

CITY OF TULLAHOMA
SEWER USE ORDINANCE

**ORDINANCE NO. 1048 AS AMENDED BY ORDINANCE
NO. 1118**

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SEWER USE ORDINANCE

GENERAL PROVISIONS

13-301. PURPOSE AND POLICY

This Sewer Use Ordinance sets uniform requirements for discharges into the wastewater collection and treatment system and enables the City of Tullahoma to comply with the administrative provisions of the Federal Water Pollution Control Act Amendments of 1972, PL 92-500, and the applicable effluent limitations, national standards of performance, toxic, and pretreatment effluent standards, and any other discharge criteria which are required or authorize by State or Federal law, and to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged into the Tullahoma Sewer System.

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

This Ordinance shall supersede Ordinance No's. 659 and 670, including all amendments, and any other Ordinances or portions thereof which may be in conflict with this Ordinance. More specifically, the purposes of this Ordinance are to:

A. Provide guidelines for the establishment of rates and a uniform procedure in the levying of the services and improvements charges to maintain equity in the billing throughout the area of service.

B. Prohibit and/or regulate the contribution of wastewater which may cause operational or maintenance difficulties or deterioration of the sewers, force mains, pumping stations, and other structures pertinent to the wastewater treatment system as hereinafter defined.

C. Establish a control in the contribution of wastewater which requires greater treatment expenditures that are required for equal volumes of normal domestic waste.

D. Establish pretreatment requirements for industrial waste before discharge to public sewers as required in Title 40, part 403 of the Regulations of the Environmental Protection Agency (Federal Register, Vol. 43, No. 123) and any subsequent amendments thereof.

E. Establish a uniform procedure for design, installation, inspection, operation, and maintenance of private wastewater treatment and disposal systems, extension of public sewer systems, laterals and connections to sewer mains.

F. To protect the public health.

13-302. SCOPE

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

13-303. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

1. Act or The Act. The Federal Water Pollution Control Act, also known as the Clean Water as amended, 33 U.S.C. 1251, et seq.
2. A.S.T.M. The American Society for Testing and Materials.
3. Ammonia-Nitrogen. The total ammonia-nitrogen content of

sewage or industrial waste. The quantity of ammonia-nitrogen shall be determined by one of the acceptable methods described in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association.

4. The Approval Authority. The State of Tennessee, Department of Environment and Conservation or any authorize representative; or the Administrator of the EPA.

47. Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in the regulations promulgated by the Administrator or Environmental Protection Agency under the provisions of 33 USC 1317.

48. TKN. The Total Kjeldahl Nitrogen content of sewage or industrial waste. The quantity of TKN shall be determined by one of the acceptable methods described in the latest edition of "Standard Methods for the Examination of Water and Waste Water" published by the American Public Health Association.

49. User. Any person, occupied property, or premises having a connection to the sewer system or having access thereto.

50. Waste. Any waste, including sewage and any other waste substances, liquid, solid, or gases that are radioactive, associated with human habitation, or 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, and for purposes of disposal.

51. Wastewater. Domestic sewage and industrial wastewater discharges to the Board of Public Utilities of the City of Tullahoma, Tennessee POTW together with any ground water, surface water, and storm water that may be present.

52. WEF. The Water Environment Federation, 601 Wythe Street, Alexandria, VA 22314-1994.

53. Miscellaneous Terms. Terms not otherwise defined herein shall

be defined as shown in the latest edition of Standard Methods or other appropriate Federal or State Guidelines and Regulations.

13.304. GENERAL REGULATIONS

A. Use of Public Sewers Required

1. Disposal of Waste. It shall be unlawful for any person to place, deposit, or permit to be deposited on public or private property within the City of Tullahoma any human or animal excrement or other objectionable waste in such a manner to create a public nuisance or to create a threat or danger to the public health and safety. This Section shall not apply to the depositing of animal excrement by livestock or through other generally accepted agricultural activities, nor to the depositing of excrement from household pets, provided such excrement is not deposited nor allowed to accumulate to such an extent as to cause a public nuisance or otherwise to constitute a threat or danger to the public health or safety, and provided further that it shall be unlawful to place, deposit or to permit to be deposited upon the property of another within the City of Tullahoma human or animal excrement or other objectionable waste in any amount without the permission of the owner of such property. Public Nuisance or threat or danger to the public health and safety shall be as determined by the City of Tullahoma Codes Dept. and Coffee County Health Dept. or other local regulatory agency having jurisdiction.

2. Direct Discharge Prohibited. It shall be unlawful to discharge to any natural outlet, within the City of Tullahoma, or any area under the jurisdiction of said City, any sewage or other polluted waters, except where a Federal or State discharge permit has been duly issued and is currently valid for such discharge.

3. New Private Disposal Systems Prohibited. Except as hereinafter provided or as otherwise permitted by ordinance or regulation, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other private facility intended or used for the disposal of sewage.

