TOWN OF ARLINGTON

SEWER USE ORDINANCE

Revised February 15, 2017

ORDINANCE 2017-08

AN ORDINANCE TO AMEND AND RE-ADOPT THE TOWN OF ARLINGTON, TENNESSEE, SEWER USE ORDINANCE, IN COMPLIANCE WITH NATIONAL PRETREATMENT REGULATIONS (40 CFR PART 403), TO INCORPORATE THE PRETREATMENT STREAMLINING RULE.

WHEREAS, The General Pretreatment Regulations (40 CFR Part 403), Pretreatment Program requires industrial discharges to use treatment techniques and management practices to reduce or eliminate the discharge of harmful pollutants to sanitary sewers; and

WHEREAS, the Streamlining Rule revises several provisions of the General Pretreatment Regulations and was designed to reduce the overall regulatory burden on both Industrial Users and Control Authorities, without adversely affecting environmental protection; and

WHEREAS, the Town of Arlington, Tennessee has submitted said changes to the State of Tennessee Division of Water Resources on February 15, 2017; and

WHEREAS, these changes to the Town's legal authority are considered a substantial modification to the Pretreatment Program (Tennessee Rule 0400-40-14.18(3)) and

WHEREAS, a Public Notice was published in the Commercial Appeal on April 1, 2017, giving at least 30 days' notice, providing meaningful public notice within the jurisdiction served by the Arlington Waste Water Treatment Plant, indicating that the previously approved pretreatment program is being amended and included an invitation to comment on the changes; and

WHEREAS, the Board of Mayor and Aldermen deem it in the best interest, safety and welfare of the citizens of the Town of Arlington, Tennessee to amend and re-adopt the Sewer Use Ordinance in compliance with the Pretreatment Streamlining Rule.

NOW THEREFORE BE IT ORDAINED, by the Board of Mayor and Aldermen for the Town of Arlington, Tennessee that the Sewer Use Ordinance be re-adopted as amended and attached hereto as exhibit "A", subject to review and approval by the State of Tennessee Division of Water Resources.

BE IT FURTHER ORDAINED that this ordinance shall take effect upon its final reacting and publication in a newspaper of general circulation, the public health, safety and welfare requiring it.

Approved by the Board of Mayor and Aldermen.

1st Reading June 5th, 2017

2nd Reading June 26th, 2017

Public Hearing June 26th, 2017 Publication: June 10th, 2017

Mayor

Attest:

Recorder

ORDINANCE NO. 2017-08

CHAPTER 1

GENERAL WASTEWATER REGULATIONS

SECTION

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101. Purpose and policy. This chapter sets forth uniform requirements for users of the Town of Arlington, Tennessee, wastewater treatment system and enables the Town to comply with the Federal Clean Water Act and the state Water Quality Control Act and rules adopted pursuant to these acts. The objective of this chapter are:

1) To protect public health,
2) To prevent the introduction of pollutants into the municipal wastewater treatment facility, which will interfere with the system operation;
3) To prevent the introduction of pollutants into the wastewater treatment facility that will pass through the facility, inadequately treated, into the receiving waters, or otherwise be incompatible with the treatment facility;
4) To protect facility personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
5) To promote reuse and recycling of industrial wastewater and sludge from the facility;
6) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the facility; and
7) To enable the Town to comply with its National Pollution Discharge Elimination System (NPDES) Permit conditions, sludge and biosolid use and disposal requirement, and any other Federal or State industrial pretreatment rules to which the facility is subject.

In meeting these objectives, this chapter provides that all persons in the service area of the Town of Arlington (hereinafter referred to as Town) must have adequate wastewater treatment either in the form of a connection to the municipal wastewater treatment system or, where the system is not available, an appropriate private disposal system.

This ordinance shall apply to all users inside or outside the Town who are, by implied contract of written agreement with the Town, dischargers of applicable wastewater to the wastewater treatment facility. Chapter 2 provides for the issuance of permits to system users, for monitoring, compliance, and enforcement activities; establishes administrative review procedures for industrial users or other users whose discharge can interfere with or cause violations to occur at the wastewater treatment facility. Chapter 2 also details permitting requirements including the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative

program established herein.

102. **Administrative.** Except as otherwise provided herein, the wastewater supervisor of the Town shall administer, implement, and enforce the provisions of this chapter.

103. **Definitions.** Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

1) "Administrator." The Administrator or the United States Environmental Protection Agency.
2) "Act or the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended and found in 33 U.S.C. § 1251, et seq.
3) "Approval authority." The Tennessee Department of Environment and Conservation, Division of Water Resources.
4) "Authorized or Duly Authorized Representative of industrial user:
   a) If the user is a corporation:
      (i) The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any person who performs similar policy or decision-making functions for the corporation; or
      (ii) The manager of one or more manufacturing, production , or operating facilities, provided the manager is authorized to 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 insure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
   b) If user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
   c) If the user is a federal, state, or local governmental agency: a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.
   d) The individual described in paragraphs (a)-(c), above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Town.
5) "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 108 of this chapter. BMPs also include treatment requirement, operating procedures, and practices lo control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
6) "Biochemical Oxygen Demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20 centigrade expressed in terms of weight and concentration (milligrams per liter (mg/ l)).
7) "Building sewer." A sewer conveying wastewater from the premises of a user to the publicly owned sewer collection system.
8) "Categorical standards." The National Categorical Pretreatment Standards or Pretreatment Standard as found in 40 CFR Chapter I, Subchapter N, Parts 405-471.
9) "Commissioner." The commissioner of environment and conservation or the commissioner's duly authorized representative and, in the event of the commissioner's absence or a vacancy in the office of commissioner, the deputy commissioner.
10) "Compatible pollutant." Shall mean BOD, suspended solids, pH, fecal coliform bacteria, and such

additional pollutants as are now or may in the future be specified and controlled in the Town's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

