, to the Board for action thereon.
- (I) The proceedings of any such hearing shall be recorded and transcribed, with copies being made available to any interested parties upon payment of a reasonable charge to cover the cost thereof.
- (J) After the Board has reviewed the evidence, it will make timely disposition of the case by determining that the violation has been corrected, modifying the terms required for correction, or reaffirming the violation and the corrective action required. If the violation has not been corrected to the satisfaction of the Board, an order may be issued to the offender in person or by registered or certified mail, return receipt requested, directing that corrective action be taken in accordance with a schedule to be provided in the order.

- (K) Upon any indication of lack of response to a duly issued order of the Board, the matter will be referred to the City Attorney for appropriate legal action, including possible discontinuance of water and sewer service, court citation, or both.”

SECTION 13. Section 33-39 of the Murfreesboro City Code is hereby amended by deleting it in its entirety and substituting in lieu thereof the following:

“SECTION 33-39 POWERS AND AUTHORITY OF INSPECTORS.

Right of Entry and Inspection. The Director and other duly authorized employees of the City, The Tennessee Department of Health and Environment or the Environmental Protection Agency, bearing proper credentials and identification, shall have the right to enter upon all properties of a User that generate Process Wastewater for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article.

Users shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (A) Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- (B) The Director shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- (C) The Director may require the User to install and maintain a sampling manhole at its own expense, monitoring equipment as necessary. Where the Director determines that an automatic sampler is required, the User shall provide an uninterrupted power source for such equipment at its own expense, and shall not interfere with the operation of such device or MWSD personnel servicing the device in any way that will impact the timely and accurate collection of samples or impact the analytical results.
- (D) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be born by the User.
- (E) Unreasonable delays in allowing the Director access to the User's premises shall be a violation of this ordinance.
- (F) Refusal to allow the Director reasonable access shall be a violation of this ordinance and shall be grounds for termination of service.”

SECTION 14. Section 33-40 of the Murfreesboro City Code is hereby amended at subsection (A)(1) by deleting the words, “conventional and/or nonconventional pollutants including”.

SECTION 15. Section 33-40 of the Murfreesboro City Code is hereby amended at subsection (A)(2) by deleting the words, “of conventional and/or nonconventional pollutants” and by adding the words, “in accordance with state law a penalty” after the word, “assessed”.

SECTION 16. Section 33-40 of the Murfreesboro City Code is hereby amended at subsection (A)(13) by deleting the first reference to, “grease” and substituting in lieu thereof the words, “sand, grease and oil”.

SECTION 17. Section 33-40 of the Murfreesboro City Code is hereby amended at subsection (A)(15) by inserting the words, “or refusing the Director timely access to

the facility premises for the purpose of collecting samples" after the words, "defeat sampling".

SECTION 18. Section 33-40 of the Murfreesboro City Code is hereby amended at subsection (B) by inserting the words, "or from independent laboratories selected by the Department" after the words, "POTW laboratory".

SECTION 19. Section 33-40 of the Murfreesboro City Code is hereby amended at subsection (J) by inserting the words, "Septage Haulers." as a subtitle at the beginning of the subsection.

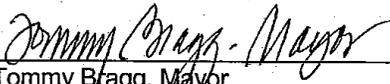
SECTION 20. Section 33-42 of the Murfreesboro City Code is hereby amended deleting it in its entirety and substituting in lieu thereof the following:

"The MWSD shall from time to time recommend, and the City Council shall by resolution adopt, a schedule of industrial user sewer fees."

SECTION 21. That this Ordinance shall take effect fifteen (15) days after its passage upon third and final reading, the public welfare and the welfare of the City requiring it.

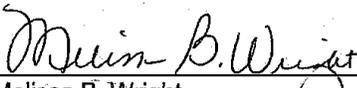
Passed:

1 st reading	<u>May 15, 2008</u>
2 nd reading	<u>June 5, 2008</u>
3 rd reading	<u>July 1, 2010</u>



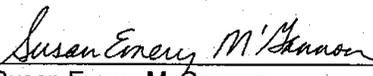
Tommy Bragg, Mayor

ATTEST:



Melissa B. Wright
City Recorder

APPROVED AS TO FORM:



Susan Emery McGannon
City Attorney

SEAL