4. City's Right to Require Sanitary Facilities. The owner, tenant, or

occupant of all houses, buildings, improvements, or properties used for residential, commercial, industrial or recreational and all other human occupancy purposes to which sewer is available as defined in this Ordinance shall, upon demand by the Control Authority, install suitable toilet facilities therein and connect the same directly with the proper public sewer in accordance with the provisions of this Ordinance and shall cease to use any other means for the disposal of sewage, waste, wastewater, and other polluting matter. (See definition of available sewer.)

5. Connection to Public Sewer--General Requirements. At such time as a sewer becomes available to a property served by a private wastewater disposal system, and upon demand by the Control Authority, a direct connection shall be made within thirty (30) days to the public sewer. Where a sewer is available, wastewater from the premises shall be discharged either directly or indirectly into the sewer, and the property shall be billed for sewer service. However, if the making of the connection is delayed by the customer, the property shall be subject to such charges thirty (30) days after the sewer is declared operable by the Control Authority. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall be abandoned. An extension of time may be granted by the Manager for cause. (See definition of Available Sewer.)

B. Private Sewage Disposal

The disposal of sewage by means other than the use of the available public sanitary sewage system shall be in accordance with local, county, and State laws. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the available public sanitary sewage system is not available, and where such is otherwise permitted by the City Ordinance or regulations.

C. Building Sewers and Connections

1. Connection of Building Sewers to POTW. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sanitary sewer or appurtenance thereof without first obtaining a written permit from the Control

Authority. The owner or his agent shall make application on a special form furnished by the Board. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Control Authority.

2. Costs of Installation. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the property owner. The property owner shall indemnify the Board from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

3. Separate Sewers Required. A separate and independent building sewer shall be provided for every building at owner's expense. For existing buildings that share building sewers, the building sewers shall be separated upon the sale of any building involved or upon notice from the Board.

4. Old Building Sewers. Building sewers left following the demolition of buildings may be used in connection with new buildings only when they are found, upon examination and test by the user to the Control Authority's satisfaction, to meet all requirements of this Ordinance.

5. Construction Controls for New Sewers. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and back filling the trench, shall all conform to the requirements of the standard plumbing code or other applicable rules and regulations of the City and/or the Board. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practices No. 9 shall apply.

6. Sewer Entrances to Private Facilities. Whenever possible, the building sewer shall be brought to the building at elevations below the basement floor. In all building in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

7. Extraneous Water Prohibited. No person shall make connection of roof down spouts, exterior foundations drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Exceptions may be made only if such connection is approved by the Manager for purpose of disposal of polluted surface drainage or groundwater. Such connections, if approved, will require a wastewater discharge permit.

8. Quality of Construction. All connections to the public sewer system shall be made gas tight and water tight. Any deviations from the prescribed procedures and materials must be approved by the Control Authority before installation. Requirements of the Southern Building Code Congress International, Inc. Standard Plumbing Code, latest Edition, shall be followed unless superseded by local, State, or Federal ordinances.

9. Inspection and Testing of Sewers. The applicant for the building sewer permit shall notify the Control Authority or his representative when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made by or under the supervision of the Control Authority. Testing shall be performed as required by Board Policy S-004.

10. Excavation Safety. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public. Property disturbed in the course of the work shall be restored in a manner satisfactory to the Board.

11. Condition of Private Sewer. The user shall be responsible for the integrity of building sewers on his property. If it is determined that a building sewer is faulty or in a bad state of repair, such that extraneous storm water can enter the POTW, the Board shall require the user to repair his line. If the line is not repaired within a reasonable time period allowed by the Board, water and sewer may be terminated.

12. Grease Traps. Upon construction or renovation, all cafes, restaurants, motels, hotels, or other commercial institutional food preparation establishments shall install a grease trap on the kitchen

waste line, provided however, all existing cafes, restaurants, motels, hotels, or other commercial food preparation establishments shall be required to construct a grease trap, at the owner's expense, within ninety (90) days after notification by the Board, if and when the Control Authority determines that a grease problem exists which is capable of causing damage or operational problems to structures or equipment in the public sewer system, or if such is otherwise required by City Ordinance, State, or Federal law. The Board shall retain the right to inspect and approve installation of the grease trap facility. The grease trap must be designed in accordance with current engineering standards and shall be easily accessible for cleaning. Grease traps shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer. If the Board employees are required to clean out the public sewer lines as a result of a stoppage resulting from a clogged grease trap, the property owner or operator shall be required to fund the costs of the Board's labor, materials, equipment, and overhead required to clean out the sewer lines. The installation of grease traps shall be in accordance with Section 13-304 C. 8.

13. Alteration to and Obstruction to Public Sewers. No person shall obstruct entrance to or operation of the Board's Sanitary Sewer System. Existing manhole tops are to be kept uncovered and accessible at all times. In the event that construction involving the filling of an area around a manhole occurs, the owner of the property, or the person causing the construction to be accomplished shall bear all costs associated with the required adjustment of the sewer manholes. No building or other structure shall be constructed over a sewer line or easement thereof. Fill in or grading of a property such that storm water concentrates at a manhole will not be permitted. The Board reserves the right to enter onto its easements at all times to maintain its system and to remove or cause to be removed all obstructions to said entrance, and furthermore to assess the costs of the removal of obstructions against the owner thereof.