11) "Composite sample." A sample composed of two or more discrete samples. The aggregate sample will reflect the average water quality covering the compositing or sample period.
12) "Control authority." The term "control authority" shall refer to the Town of Arlington.
13) "Cooling water or non-contact cooling water." The water discharge from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.
14) "Customer." Any individual, partnership, corporation, association, or group who receives sewer service from the Town under either an express or implied contract requiring payment to the Town for such service.
15) "Daily Maximum." The theoretic average of all effluent samples for a pollutant (except pH) collected during a calendar day, the daily maximum for pH is the highest value tested during a 24-hour calendar day.
16) "Daily Maximum Limit." The maximum allowable discharge limit of a pollutant during a 24-hour period. Where the limit is expressed in units of mass, the limit is the maximum amount of total mass of the pollutant that can be discharged during the calendar day. Where the limit is expressed in concentration, it is the arithmetic average of all concentration measurements taken that day.
17) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.
18) "Domestic wastewater." Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent or commercial establishment containing sanitary facilities for the disposal of wastewater and used for residential or commercial purposes only.
19) "Environmental Protection Agency or EPA." The U. S. Environmental Protection Agency; or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of the said agency.
20) 'Garbage.' Solid wastes generated from any domestic, commercial or industrial source.
21) 'Grab sample." A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and is collected over a period of time not to exceed fifteen (15) minutes. Grab sampling procedure: Where composite sampling is not an appropriate sampling technique, a grab sample(s) shall be taken to obtain influent and effluent operational data. Collection of influent grab samples should precede collection of effluent samples by approximately one detention period. The detention period is to be based on a 24- hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year. Grab samples will be required, for example, where the parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical or physical interactions which take place after sample collection and affect the results.
22) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
23) "Incompatible pollutant." Any pollutant which is not a "compatible pollutant" as defined in this section.
24) "Indirect discharge." The introduction of pollutants into the wastewater facility (WWF) from any non-domestic source.
25) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Act (33 U.S.C.§1342).
26) "Industrial wastes." Any liquid, solid, or gaseous substance, or combination thereof, or form of energy including heat, resulting from any process of industry, manufacture, trade, food processing or preparation, or business or from the development of any natural resource.
27) "Instantaneous limit." The maximum concentration of a pollutant allowed to be discharged at *any* time, determined from the analysis of any discrete or composited

sample collected, independent of the industrial flow rate and the duration of the sampling event.

28) "Interceptor." A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage orwaste to discharge into the drainage system by gravity.

29) "Interference." A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the WWF, its treatment processes or operations, or its sludge processes, use or disposal; or exceeds the design capacity of the treatment works or collection system.

30) "Local administrative officer." The chief administrative officer of the local hearing authority.

31) "Local hearing authority." The board of mayor and aldermen or such person or persons appointed by the board to administer and enforce the provisions of this chapter and conduct hearings pursuant to Section 205.

32) "Local Limit." Specific discharge limits developed and enforced by the Town upon industrial and commercial facilities to implement the general and specific discharge prohibitions listed in Tennessee rules 0400-40-14-.05(1)(a) and (2).

33) "Monthly Average." The arithmetic average value of all daily results for a calendar month for an individual pollutant parameter.

34) "Monthly Average Limit." The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

35) "National categorical pretreatment standard or categorical standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C.§ 1317) which applies to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, 405-471.

36) "NAICS, North American Industrial Classification System." A system of industrial classification jointly agreed upon by Canada, Mexico and the United States. It replaces the Standard Industrial Classification (SIC) System.

37) "New source."

a) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Clean Water Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

(i) The building structure, facility or installation is constructed at a site at which no other source is located; or

(ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In detaining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

b) Construction on a site at which an existing source is located results in a modification rather than a new source ifthe construction does not create a new building, structure, facility, or installation meeting the criteria of parts (a)(ii) or (a)(iii) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(i) Begun, or caused to begin as part of a continuous onsite construction program:
A. Any placement, assembly, or installation of facilities or equipment; or
B. Significant site preparation work including cleaning, excavation or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph

38) "NPDES (National Pollution Discharge Elimination System)." The program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to Section 402 of the Clean Water Act as amended.

39) "Pass-through." A discharge which exits the WWF into waters of the State 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 WWF's NPDES permit including an increase in the magnitude or duration of a violation.

40) "Person." 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. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

41) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

42) "Pollution." The manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

43) "Pollutant." Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, turbidity, color, BOD, COD, toxicity, or odor discharge into water).

44) "Pretreatment or treatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, biological processes, or process changes or other means, except through dilution as prohibited by 40 CFR Section 403.6(d).

45) "Pretreatment coordinator." The person designated by the local administrative officer or his authorized representative to supervise the operation of the pretreatment program.

46) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user.

47) "Pretreatment standards or standards." A prohibited discharge standard, categorical pretreatment standard and local limit.

48) "Publicly owned treatment works (POTW)." A treatment works as defined by Section 212 of the Act which is owned in this instance by the municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. See WWF, Wastewater Facility, found in definition number 63, below.

49) "Significant industrial user." The term significant industrial user means:

a) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and
b) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the WWF (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the WWF's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).
c) The Town may determine that an Industrial User (IU) subject to categorical Pretreatment Standards is a Non-Significant Categorical User rather than a Significant Industrial User on a finding that the IU never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling water and blower blown down wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
   1. The Industrial User, prior to the Town's findings, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
   2. The IU annually submits the certification statement required in Section 204(14)(b)(1-2), together with any additional information necessary to support the certification statement;
   3. The IU never discharges any untreated concentrated wastewater.
   4. Upon finding that a user meeting the criteria in the above part, has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the Town may at any time, on its own initiative or in response to a petition received from an IU, and in accordance with procedures in Tennessee Rule 0400-2-14-.08(6)(t), determine that such user should not be considered a Significant Industrial User.

50) "Significant noncompliance."
a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken for each parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limit.
b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required.
c) Any other violation of a pretreatment standard or requirement (daily maximum or longer-term average, instantaneous limit, or narrative standard) that the WWF determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health or WWF personnel or the general public).
d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the WWF's exercise of its emergency authority under Section 205(1)(b)(i)(D), Emergency Order, to halt or prevent such a discharge.
e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
f) Failure to provide, within 45 days after the due date, required reports such as baseline

monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

g) Failure to accurately report noncompliance.

h) Any other violation or group of violations, which may include a violation of Best Management Practices, which the WWF determines will adversely affect the operation or implementation of the local pretreatment program.

i) Continuously monitored pH violations that exceed limits for a time period greater than 50 minutes or exceed limits by more than 0.5 s.u. more than eight times in four hours.

51) "Slug." 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 WWF's regulations, local limits, or Permit conditions.

52) "Standard industrial classification (SIC)." A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

53) "State." The State of Tennessee.

54) "Storm sewer or storm drain." A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes. It may, however, carry cooling waters and unpolluted waters, upon approval of the superintendent.

55) "Storm water." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

56) "Superintendent." The local administrative officer or person designated by him to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

57) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids and that is removable by laboratory filtering.

58) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations published by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

59) "Town."The Town of Arlington, and or Town of Arlington, Tennessee Mayor and Board ofAlderman.

60) 'Twenty-four (24) hour flow proportional composite sample." A sample consisting of several sample portions collected during a 24-hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

61) "User." The owner, tenant or occupant of any lot or parcel of land connected to a sanitary sewer, or for which a sanitary sewer line is available if a municipality levies a sewer charge on the basis of such availability. Tennessee Code Annotated, § 68-221-201.

62) "Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which *is* contributed into or permitted to enter the WWF.

63) "Wastewater Facility" or "WWF." Any or all of the following: the collection/transmission system, treatment plant, and the reuse or disposal system, which is owned by any person. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a WWF treatment plant. The term also means the municipality as defined in section 502(4) of the Federal Clean Water Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. WWF is also formally known as a POTW, or Publicly Owned Treatment Works.

64) Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and other bodies of accumulation of water, surface or underground, natural or artificial, public or private, that are contained within,

flow through, or border upon the state or any portion thereof.

65) "0400-40-14." Chapter 0400-40-14 of the Rules and Regulations of the State of Tennessee, Pretreatment Requirements.

104. Proper waste disposal required.

1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the Town, any human or animal excrement, garbage, or other objectionable waste.
2) It shall be unlawful to discharge to any waters of the state within the service area of the Town any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this ordinance or Town or state regulations.
3) Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other facility intended or used for the disposal of sewage.
4) Except as provided in (6) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper private or public sewer in accordance with the provisions of this chapter. Where public sewer is available property owners shall within sixty (60) days after date of official notice to do so, connect to the public sewer. Service is considered "available" when a public sewer main is located in an easement, right-of-way, road or public access way which abuts the property.
5) Where a public sanitary sewer is not available under the provisions of (4) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of Section 105 of this ordinance.
6) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided that he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations.

105. Private domestic wastewater disposal.

1) Availability.
   a) Where a public sanitary sewer is not available under the provisions of Section 104(4), the building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of the applicable local and state regulations.
   b) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town. When it becomes necessary to clean septic tanks, the sludge may be disposed of only according to applicable federal and state regulations.
   c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice from the Town to do so.
2) Requirements.
   a) The type, capacity, location and layout of a private sewerage disposal system shall comply with all local or state regulations. Before commencement of construction of a private sewerage disposal system, the owner shall first obtain a written approval from the County Health Department. The application for such approval shall be made on a form furnished by the County Health Department which the applicant shall supplement with any plans or specifications that the Department has requested.
   b) Approval for a private sewerage disposal system shall not become effective until the installation is completed to the satisfaction of the local and state authorities, who shall be allowed to inspect the work at any stage of construction.
   c) The type, capacity, location, and layout of a private sewage disposal system shall comply

with all recommendations of the Tennessee Department of Environment and Conservation, and the County Health Department. No septic tank or cesspool shall be permitted to discharge to waters of Tennessee.

d) No statement contained in this chapter shall be construed to interfere with any additional or future requirements that may be imposed by the Town and the county health department.

106. Connection to public sewers.

1) Application for Service.

a) There shall be two classifications of service; (1) residential and (2) service to commercial, industrial and other nonresidential establishments. In either case, the owner or his agent shall make application for connection on a special form furnished by the Town. Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. Details regarding commercial and industrial permits include but are not limited to those required by this ordinance. Service Connection Fees for establishing new sewer service are paid to the Town, Industrial User Discharge Permit Fees may also apply. The receipt by the Town of a prospective customer's application for connection shall not obligate the Town to render the connection. If the service applied for cannot be supplied in accordance with this chapter and the Town's rules and regulations and general practice, or state and federal requirement, the connection charge will be refunded in full, and there shall be no liability of the Town to the applicant for such service.

b) Users shall notify the Town of any proposed new introduction of wastewater constituents or any proposed change in the volume or character of the wastewater being discharged to the system a minimum of sixty (60) days prior to the change. The Town may deny or limit this new introduction or change based upon the information submitted in the notification.

2) Prohibited connections. No person shall make connections of roof downspouts, sump pumps, basement wall seepage or floor seepage, exterior foundation drains, area way 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. Any such connections which already exist on the effective date of this ordinance shall be completely and permanently disconnected within sixty (60) days of the effective day of this ordinance. The owners of any building sewer having such connections, leaks or defects shall bear all of the costs incidental removal of such sources. Pipes, sumps and pumps for such sources of ground water shall be separate from the sanitary sewer.

3) Physical connection to public sewer.

a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof. A Plumber or Contractor shall make all connections to the public sewer upon the property owner first submitting a connection application to the Town. The connection application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. A service connection fee shall be paid to the Town at the time the application is filed. The applicant is responsible for excavation and installation of the building sewer which is located on private property. The Town will inspect the installation prior to backfilling.

b) All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner including all service and connection fees. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

c) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Where property is subdivided and buildings use a common building sewer are now located on separate properties, the building sewers must be separated within 60 days.

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

e) Building sewers shall conform to the following requirements:

(i) The minimum size of a building sewer shall be as follows: conventional sewer system - Four inches (4")

(ii) The minimum depth of a building sewer shall be eighteen inches (18").

(iii) Building sewers shall be laid on the following grades: Four inch (4") sewers - 1/8 inch per foot.
Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least 2.0 feet per second.

(iv) Building sewers shall be installed in uniform alignment at uniform slopes.

(v) Building sewers shall be constructed only of polyvinyl chloride pipe Schedule 40 or better. Joints shall be solvent welded or compression gaskets designed for the type of pipe used. No other joints shall be acceptable

(vi) Cleanouts shall be provided to allow cleaning in the direction of flow. A cleanout shall be located five (5) feet outside of the building, as it crosses the properly line and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than seventy-five (75) feet apart in horizontal building sewers of six (6) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed and protected from damage. A "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches. Blockages on the property owner's side of the property line cleanout are the responsibility of the property owner.

(vii) Connections of building sewers to the public sewer system shall be made only at the appropriate existing wyes or tee branch using compression type couplings or collar type rubber joint with stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe or replacing it with a wye or tee fitting using flexible neoprene adapters with stainless steel bands of a type approved by the superintendent. Bedding must support pipe to prevent damage or sagging. All such connections shall be made gaslight and watertight.

(viii) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved pump system according to Section 107 and discharged to the building sewer at the expense of the owner.

(ix) The methods to be used in excavating, placing of pipe, jointing, testing, back filling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town or to the procedures set forth in appropriate specifications by the ASTM. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(x) An installed building sewer shall be gastight and watertight.

f) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, sump pumps, or other sources of surface runoff or groundwater to a building directly or indirectly to a public sanitary sewer.

h) Inspection of connections.

(i) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected before the underground portion is covered, by the superintendent or his authorized representative.

(ii) The applicant of discharge shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

4) Maintenance of building sewers. Each property served by public sewer has a service line that runs from the property to the Town's sewer mains. The Town shall have ownership of the service lines up to but not including the connection to the property's sewer line from the building on the property. Due to changes over time in the way service lines are connected, the definition of the limits of the connection will depend on the type of connection and the location of the connection on the property.

a. Donut Style Sewer connection: The property owner is responsible to the discharge end of the pipe that penetrates into the Town's service line including the donut style connection.

b. PVC glued connection: For properties where the sewer line is 4 inch in diameter and the Town's service line is 6 inch in diameter, the connection will be where the 4 inch to 6 inch reducer is glued into the Town's service line. In the event that there is no pipe size difference the connection will be where there is a color change in the pipe, or change in pipe materials or the edge of the right of way.

c. Concrete, Terra Cotta, other: The property owner is responsible for the connection at the 4 inch to 6 inch reducer, or where the pipe material changes, Fernco coupling or the edge of the right of way.

d. Multiple properties on one connection: The property owners are responsible from the "Y" or Tee, which splits the properties from the Town's common service line, back to the structures.