14. Interruption of Service. The Board shall not be liable for any damage resulting from failure or overflow of any sewer main, service line or valve, or by discontinuing the operation of its wastewater collections, treatment and disposal facilities, for repair, extensions, or connections, or from the accidental failure of the wastewater

collection, treatment and disposal facilities from any cause whatsoever. In cases of emergency, the Board shall have the right to restrict the use of its wastewater collection, treatment, and disposal facilities in any reasonable manner for the protection of the Board and the Wastewater Control System.

D. Maintenance of Building Sewer and Grinder Pumps.

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

1. Notify the property owner in writing of the nature of the problems identified on the property owner's building sewer and the specific steps required to bring the building sewer within the requirements of this Ordinance. All steps necessary to comply with this Ordinance must be completed within a reasonable time specified by the Manager entirely at the expense of the property owner.

2. Except, however, the Board will be responsible for replacing/maintaining grinder pumps located on private property. The Manager or his duly authorized representative shall be permitted to enter all properties for the purpose of inspection, observation, testing, and repair of grinder pumps and appurtenances thereto.

E. Regulations of Holding Tank Waste Disposal.

1. Disposal of Private Waste by Truck. The Manager shall designate the locations and times where vacuum or "cesspool" trucks may be discharged, and may refuse to accept any truckload of waste which, in his judgment, would interfere with the effective operation of the treatment works or any sewer line or appurtenance thereto. The

owner or operator of a truck shall, upon request, provide manifest to the POTW that states the source of the domestic waste they wish to discharge, the volume of wastewater from each source, and whether any industrial waste is included in the wastewater. The Board shall not be obligated to accept waste from facilities located outside the City of Tullahoma.

2. Holding Tanks. No person shall discharge any holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the Manager. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, and shall limit the wastewater constituents and characteristic of the discharge. Such user shall pay any applicable charges or fees therefore, and shall comply with the conditions of the permit issued by the Manager. No permit shall be required to discharge domestic waste from a recreational vehicle holding tank provided such discharge is made into an approved facility designed to receive such waste.

3. Fees for Holding Tank Waste Disposal Permit. For each permit issued under the provisions of Section 13-305 a service charge therefore shall be paid to the Board to be set as specified in Section 13-307.

4. Revocation of Permit. Failure to comply with all the provisions of this Ordinance shall be sufficient cause for the revocation of such permit by the Manager. The possession within the City by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank of wastewater or excreta disposal system cleaning unit shall be Prima Facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal system within the City of Tullahoma.

13-305. APPLICATIONS FOR DOMESTIC WASTEWATER DISCHARGE AND INDUSTRIAL WASTEWATER DISCHARGE PERMITS

A. Applications for Discharge of Domestic Wastewater

All users and prospective users which generate domestic wastewater shall make application to the Manager for written authorization to discharge to the municipal wastewater treatment system.

Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the municipal sewer shall not be made until the application is received and approved by the Manager, the building sewer is installed in accordance with Section 13-304 C. of this Ordinance and an inspection has been performed by the Manager or his representative.

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

B. Industrial Wastewater Discharge Permits

1. Permit Required. All persons proposing to connect to or discharge into the sanitary sewer system any material other than normal domestic waste shall be considered an industrial user and must obtain a Wastewater Discharge Permit from the Control Authority before connecting to or discharging into the sanitary sewer. All existing industrial users connected to or discharging into the Board's sanitary sewer must obtain a Wastewater Discharge Permit within sixty (60) days after written notice from the Board.

2. Permit Application. Industrial users seeking a Wastewater Discharge Permit shall complete and file with the Control Authority an application in the form prescribed by the Control Authority, and accompanied by the applicable fees. The applicant shall be required to submit, in units and terms appropriate for evaluation, the following information.

- a. Name, address, and Standard Industrial Classification (SIC Manual, 1972, Office of Management and Budget) number of applicant;
- b. Volume of wastewater to be discharged;
- c. Wastewater constituents and characteristics including, but not limited to, those mentioned in Section 13-305 C. as determined by a laboratory approved by the Control Authority.
- d. Time and duration of discharge;
- e. Average and 30-minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location, and elevation;
- g. Description of activities, facilities, and plant process on the premises including all materials, processes, and types of materials which are or could be discharged;
- h. Each product produced by type, amount, and rate of production;
- i. Number and type of employees, and hours of work;
- j. All Tennessee Department of Environment and Conservation and Environment Protection Agency permits required; and,
- k. Any other information included in the survey form or as may be deemed by the Control Authority to be necessary to evaluate the permit application. The Control Authority will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Control Authority may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

3. Permit Conditions.

Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other regulations, user charges and fees established by the Board. The conditions of Wastewater Discharge Permits shall be uniformly enforced by the Board in accordance with this Ordinance, and applicable State and Federal regulations. Permits must contain all items required by Federal regulations; and further, may include but not necessarily be limited to the following:

- a. Requirements that the industrial user comply with any and all pretreatment standards and requirement either local, State, or Federal;
- b. The average and maximum wastewater constituents and characteristics.
- c. Limits on rate and time of discharge or requirements for flow regulations and equalization;
- d. Requirements for installation of inspection and sampling facilities and schedules for said installation;
- e. Requirements for installation and operation of pretreatment systems or process modifications and schedule for said installations;
- f. Specifications for monitoring programs which may include sampling location, frequency and method of sampling, number, types, and standards for tests and reporting schedule;
- g. Requirements for submission of technical reports or discharge reports.'
- h. Requirements for maintaining plant records relating to wastewater discharge as specified by the Control Authority and affording the Board access thereto;
- i. Requirements that the Board maintain the right to enter onto the premises for inspection of operations including process areas, pretreatment areas, and any such other portions of the premises which may be deemed appropriate by the Control Authority, and;

j. Other conditions as deemed appropriate by the Control Authority to insure compliance with this Ordinance and State and Federal pretreatment standards and requirements.

4. Duration of Permits. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The permittee shall apply for a renewal permit not more than ninety (90) days nor less than thirty (30) days prior to the expiration of his valid permit. If the user is not notified by the Control Authority of permit expiration, the permit shall be considered extended for thirty days at a time up to a total of one additional year. The terms and conditions of the permit may be subject to modification and changes by the Control Authority during the life of the permit as limitations or requirements as identified hereinbefore are modified and changed. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

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

6. Permit Modification - Categorical User. Within nine months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Discharge Permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing Wastewater Discharge Permit shall submit to the Manager within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by Section 13-305 B. The terms and conditions of the permit may be subject to modification by the Manager during the term of the permit as limitations or requirements are modified or just cause exists. The user shall be informed of any proposed changes in this permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

7. Revocation of Permit. Any permit issued under the provisions of this Ordinance is subject to be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to the following:

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

8. Confidential Information. All information and data on a user obtained from reports, questionnaire permit application, permits, and monitoring programs and from inspections shall be available to the public or any other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Manager that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use; related to this Ordinance or the City's or user's NPDES permit. Provided, however, that such portions of a report shall be available for use by the State or, any State agency, in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Manager as confidential shall not be transmitted to any governmental agency or to the general public by the Manager until and unless prior and adequate notification is given

to the user. Confidentiality claims on any information submitted to EPA must comply with provisions in 40 CFR Part 403.14, latest edition.

C. Prohibitions and Limitations on Wastewater Discharge.

1. Requirements of Wastewater Permits.

a. No person shall discharge or cause to be discharged into the POTW any wastewater other than domestic sewage resulting from normal human habitation including food preparation activities unless he holds a Wastewater Discharge Permit as defined in Section 13-305 B. of this document. This Section shall not apply to existing sources until they are notified of its requirement in writing.

b. The Control Authority may waive the requirements for a Wastewater Discharge Permit on a case-by-case basis for dischargers whose effluent does not violate the criteria for domestic sewage as established by the controlling agency and who, furthermore, are not categorical users. Notwithstanding the following, existing non-permitted dischargers or dischargers who have had the permit requirement waived may be required to obtain a discharge permit upon sixty (60) days notification by the controlling authority based on the observed character of the user's operations or his waste stream or suspected impact on the POTW or other factors which the Control Authority may define.

c. In order to avoid wastewater influent to the treatment plant which creates adverse effects, or interferes with any wastewater treatment or collection processes, or creates any hazard in receiving waters or results in the Board being in violation of applicable effluent standards, including sludge disposal standards, the Control Authority shall establish and amend wastewater effluent limits as deemed necessary. Limits for certain parameters are set as protection criteria for the POTW. Discharge limits for industrial users will be set in discharge permits as outlined in Section 13-305 of this Ordinance. Such limits will be calculated based on the anticipated ability of the plant to absorb specific wastewater constituents without violation of its NPDES permit, safety of the public, and/or disruption of plant operations, including sludge disposal; not to exceed, however,

Federal limits where applicable.

2. Prohibitions on Wastewater Discharge.

Regardless of permit status, no person shall discharge or cause to allow to be discharged into the Board of Public Utilities of the City of Tullahoma's POTW or any connected treatment facilities any waste which contains any of the following:

a. Oils and Grease: Fats, wax, grease, or oils of more than one hundred (100) mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees F (0 degrees and 65 degrees C) at the point of discharge into the system. Also prohibited are petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.

b. Explosive Mixtures: Liquids, solids, or gases which, by reason of their nature or quantity, are, or may be, sufficient to cause a fire or explosion hazard or be injurious in any other way to the POTW or to the operation of the system. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the sewer system be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (L.E.L.). In addition, no waste stream shall have a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test method specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.

c. Noxious Materials: Noxious or malodorous solids, liquids, or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance, hazard to life, noxious odors, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair. This includes pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

d. Improperly Shredded Garbage: Garbage that has not been ground or comminuted to such a degree that all particles are one-half inch (1/2") or less in greatest dimension and will be carried freely in

k. Corrosive Wastes: Any waste which will cause corrosion or deterioration of the POTW. All wastes discharged to the public sewer system must have a pH value in the range of six (6) to ten (10). Prohibited materials include, but are not limited to, acids, sulfides, concentrated chloride and fluoride compounds and substances which will react with water to form acidic products.