Each individual property owner shall be entirely responsible for the construction, maintenance, repair or replacement of the building sewer as deemed necessary by the superintendent to meet specifications of the town. Owners failing to maintain or repair building sewers or who allow storm water or ground water to enter the sanitary sewer may face enforcement action by the superintendent up to and including discontinuation of water and sewer service. In the event there is a sewage backup into the property owner's building or out of a cleanout or through a break in the sewer line on the property owner's side of the sewer connection, it is the property owner's responsibility to pay for any damages, cleanup or repairs on or in their property. Once the Town notifies the property owner that there is a sewer line break or leak on their property, the property owner will make repairs as soon as possible. If the Superintendent deems it necessary, the Town can make repairs and assess a lien against the property for the cost of repairs, plus overhead charges and civil penalties.

5) Sewer extension. All expansion or extension of the public sewer constructed by property owners or developers must follow policies and procedures developed by the Town. In the absence of policies and procedures the expansion or extension of the public sewer must be approved in

writing by the superintendent or manager of the wastewater collection system. All plans and construction must follow the latest edition of Tennessee Design Criteria for Sewerage Works. Contractors must provide the superintendent or manager with as-built drawing and documentation that all mandrel, pressure and vacuum tests as specified in design criteria were acceptable prior to use of the lines. Contractor's one-year warranty period begins with occupancy or first permanent use of the lines. Contractors are responsible for all maintenance and repairs during the warranty period and all inspections as specified by the superintendent or manager. The superintendent or manager must give written approval to the contractor to acknowledge transfer of ownership to the Town. Failure to construct or repair lines to acceptable standards could result in denial or discontinuation of sewer service.

107. Regulation of holding tank waste disposal or trucked in waste.

1) No person, firm, association or corporation shall haul in or truck in to the WWF any type of domestic, commercial or industrial waste unless such person, firm, association, or corporation obtains a written approval from the Town to perform such acts or services.
2) Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the superintendent when the conditions of this chapter have been met and providing the superintendent is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.
3) Fees. For each permit issued under the provisions of this chapter the applicant shall agree in writing by the provisions of this section and pay an annual service charge to the Town to be set as specified in Section 207 of this ordinance. Any such permit granted shall be for a specified period of time, and shall continue in full force and effect from the time issued until the expiration date, unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted in 3-inch permanent letters on each side of each motor vehicle used in the conduct of the business permitted hereunder.
4) Designated disposal locations. The superintendent shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated. The superintendent may refuse to accept any truckload of waste at his discretion where it appears that the waste could interfere with the operation of the WWF.
5) Revocation of permit. Failure to comply with all the provisions of the permit or this chapter shall be sufficient cause for the revocation of such permit by the superintendent. The possession within the service area 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 systems within the service area of the Town of Arlington.
6) Trucked in waste. This part includes waste from trucks, railcars, barges, etc., or temporally pumped waste, all of which are prohibited without a permit issued by the superintendent. This approval may require testing, flow monitoring and record keeping.

108. Discharge regulations.

1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation and performance of the WWF. These general prohibitions apply to all such users of a WWF whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. Violations of these general and specific prohibitions or the provisions of this section may result in the issuance of an industrial

pretreatment permit, surcharges, discontinuance of water and/or sewer service and other fines and provisions of Section 110. A user may not contribute the following substances to any WWF:

a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the WWF or to the operation of the WWF. Prohibited flammable materials include, but are not limited to, waste streams with a closed cup flash point of less than 140° F or 60° C using the test methods 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, bromate, carbides, hydrides and sulfides and any other substances which the Town, the state or EPA has notified the user is a fire hazard or a hazard to the system.

b) Any wastewater having a pH less than 5.5 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the WWF.

c) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities including, but not limited to: grease, garbage with particles greater than one half inch (1/2 ") in any direction, waste from animal slaughter, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, mud, or glass grinding or polishing wastes.

d) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the WWF.

e) Any wastewater having a temperature which will inhibit biological activity in the WWF treatment plant resulting in interference, but in no case heat in quantities that the temperature at the Wastewater treatment plant exceeds 40°C (104° F) unless approved by the State of Tennessee.

f) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the WWF in a quantity that may cause acute worker health and safety problems.

h) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans, including wastewater plant and collection system operators, or animals, create a toxic effect in the receiving waters of the WWF, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

i) Any trucked or hauled pollutants except at discharge points designated by the WWF.

j) Any substance which may cause the WWF's effluent or any other product of the WWF such as residues, sludge, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the WWF cause the WWF to be in non-compliance with sludge use or disposal criteria, 40 CFR 503, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

k) Any substances which will cause the WWF to violate its NPDES Permit or the receiving water quality standards.

l) Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

m) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "slug" as defined herein.
n) Any waters containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.
o) Any wastewater which causes a hazard to human life or creates a public nuisance.
p) Any waters or wastes containing animal or vegetable fats, wax, grease, or oil whether emulsified or not, which cause accumulations of solidified fat in pipes, lift stations and pumping equipment, or interfere at the treatment plant.
q) Detergents, surfactants, surface-acting agents or other substances which may cause excessive foaming at the WWF or pass through of foam.
r) Wastewater causing, alone or in conjunction with other sources, the WWF to fail toxicity tests.
s) Any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters 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 superintendent and the Tennessee Department of Environment and Conservation. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent and the Tennessee Department of Environment and Conservation, to a storm sewer or natural outlet.

2) Local Limits. In addition to the general and specific prohibitions listed in this section, users permitted according to Chapter 2 may be subject to numerical limits and best management practices as additional restrictions to their wastewater discharge in order to protect the WWF from interference or protect the receiving waters from pass through contamination.
3) Dilution. Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no IU shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The Town may impose mass limitations on IUs which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

109. Enforcement and abatement. Violators of these Wastewater Regulations may be cited to general sessions court, chancery court, or other court of competent jurisdiction face fines, have sewer service terminated or the Town may seek further remedies as needed to protect the collection system, treatment plant, receiving stream and public health including the issuance of discharge permits according to Chapter 2. Repeated or continuous violation of this ordinance is declared to be a public nuisance and may result in legal action against the property owner and/or occupant and the service line disconnected from sewer main. Upon notice by the superintendent that a violation has or is occurring, the user shall immediately take steps to stop or correct the violation. The Town may take any or all the following remedies:

1) Cite the user to or general sessions court, where each day of violation shall constitute a separate offense.
2) In an emergency situation where the superintendent has determined that immediate action is needed to protect the public health, safety or welfare, a public water supply or the facilities of the sewerage system, the superintendent may discontinue water service or disconnect sewer service.
3) File a lawsuit in chancery court or any other court of competent jurisdiction seeking damages against the user, and further seeking an injunction prohibiting further violations by user.
4) Seek further remedies as needed to protect the public health, safety or welfare, the public water supply or the facilities of the sewerage system.