l. Thermal Discharge: Heat in amounts which will inhibit biological activity in or cause damage to the POTW resulting in interference, but in no case heat in such quantities that the temperature at the treatment plant exceeds 40 degrees C (104 degrees F). Under no condition may the temperature at the point of discharge exceed 120 degrees F.

m. Human Hazard: Any wastewater which causes hazard to human life or creates a public nuisance.

n. Odors: Any wastewater which alone or in combination with other substances normally found in sewage results in the release of noxious odors above what is normal for domestic sewage.

o. Trucked Pollutants: Any trucked or hauled pollutants, except at discharge points designated by the POTW.

3. Limitation on Wastewater Discharges.

No person shall discharge or convey or cause to be discharged or conveyed to the public sewer any wastewater containing pollutants of such character or quality that will:

a. Not be amendable to treatment or reduction by the wastewater treatment process employed, or are amendable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

- b. Constitute a hazard to human or animal life or to the stream or water course receiving the treatment plant effluent.
- c. Exceed limits as set forth in his Wastewater Discharge Permit or violate the Federal Pretreatment Standards.
- d. Cause the treatment plant to violate its NPDES permit, pass-through limits or other applicable receiving water standards, or cause interference with plant operations.

D. Federal Categorical Pretreatment Standards.

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

E. Right to Establish More Restrictive Criteria.

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

F. Control of Prohibited Wastes.

1. Regulatory Actions.

If wastewaters containing any substances in excess concentrations as described in Section 13-305 C. of this Ordinance are discharged or

proposed to be discharged into the sewer system of the Board of Public Utilities of the City of Tullahoma, the Board shall take action necessary to:

- a. Prohibit the discharge of such wastewater.
- b. Require a discharger to demonstrate that in-plant modifications will eliminate the discharge of such substances to a degree as to be acceptable to the Board.
- 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 of Federal pretreatment standards and any other applicable requirements promulgated by the EPA in accordance with Section 307 of the Clean Water Act of 1977.
- d. Require the person or discharger making, causing, or allowing the discharge to pay any added cost of handling and treating excess loads imposed on the POTW. Nothing herein authorizes discharge, otherwise prohibited, upon payment of cost therefore.
- e. Discontinue sewer service to the discharge until such time as the problem is corrected.
- f. Take such other remedial action provided by law as may be deemed to be desirable or necessary to achieve the requirements of this Ordinance.

2. Submission of Plans.

Where pretreatment or equalization of wastewater flows prior to discharge into any part of its POTW is required by the Board; plans, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities shall be submitted to the Control Authority for review and approval in accordance with timetables established by the Board. Approval shall in no way exempt the discharge of such facilities from compliance with any applicable code, ordinance, rule or regulation of any governmental unit or the Board. Any subsequent alterations or additions to such

pretreatment or flow-control facilities shall not be made without due notice to, and approval of, the Control Authority. Plans must bear the properly executed stamp of an engineer licensed to practice in the State of Tennessee.

3. Pretreatment Facilities Operations.

a. If pretreatment or control of waste flows is required, such facilities shall be effectively operated and maintained by the user at his expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances, and laws.

b. Treatment Bypasses

(1) A bypass of the treatment system is prohibited unless all the following conditions are met:

(a) The bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There is no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater; and

(c) The industrial user properly notifies the Manager as described in paragraph 2. below.

(2) Industrial users must provide immediate notice to the Manager upon discovery of an unanticipated bypass. If necessary, the Manager may require the industrial user to submit a written report explaining the cause(s), nature, and duration of the bypass, and the steps being taken to prevent its recurrence.

(3) An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, only if it is for essential maintenance to ensure efficient operation of the treatment system. Industrial users anticipating a bypass must submit notice to the Manager at least 10 days in advance. The Manager may only approve the anticipated bypass if the circumstances satisfy those set forth in paragraph (1) above.

4. Reporting of Accidental Discharges.

If an accidental discharge of prohibited or regulated pollutants to the POTW occurs, the industrial facility responsible for such discharge shall immediately notify the Control Authority so that corrective action may be taken to protect the POTW. In addition, a written report addressed to the Control Authority detailing the date, time, and cause of the accidental discharge, the quantity and characteristics of the discharge, and corrective action taken to prevent future discharges, shall be filed by the responsible industrial facility within thirty (30) days of the occurrence of the accidental discharge.

5. Right of Entry.

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

6. Reporting of Hazardous Waste Discharge.

Industrial users shall notify the Manager, EPA, and Approval Authority in writing of any discharge into the POTW of substances which if otherwise disposed of would be a hazardous waste under CFR Part 261. Reporting shall conform to requirements of 40 CFR part 403.12(p), latest edition.

13-306. INDUSTRIAL USER MONITORING, INSPECTION REPORTS, RECORDS ACCESS, AND SAFETY.

A. Wastewater Sampling and Analysis.

1. Analysis of Industrial Wastewater. All of the parameters listed in the Discharge Permit as authorized under Section 13-305 C. are to apply at the point where the industrial wastes are discharged into the POTW unless otherwise noted. Any chemical or mechanical corrective treatment required must be accomplished to practical completion before the wastes reach the specified point. The laboratory methods used in the examination of all industrial wastes

shall be those set forth in 40 CFR Part 136 or, if otherwise approved, in the latest edition of "Standard Methods for the Examination of Water and Waste Water" published by the American Public Health Association, "Methods for Chemical Analysis of Water and Waste" published by the U. S. Environmental Protection Agency or the "Annual Book of Standards, Part 23, Water, Atmosphere Analysis" published by the American Society for Testing and Materials; however, alternate methods for the analysis of industrial wastes may be used subject to mutual agreement between the Control Authority and the producer of such wastes. The frequency and duration of the sampling of any industrial waste shall be determined by the control Authority.

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

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

Whether constructed on public or private property, the control manhole(s) shall be constructed in accordance with the Manager's requirements and all applicable local agency construction standards and specifications. When, in the judgment of the Manager, an existing user requires a monitoring facility, the user will be so notified in writing. Construction must be completed within 180 days

following written notification unless an extension is granted by the Manager.

B. Industrial Self-Monitoring Requirements.

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

2. Compliance Date Report - Categorical User. Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any user subject to Pretreatment Standards and Requirements shall submit to the Manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the user facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if no, what additional O & M and/or pretreatment is necessary to bring the user into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

3. Periodic Compliance Report - Categorical Users.

a. Any user subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of New Source, after commencement of the discharge into the POTW, shall submit to the Manager during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Manager, a report indicating the nature and concentration of

pollutants in the effluent which are limited by such Pretreatment Standards. In addition, his report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the Manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Manager may agree to alter the months during which the above reports are to be submitted.

b. The Manager may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (1) of this paragraph shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the user.

c. The reports required by this Section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Manager, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the Wastewater Discharge Permit or the Pretreatment Standard. All analyses shall be performed in accordance with procedures established by the Approval Authority pursuant to Section 304(h) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Approval Authority. Sampling shall be performed in accordance with the techniques approved by the Approval Authority. Analysis of these samples shall be conducted by an independent laboratory approved by the Approval Authority. d. All requirements of this Section shall conform to 40 CFR, Part 403.12(e) and (f), latest edition.

4. Monitoring Programs.

a. The Control Authority shall require of users such technical or monitoring programs, including the submission of periodic reports, as it deems necessary and as are required by law. The user shall pay all applicable charges for the monitoring program, in addition to the sewage disposal and other charges established by the Board.

b. The monitoring program shall require the discharger to conduct a

sampling and analysis program of a frequency and type specified by the Control Authority to demonstrate compliance with prescribed wastewater discharge limits. The discharger may either:

(1) Conduct his own sampling and analysis program provided he demonstrates to the Control Authority that he has the necessary qualifications and facilities to perform the work; or ,

(2) Engage a private laboratory approved by the Control Authority.

c. In the event that the Control Authority suspects that a violation of any part of this Ordinance or of the user's Wastewater Discharge Permit is occurring, it may take samples for the purpose of monitoring the discharge. Should this monitoring verify that a violation is occurring, the costs of the monitoring and associated laboratory fees will be borne by the discharger. Should no violation be found, the costs will be at the expense of the Control Authority.

5. Maintenance of Records.

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

a. The date, exact place, method, and time of sampling, and the names of the persons taking the samplings;

b. The dates analyses were performed;

c. Who performed the analyses;

d. The analytical techniques/methods used; and

e. The results of such analyses.

The industrial user subject to the reporting requirements established in this Section shall be required to retain for a minimum of three (3) years all records of monitoring activities and results (whether or not such monitoring activities are required by this Section) and shall

make such records available for inspection and copying by the Manager, Director of the Division of Water Pollution Control Tennessee Department of Environment and Conservation, or the Environmental Protection Agency. This period of retention shall be extended during course of any unresolved litigation regarding the industrial user or when requested by the Manager, the Approval Authority, or the Environmental Protection Agency.

6. Notification of Violations and Repeated Sampling.

If sampling performed by an industrial user indicates a violation, the industrial user shall notify the Manager within 24 hours of becoming aware of the violation, and perform repeat sampling, analysis, and reporting as prescribed in 40 CFR, Part 403.12(g) (2), latest edition.

7. Reporting All Analysis.

If pollutants are analyzed more frequently than required by the Industrial User's Wastewater Discharge Permit, the industrial user shall include the results of such monitoring in the Discharge Monitoring Report as required by 40 CFR, Part 403.12(g) (5), latest edition.

8. Signature and Certification.

All industrial user reports, including Discharge Monitoring Reports, shall be signed and certified as required by 40 CFR, Part 403.12(1) and Part 403.6(a) (2) (ii), latest edition.

13-307. WASTEWATER CHARGES AND FEES

A. Purpose of Charges and Fees.

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

wastewater collection and treatment systems and to provide sufficient funds for capital outlay, bond service costs, capital improvements, and depreciation.