CHAPTER 2

INDUSTRIAL/COMMERCIAL WASTEWATER REGULATIONS

SECTION

201. Industrial pretreatment.
202. Discharge permits.
203. Industrial user additional requirements.
204. Reporting requirements.
205. Enforcement response plan.
206. Enforcement response guide table.
207. Fees and billing.
208. Validity.

201. Industrial pretreatment. In order to comply with Federal Industrial Pretreatment Rules 40 CFR Part 403 and Tennessee Pretreatment Rules 0400-40-14 and to fulfill the Purpose and Policy of this ordinance the following regulations are adopted.

1) User discharge restrictions. All system users must follow the General and Specific discharge regulations specified in Section 108 of this ordinance.
2) Users who are classified as Significant Industrial Users will be required to meet the requirements of this chapter. Users who discharge waste which falls under the criteria specified in this chapter and who fail to or refuse to follow the provisions shall face termination of service and/or enforcement action specified in Section 205.
3) Discharge regulation. Discharges to the sewer system shall be regulated through use of a permitting system. The permitting system may include any or all of the following activities: completion of survey/application forms, issuance of permits, oversight of users monitoring and permit compliance, use of compliance schedules, inspections of industrial processes, wastewater processing, and chemical storage, public notice of permit system changes and public notice of users found in significant noncompliance.
4) Discharge Permits shall limit concentrations of discharge pollutants to those levels that are established as Local Limits, Table 1 or other applicable State and Federal pretreatment rules which may be in effect or take effect after the passage of this ordinance.

Table 1 -Local Limits

Pollutant	Daily Maximum Limit (mg/L)
Cadmium	0.02
Chromium (total)	0.752
Copper	0.65
Lead	0.12
Nickel	1.04
Silver	0.014
Zinc	0.332
Cyanide (total)	0.22
Phenols	0.610
Oil & Grease (total)	100
BOD/CBOD	Industry Specific [1]
TSS	Industry Specific [1]
pH	5.5 - 9.5

1. BOD/CBOD and TSS will be distributed based on an industrial contributory allocation method, not to exceed the Maximum Allowable Industrial Loading (MAIL). These may be either concentration-based (mg/L) or mass-based (lb/day).
*Based on 24-hour flow proportional composite samples unless specified otherwise.

5) Surcharge thresholds. Dischargers of high strength waste may be subject to surcharges based on the following surcharge thresholds. Maximum concentrations or mass loadings may also be established for some users, on a site-specific basis.

Table 2-Surcharge Threshold

Parameter	Surcharge Threshold (mg/L)
Biochemical Oxygen Demand (BOD)	250
Total Suspended Solids (TSS)	250

6) Protection of treatment plant influent. The pretreatment coordinator shall monitor the treatment works influent for pollutants. Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the WWF reaches or exceeds the levels established by the Maximum Allowable Industrial Loading (MAIL) or subsequent criteria calculated as a result of changes in pass through limits issued by the Tennessee Department of Environment and Conservation, the pretreatment coordinator shall initiate technical studies to determine the cause of the influent violation and shall recommend to the Town the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised local limits, best management practices, or other criteria used to protect the WWF. The pretreatment coordinator shall also recommend changes to any of these criteria in the event that: the WWF effluent standards are changed, there

are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the WWF.

7) User inventory. The superintendent will maintain an up-to-date inventory of users whose waste does or may fall into the requirements of this chapter, and will notify the users of their status.
8) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the pretreatment coordinator from establishing specific wastewater discharge criteria which are more restrictive when wastes are determined to be harmful or destructive to the facilities of the WWF or to create a public nuisance, or to cause the discharge of the WWF to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the WWF 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 Environmental Protection Agency .

202. Discharge permits.

1) Application for discharge of commercial or industrial wastewater. All users or prospective users which generate commercial or industrial wastewater shall make application to the superintendent for connection to the municipal wastewater treatment system. It may be determined through the application that a user needs a discharge permit according to the provisions of federal and state laws and regulations. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service or where there is a planned change in the industrial or wastewater treatment process. Connection to the Town sewer or changes in the industrial process or wastewater treatment process shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with section 106 of this ordinance and an inspection has been performed by the superintendent or his representative.
   The receipt by the Town of a prospective customer's application for connection shall not obligate the Town to render the connection. If the service applied for cannot be supplied in accordance with this chapter and the Town's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the Town to the applicant for such service.
2) Industrial wastewater discharge permits.
   a) General requirements. All industrial users proposing to connect to or to contribute to the WWF shall apply for service and apply for a discharge permit before connecting to or contributing to the WWF. All existing industrial users connected to or contributing to the WWF may be required to apply for a permit within 180 days after the effective date of this chapter.
   b) Applications. Applications for wastewater discharge permits shall be required as follows:
      (i) Users required by the superintendent to obtain a wastewater discharge permit shall complete and file with the pretreatment coordinator, an application on a prescribed form accompanied by the appropriate fee.
      (ii) The application shall be in the prescribed form of the Town and shall include, but not be limited to the following information: name, address, and SIC/NAICS number of applicant; wastewater volume; wastewater constituents and characteristic, including but not limited to those mentioned in Section 109 and 201 discharge variations -- daily, monthly , seasonal and 30 minute peaks ; a description of all chemicals handled on the premises, each product produced by type, amount, process or processes and rate of production, type and amount of raw materials, number and type of employees, hours of operation. site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed

necessary by the pretreatment coordinator.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the pretreatment coordinator for approval. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Town under the provisions of this chapter. If additional pretreatment and/or operations and maintenance will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard for the purpose of this paragraph, "pretreatment standard," shall include either a national pretreatment standard or a pretreatment standard imposed by this chapter.

(iv) The Town will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Town may issue a wastewater discharge permit subject to terms and conditions provided herein.

(v) The receipt by the Town of a prospective customer's application for wastewater discharge permit shall not obligate the Town to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the Town's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the Town to the applicant of such service.

(vi) The pretreatment coordinator will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the pretreatment coordinator that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the local administrative officer, the local administrative officer shall deny the application and notify the applicant in writing of such action.

(vii) Wastewater Discharge General Permits

A. At the discretion of the superintendent, the superintendent may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:
   1. Involve the same or substantially similar types of operations
   2. Discharge the same types of wastes
   3. Require the same effluent limitations
   4. Require the same or similar monitoring, and
   5. In the opinion of the superintendent, are more appropriately controlled under a general permit than under individual wastewater discharge permits
   6. A WWF may not control a SIU through a general control mechanism where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for Industrial users whose limits are based on the Combined Wastestream Formula or Net/Gross calculations (0400-40-14-.06(5) and 0400-40-14-. 15)

B. To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring, all wastes covered by the general permit, any requests in accordance with Section 204(4)(b) (1 -8) for a monitoring waiver for a pollutant neither present nor expected to be

present in the discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the superintendent has provided written notice to the SIU that such waiver has been granted in accordance with Section 204(4) (b) (1-8).