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

C. Type of Charges and Fees.

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

1. User classification charges,
2. Fees for monitoring, maintenance, and analysis,
3. Fees for permits,
4. Surcharge fees,
5. Discharge permit fees.

D. Basis for Determination of Charges:

1. Determination of Costs

The Board shall establish monthly rates and charges for the use of the system and for the services supplied by the system. Said charges shall be based upon the cost categories of administration costs, including billing and accounting costs; operation and maintenance costs of the wastewater collection and treatment system; water distribution; and debt service costs.

Charges and fees may be based upon a minimum base charge for each premise, computed on the basis of "normal domestic wastewater".

E. Computation and Assessments.

1. The computation of and assessment of surcharge, monitoring charges, maintenance charges, and testing or analysis charges shall be subject to the appeals procedure provided in this Ordinance.

F. Industrial Waste Surcharge.

1. In the event the user discharges industrial wastes to the public sewer having an average Biochemical Oxygen Demand (BOD) content in excess of 250 mg/l, and/or an average Total Suspended Solids (TSS) content in excess of 250 mg/l, and/or an average Ammonia-Nitrogen content in excess of 25 mg/l, the user shall pay a surcharge based upon the excess strength of their wastes.

2. The surcharge rate in dollars per pound shall be set by the Board and reviewed annually and adjusted if necessary.

G. Annual Notification.

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

13-308. ENFORCEMENT

A. Illegal Discharges:

1. Notification of Discharges:

To enable countermeasures to be taken, users shall notify the Manager (or his designated official) immediately upon discharging wastes in violation of this Ordinance. This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the discharge and the measures being taken to prevent future occurrence. Such notification

will not relieve users of liability for any expense, loss, or damage to the sewer system treatment plant, or treatment process, or for any fines imposed on the Board on account thereof under State and Federal law.

2. Notice to Employees:

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

3. Preventive Measures:

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

B. Enforcement Response.

1. Following are the enforcement actions to be administered by the Manager or his authorized agent:

a. Notice of Violation (NOV). - Whenever the Manager finds that any user has violated or is violating this Ordinance, or a discharge permit or order issued hereunder, the Manager or his agent may serve upon said user a written notice of violation. Within fifteen (15) 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 Manager. 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 Manager is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents established as 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 Order (AO) - When the Manager finds that a user has violated the Ordinance or a permit or order issued thereunder, he may issue the order to the user responsible directing that, following a specified period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other relative appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional monitoring, and management practices.

d. Show Cause Hearing - The Manager may order any user who causes or contributes to violations of this Ordinance 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 (10) days prior to the hearing. Whether or not a duly notified user appears as noticed, immediate enforcement may be pursued.

(1) At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(2) After the Board has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and that these devices or other related appurtenances are properly operating. Further orders and directives as are necessary and appropriate may

be issued.

e. Cease and Desist Orders - When the Manager finds that a user has violated or is violating this Ordinance or any permit or order issued hereunder, the Manager 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 portions of this Ordinance, permits, or orders issued hereunder shall be assessed penalties in accordance with Section 13-309. of this Ordinance. Such assessments may be added to the user's next scheduled sewer bill and the Manager shall have such other collection remedies as he has to collect other service charges. Users desiring to dispute such charges must file a request for the Manager to reconsider the penalty within ten (10) days of being notified of the penalty. Where the Manager believes a request has merit, he shall convene a hearing on the matter within ten (10) days of receiving the request from the user.

g. Emergency Suspensions - The Manager may suspend service to a user when it is necessary to stop an actual or substantial endangerment to the health or welfare of person, the POTW, or the environment. In the event the user fails to voluntarily comply with the suspension order, the Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection. A user who is responsible, in whole or in part, for imminent endangerment shall submit to the Manager a detailed written report describing the causes of the event and the measures taken to prevent any further recurrence. The Manager may allow the user to recommence discharge when the endangerment has passed.

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

(1) Failure to obtain a discharge permit.(2) Violation of permit conditions.(3) Failure to accurately report wastewater constituents

and discharge characteristics.(4) Failure to report significant changes in operations or discharge.(5) Illegal discharge.(6) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.(7) Other actions which endanger the POTW processes, the health of individuals, or the environment.

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

j. Annual Publication of Significant User Violations - The Manager shall publish, at least annually, in the local newspaper, a description of significant user violations which have occurred since the last publication.

2. Enforcement Response Plan.

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

(SEE ATTACHED ENFORCEMENT RESPONSE GUIDE CONSISTING OF THREE PAGES WHICH IS INCORPORATED HEREIN AS IF COPIED VERBATIM.)

3. Hearing/Appeals

a. Except in those emergency situations as provided for in Section 13-308. B.1.g., the Manager shall afford any user an opportunity for a hearing and shall provide not less than forty-eight (48) hours notice thereof, before terminating services for any reason other than non-payment.

b. Any User, permit applicant, or permit holder effected by any decision, action or determination made by the Manager interpreting or implementing the provisions of this Ordinance or in granting or refusing of any permit issued hereinunder, may file with the Manager

a written request for reconsideration within twenty (20) days of such decision, action or determination setting forth in detail the facts supporting the User's request for reconsideration. The Manager's decision, action or determination shall remain in full force and effect during such period of reconsideration and during the appeal therefrom, unless modified or suspended by the Sewer Regulation Appeals Board. If the ruling made by the Manager is unsatisfactory to the person requesting reconsideration, he may within twenty (20) days after notification of the action, file a written appeal to the Sewer Regulation Appeals Board. The written appeal shall be heard within thirty (30) days from the date of filing, unless an extension of such time for a hearing is agreed upon by the Manager and the appellant. The Sewer Regulation Appeals Board shall make a final decision of the appeal within thirty-five (35) days of the close of the meeting. Appeal from the decision of the Sewer Regulation Appeals Board shall be to the Board of Mayor and Aldermen of the City of Tullahoma. Such appeal shall be in writing and shall be filed at the office of the Tullahoma Utilities Board within thirty (30) days after receipt of the decision of the Sewer Regulation Appeals Board. Unless facts appear to the contrary, it will be presumed that the appellant received the decisions of the Sewer Regulation Appeals Board within three (3) working days of the date of the same. The decision, action or determination of the Sewer Regulation Appeals Board shall remain in effect during the pendency of any appeal unless modified or suspended by the Board of Mayor and Aldermen. A decision of the Board of Mayor and Aldermen shall remain in effect during the pendency of any appeal to the Courts unless the same is modified or suspended by a Court of competent jurisdiction after notice and evidentiary hearing. An appeal of a decision of the Board of Mayor and Aldermen to a Court of competent jurisdiction shall be made within sixty days from the date of the decision of the Mayor and Aldermen.

13.309. PENALTIES AND ABATEMENTS

A. Public Nuisance:

Discharges of wastewater in any manner in violation of this

Ordinance or of any order issued by the Manager as authorized by this Ordinance, is hereby declared a public nuisance and shall be corrected or abated as directed by the Manager. Any person creating a public nuisance shall be subject to the provisions of the City of Tullahoma codes or ordinances governing such nuisance. Any costs of emergency corrections incurred by the Board shall be billed at actual cost to the user.

B. Persons Subject to Penalties

Any person discharging any wastes such that the Industrial User Discharge Permit (IUDP) limits are exceeded, regardless of whether an interference, upset, or pass-through incident occurs at the POTW in excess of the NPDES limits, shall be subject to penalties as follows:

1. Any person discharging loadings of compatible pollutants, including five-day BOD, ammonia or suspended solids such that the POTW capacity is not overloaded to the degree that an interference, upset, or pass-through incident occurs shall be assessed all applicable surcharges.
2. Any person discharging loadings of compatible pollutants, including five-day BOD, ammonia or suspended solids such that the POTW capacity is overloaded to the degree that an interference, upset, or pass-through incident occurs shall be assessed one thousand dollars (\$1,000) penalty; or, the amount of civil penalties and/or fines assessed against the Board by State and/or Federal regulatory agencies plus the costs stream, to have discharge without a permit in force, to have failed to file the required reports, or otherwise failed to conform to the requirements of the Board with regard to pretreatment rules and policies.

C. The basis for imposing penalties shall be as follows:

1. Violations as reported to the Board by the Industry's self-monitoring.
2. Violations as discovered by the Board in performing verification and demand monitoring.

3. Other monitoring activities which demonstrate non-compliance.

D. Values obtained at the POTW laboratory for compatible and incompatible pollutants shall be considered eligible to determine compliance with the Industrial User's Discharge Permit. Samples from all self-monitoring activities by the industry shall be analyzed by a laboratory approved by the State of Tennessee.

Whenever a value obtained by the POTW laboratory for an incompatible pollutant indicates that a violation has occurred, the industry involved may challenge the POTW analysis. Whenever a value obtained by the POTW laboratory is challenged by the industrial user, a sample shall be sent to a laboratory approved by the State of Tennessee for the analysis in question. In the event that the value obtained by the approved laboratory indicates no violation has occurred, the Board shall concur that no violation has occurred, and the cost of the additional analysis by the approved laboratory shall be borne by the Board. In the event the value obtained by the approved laboratory indicates that a violation has occurred, the industrial user shall be assessed an amount equal to twice the amount invoiced by the approved laboratory to recover the costs of sampling and analysis, plus the amount of the penalty(s) and/or costs specified in the provisions of this article.

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

13-310. SEWER REGULATION APPEALS BOARD

A. Members

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

B. Powers of the Board

The Sewer Regulation Appeals Board shall have the following powers:

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

13-311. MISCELLANEOUS PROVISIONS

A. Power and Authority of Inspectors

1. Entry on Private Property - The Manager and other duly authorized employees of the Board bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance.
2. Safety - While performing the necessary work on private properties referred to in the above paragraph, the Manager or duly authorized employees of the Board shall observe all safety rules applicable to the premises established by the company, the Board employees and the Board shall indemnify the company against loss

or damage to its property by Board employees and against liability claims and defor personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

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