C. The superintendent will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in Section vii(A) 1-6 above and applicable State regulations, and a copy of the user's written request for coverage for (3) years after the expiration of the general permit.

(viii) Applications shall be signed by the duly authorized representative.

c) Permit conditions. Wastewater discharge permits (individual and general) shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the Town,

(i) Permits shall contain the following:

A. Statement of duration;

B. Provisions of transfer;

C. Effluent limits, including best management practices, based on applicable pretreatment standards in this chapter, State Rules, and categorical pretreatment standards, local, state, and federal laws.

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 (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge, or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type based on Federal, State, and local law;

E. Statement of applicable civil and criminal penalties for violations of pretreatment standards and the requirements of any applicable compliance schedule. Such schedules shall not extend the compliance date beyond the applicable federal deadlines;

F. Requirements to control slug discharges, if determined by the WWF to be necessary;

G. Requirement to notify the WWF immediately if changes in the user's processes affect the potential for a slug discharge.

(ii) Additionally, permits may contain the following:

A. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

B. Requirements for installation and maintenance of inspection and sampling facilities;

C. Compliance schedules;

D. Requirements for submission of technical reports or discharge reports;

E. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Town and affording Town access thereto;

F. Requirements for notification of the Town sixty (60) days prior to implementing any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system, and of any changes in industrial processes that would affect wastewater quality or quantity;

G. Prohibition of bypassing pretreatment or pretreatment equipment;

H. Effluent mass loading restrictions;

I. Other conditions as deemed appropriate by the Town to ensure compliance with this chapter.

d) Permit modification. The terms and conditions of the permit may be subject to modification by the pretreatment coordinator during the term of the permit as limitations or requirements

are modified or other just cause exists. This user shall be informed of any proposed changes in this permit at least 60 days prior to the effective date of change. Except in the case where federal deadlines are shorter, in which case the federal rule must be followed. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

e) Permit duration. Permits shall be issued for a specific time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit renewal a minimum of 180 days prior to the expiration of the users existing permit

f) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the written approval of the Town. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. The permit holder must provide the new owner with a copy of the current permit.

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

(i) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.

(ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.

(iii) A change in:

A. Any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

B. Strength, volume, or timing of discharges;

C. Addition or change in process lines generating wastewater.

(iv) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

3) Confidential information. All information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspection shall be available to the public or any governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the pretreatment coordinator that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the users.

Any claim of confidentiality must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, the Town may make the information available to the public without further notice.

When requested by the person furnishing the report, and approved by the Town, 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 chapter or the Town'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 pretreatment coordinator as confidential shall not be transmitted to any governmental agency or to the general public by the pretreatment coordinator until and unless prior and adequate notification is given to the user.

Information and data provided to the Control Authority pursuant to this part which is effluent data

shall be available to the public without restriction.

203. Industrial user additional requirements.

1) Monitoring facilities. The installation or a monitoring facility shall be required for all industrial users. A monitoring facility shall be a manhole or other suitable facility approved by the pretreatment coordinator. When in the judgment of thepretreatment coordinator, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user the pretreatment coordinator may require that separate monitoring facilities be installed for each separate source of discharge. Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If sampling or metering equipment is also required by the pretreatment coordinator, it shall be provided and installed at the user's expense.
The monitoring facility will normally be required to be located on the user's premises outside of the building. The pretreatment coordinator may, however; when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expenses of the user.
2) Sample methods. All samples collected and analyzed pursuant to this regulation shall be conducted using protocols (including appropriate preservation) specified in the current edition of 40 CFR 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 phenol, and sulfide 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 control authority, as appropriate.
3) Representative sampling and housekeeping. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measuring facilities shall be properly operated, kept clean, and in good working order at all times. The failure of the user to keep its monitoring facilities in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
4) Proper operation and maintenance. The user shall at all times properly operate and maintain the equipment and facilities associated with spill control, wastewater collection, treatment, sampling and discharge. Proper operation and maintenance includes adequateprocess control as well as adequate testing and monitoring quality assurance.
5) Inspection and sampling. The Town may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Town or its representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination and copying, or in the performance of any of its duties. The Town, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. The Town will utilize qualified Town personnel or a private laboratory to conduct compliance monitoring. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Town, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility.

6) Safety. While performing the necessary work on private properties, the pretreatment coordinator or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.
7) New sources. New sources of discharges to the WWF shall have in full operation all pollution control equipment at startup of the industrial process to be in full compliance of effluent standards within ninety (90) days of startup of the industrial process.
8) Slug discharge evaluations. Evaluations will be conducted of each significant industrial user: according to the state and federal regulations. Where it is determined that a slug discharge control plan is needed, the user shall prepare that plan according to the appropriate regulatory guidance.
9) Accidental discharges or slug discharges.
   a) Protection from accidental or slug discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental or slug discharge in to the WWF of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. Detailed plans showing the facilities and operating procedures shall be submitted to the pretreatment coordinator before the facility is constructed.

      The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.
   b) Notification of accidental discharge or slug discharge. Any person causing or suffering from any accidental discharge or slug discharge shall immediately notify the pretreatment coordinator in person, or by the telephone to enable countermeasures to be taken by the pretreatment coordinator to minimize damage to the WWF, the health and welfare of the public, and the environment.

      This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence.

      Such notification shall not relieve the user of liability for any expense, loss, or damage to the WWF, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or state or federal law.
   c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of an accidental or slug discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

204. Reporting requirements. Users, whether permitted or non-permitted may be required to submit reports detailing the nature and characteristics of their discharges according to the following subsections. Failure to make a requested report in the specified time is a violation subject to enforcement actions under Section 205.

1) Baseline monitoring report.
   a) 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 0400-40-14-.06(l)(d), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the WWF shall submit to the

superintendent a report which contains the information listed in paragraph B, 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 superintendent a report which contains the information listed in paragraph (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

b) Users described above shall submit the information set forth below.
   (i) Identifying Information. The user name, address of the facility including the name of operators and owners.
   (ii) Permit Information. A listing of any environmental control permits held by or for the facility.
   (iii) Description of operations. 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 WWF from the regulated processes.
   (iv) 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.
   (v) Measurement of pollutants.
      A. The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.
      B. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the superintendent, of regulated pollutants in the discharge from each regulated process.
      C. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
      D. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in 40 CFR 136 and amendments, unless otherwise specified in an applicable categorical standard. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the superintendent or the applicable standards to determine compliance with the standard.
      E. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
      F. 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 to evaluate compliance with the pretreatment standards.
      G. Sampling and analysis shall be performed in accordance with 40 CFR 136 or other approved methods.
      H. The superintendent 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.
      I. 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 WWF.

c) Compliance certification. A statement, reviewed by the user's duty authorized

representative 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 in Section 204(2) of this ordinance.

e) Signature and report certification. All baseline monitoring reports must be certified in accordance with section 204(14) of this ordinance and signed by the duly authorized representative.

2) Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by section 204(1)(d) of this ordinance:

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

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

c) The user shall submit a progress report to the superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at 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;

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

3) Reports on compliance with categorical pretreatment standard deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the WWF, any user subject to such pretreatment standards and requirements shall submit to the superintendent a report containing the information described in section 204(1)(b)(iv) and (v) of this ordinance. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection 14 of this section. All sampling will be done in conformance with subsection 11.

4) Periodic compliance reports.

A. All significant industrial users must, at a frequency determined by the superintendent submit no less than twice per year (April 10 and October 10) reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maxi mum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the superintendent or the pretreatment standard necessary to determine the compliance status of the user.

B. The Town may authorize an IU subject to a categorical pretreatment standard to forgo sampling of a pollutant regulated by a categorical pretreatment standard if the IU has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge or is present only at background levels

from intake water and without any increase in the pollutant due to activities of the IU. This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard. This authorization is subject to the following conditions:

1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by the applicable categorical standard and otherwise includes no process wastewater.
2. The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five (5) years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent wastewater discharge permit. See Section 202(2) (viii) (B).
3. In making a demonstration that a pollutant is not present, the IU must provide data from at least one sampling event of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
4. The request for a monitoring waiver must be signed in accordance with Section I 03(4) and include the certification statement in Section 204(14) (A).
5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
6. Any grant of the monitoring waiver by the town must be included as a condition in the users' permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the Town for three (3) years after the expiration of the waiver.
7. Upon approval of the monitoring waiver and revision of the user's permit by the Town, the IU must certify on each report with the statement in Section 204(14) (C), that there has been no increase in the pollutant in its wastestream due to activities of the IU.
8. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately comply with the monitoring requirements of Section 204(4) or other more frequent monitoring requirements imposed by the Town and notify the Town.

C. All periodic compliance reports must be signed and certified in accordance with this ordinance.

D. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

E. If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the superintendent, using the procedures prescribed in subsection 11 of this section, the results of this monitoring shall be included in the report.

5) Reports of changed conditions. Each user must notify the superintendent of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 60 days before the change.

a) The superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 201 of this chapter.

b) The superintendent may issue an individual wastewater discharge permit under section 202 of this chapter or modify an existing wastewater discharge permit under section 202 of this chapter in response to changed conditions or anticipated changed conditions.

6) Report of potential problems.
   a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a no customary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, ifknown, and corrective actions taken by the user.
   b) Within five (5) days following such discharge, the user shall, unless waived by the superintendent, 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 WWF, 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.
   c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
   d) Significant industrial users are required to notify the superintendent immediately of any changes at its facility affecting the potential for a slug discharge.

7) Reports from unpermitted users. All users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the superintendent as the superintendent may require to determine user's status as non-permitted.

8) Notice of violations/repeat sampling and reporting. Where a violation has occurred, another sample shall be conducted within 30 days of becoming aware of the violation, either a repeat sample or a regularly scheduled sample that falls within the required time frame. If sampling performed by a user indicates a violation. The user must notify the superintendent 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 superintendent within thirty (30) days after becoming aware of the violation. Resampling by the industrial user is *not* required if the Town performs sampling at the user's facility at least once a month, or if the Town performs sampling at the user's facility between the time when the initial sampling was conducted and the time when the user or the Town receives the results of this sampling, or if the Town has performed the sampling and analysis in lieu of the industrial user.

9) Notification of the discharge of hazardous waste.
   a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the

discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under section 204(5) of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 204(1), 204(3), and 204(4) of this chapter.

b) Dischargers are exempt from the requirements of paragraph (a), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous waste, unless the waste are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261 .30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

c) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Superintendent, the EPA Regional Waste Management Waste Division Director] and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

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

e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued there under, or any applicable federal or state law.

10) 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 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 superintendent or other parties approved by EPA.

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

a) Except as indicated in sections (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 superintendent. Where time-proportional composite sampling or grab sampling is authorized by the Town, 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 Town, 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 in Subsections (1) and (3) of this section, 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 superintendent may authorize a lower minimum. For the reports required by subsection (4) of this section, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

12) Date of receipt of reports. Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, the date of receipt of the report shall govern.

13) Recordkeeping. 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 established under section 108(2). 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 Town, or where the user has been specifically notified of a longer retention period by the superintendent.

14) Certification statements. Signature and certification.

A. All reports associated with compliance with the pretreatment program shall be signed by the duly authorized representative and shall have the following certification statement attached:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete, I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

B. Annual Certification for Non-Significant Categorical Industrial Users. A facility determined to be a Non-Significant Categorical Industrial User by the Town pursuant to Section 103(49)(c) must annually submit the following certification statement signed by the duly authorized representative. This certification must accompany an alternative report required by the Town:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards and 40 CFR_____ I certify that, to the best of my knowledge and belief that during the period from _____ to _____ (month, year):

1) The facility described as _____ (facility name) met the definition of a Non-Significant Categorical User as described in Section 103(51) (C).
2) The facility complied with all applicable pretreatment standards and requirements during this reporting period, and
3) The facility never discharges more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based on the following information.

C. Certification of Pollutants Not Present. Users that have an approved monitoring waiver based on Section 204(4)(B) (1-8) must certify on each report with the following

statement that there has been no increase in the pollutant in its wastestream due to activities of the user.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR_____ [specify applicable retreatment standard parts] I certify that, to the best of my knowledge and belief, there have been no increase in the level of _____ [list pollutants] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 204(4).

D. Reports required to have signatures and certification statement include, permit applications, periodic reports, compliance schedules, baseline monitoring, reports of accidental or slug discharges, and any other written report that may be used to determine water quality and compliance with local, state, and federal requirements.

205. Enforcement response plan. Under the authority of Tennessee Code Annotated, §69-3-123 et. Seq.

1) Complaints; notification of violation; orders.

a)

(i) Whenever the local administrative officer has reason to believe that a violation of any provision of the Town of Arlington Wastewater Regulations, pretreatment program, or of orders of the local hearing authority issued under it has occurred, is occurring, or is about to occur, the local administrative officer may cause a written complaint to be served upon the alleged violator or violators.

(ii) The complaint shall specify the provision or provisions of the pretreatment program or order alleged to be violated or about to be violated and the facts alleged to constitute a violation, may order that necessary corrective action be taken within a reasonable time to be prescribed in the order, and shall inform the violators of the opportunity for a hearing before the local hearing authority.

(iii) Any such order shall become final and not subject to review unless the alleged violators request by written petition a hearing before the local hearing authority as provided in section 205(2), no later than thirty (30) days after the date the order is served; provided, that the local hearing authority may review the final order as provided in Tennessee Code Annotated, 69-3-123(a)(3).

(iv) Notification of violation. Notwithstanding the provisions of subsections (i) through (iii), whenever the pretreatment coordinator finds that any user has violated or is violating this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirements, the Town or its agent may serve upon the user a written notice of violation. Within fifteen (15) days of the receipt of this notice, the user shall submit to the pretreatment coordinator an explanation of the violation and a plan for its satisfactory correction and prevention, including specific actions. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section limits the authority of the Town to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

b)

(i) When the local administrative officer finds that a user has violated or continues to violate this chapter, wastewater discharge permits, any order issued hereunder, or any other pretreatment standard or requirement, he may issue one of the following orders. These orders are not prerequisite to taking any other action against the user.

A. Compliance order. 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 specified time, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly

operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation.

B. Cease and desist order. An order to the user directing it to cease all such violations and directing it to immediately comply with all requirements and take needed remedial or preventive action to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

C. Consent order. Assurances of voluntary compliance or other documents establishing an agreement with the user responsible for noncompliance, including specific action to be taken by the user to correct the noncompliance within a time period specified in the order.

D. Emergency order.

1) Whenever the local administrative officer finds that an emergency exists imperatively requiring immediate action to protect the public health, safety, or welfare, the health of animals, fish or aquatic life, a public water supply, or the facilities of the WWF, the local administrative officer may, without prior notice, issue an order reciting the existence of such an emergency and requiring that any action be taken as the local administrative officer deems necessary to meet the emergency.

2) If the violator fails to respond or is unable to respond to the order, the local administrative officer may take any emergency action as the local administrative officer deems necessary, or contract with a qualified person or persons to carry out the emergency measures. The local administrative officer may assess the person or persons responsible for the emergency condition for actual costs incurred by the Town in meeting the emergency.

(ii) Appeals from orders of the local administrative officer.

A. Any user affected by any order of the local administrative officer in interpreting or implementing the provisions of this chapter may file with the local administrative officer a written request for reconsideration within thirty (30) days of the order, setting forth in detail the facts supporting the user's request for reconsideration.

B. If the ruling made by the local administrative officer is unsatisfactory to the person requesting reconsideration, he may, within thirty (30) days, file a written petition with the local hearing authority as provided in subsection (2). The local administrative officer's order shall remain in effect during the period of reconsideration.

c) Except as otherwise expressly provided, any notice, complaint, order, or other instrument issued by or under authority of this section may be served on any named person personally, by the local administrative officer or any person designated by the local administrative officer, or service may be made in accordance with Tennessee statutes authorizing service of process in civil action. Proof of service shall be filed in the office of the local administrative officer.

2) Hearings.

a) Any hearing or rehearing brought before the local hearing authority shall be conducted in accordance with the following:

(i) Upon receipt of a written petition from the alleged violator pursuant to this subsection, the local administrative officer shall give the petitioner thirty (30) days written notice of the time and place of the hearing, but in no case shall the hearing be held more than sixty (60) days from the receipt of the written petition, unless the local administrative officer and the petitioner agree to a postponement;

(ii) The hearing may be conducted by the local hearing authority at a regular or special meeting. A quorum of the local hearing authority must be present at the regular or special

meeting to conduct the hearing;

(iii) A verbatim record of the proceedings of the hearings shall be taken and filed with the local hearing authority, together with the findings of fact and conclusions of law made under subdivision (a)(vi). The recorded transcript shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the local administrative officer to cover the costs of preparation.

(iv) In connection with the hearing, the chair shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the chancery court of Shelby County has jurisdiction upon the application of the local hearing authority or the local administrate officer to issue an order requiring the person to appear and testify or produce evidence as the case may require, and any failure to obey an order of the court may be punished by such court as contempt;

(v) Any member of the local hearing authority may administer oaths and examine witnesses;

(vi) On the basis of the evidence produced at the hearing, the local hearing authority shall make findings of fact and conclusions of law and enter decisions and orders that, in its opinion, will best further the purposes of the pretreatment program. It shall provide written notice of its decisions and orders to the alleged violator. The order issued under this subsection shall be issued by the person or persons designated by the chair no later than thirty (30) days following the close of the hearing;

(vii) The decision of the local hearing authority becomes final and binding on all parties unless appealed to the courts as provided in subsection (b).

(viii) Any person to whom an emergency order is directed under 205(1)(b)(i)(D) shall comply immediately, but on petition to the local hearing authority will be afforded a hearing as soon as possible. In no case will the hearing be held later than three (3) days from the receipt of the petition by the local hearing authority.

b) An appeal may be taken from any final order or other final determination of the local hearing authority by any party who is or may be adversely affected, including the pretreatment agency. Appeal must be made to the chancery court under the common law writ of certiorari set out in Tennessee Code Annotated, §27-8-1 01, et seq. within sixty (60) days from the date the order or determination is made.

c) Show cause hearing. Notwithstanding the provisions of subsections (a) or (b), the pretreatment coordinator may order any user that causes or contributes to violation(s) of this chapter, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirements, to appear before the local administrative officer and 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, the reasons for the action, and a request that the user show cause why the proposed enforcement action should be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. The notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be prerequisite for taking any other action against the user. A show cause hearing may be requested by the discharger prior to revocation of a discharge permit or termination of service.

3) Violations, Administrative civil penalty. Under the authority of Tennessee Code Annotated, § 69-3-125.

a) (i) Any person including, but not limited to, industrial users, who does any of the following acts or omissions is subject to a civil penalty of up to ten thousand dollars ($10,000.00) per day for each day during which the act or omission continues or occurs:

A. Unauthorized discharge, discharging without a permit;
B. Violates an effluent standard or limitation;
C. Violates the terms or conditions of a permit;
D. Fails to complete a filing requirement;
E. Fails to allow or perform an entry, inspection, monitoring or reporting requirement;
F. Fails to pay user or cost recovery charges; or
G. Violates a final determination or order of the local hearing authority or the local administrative officer.

(ii) Any administrative civil penalty must be assessed in the following manner:

A. The local administrative officer may issue an assessment against any person or industrial user responsible for the violation;

B. Any person or industrial user against whom an assessment has been issued may secure a review of the assessment by filing with the local administrative officer a written petition setting forth the grounds and reasons for the violator's objections and asking for a hearing in the matter involved before the local hearing authority and, if a petition for review of the assessment is not filed within thirty (30) days after the date the assessment is served, the violator is deemed to have consented to the assessment and it becomes final;

C. Whenever any assessment has become final because of a person's failure to appeal the assessment, the local administrative officer may apply to the appropriate court for a judgment and seek execution of the judgment, and the court, in such proceedings, shall treat a failure to appeal the assessment as a confession of judgment in the amount of the assessment;

D. In assessing the civil penalty, the local administrative officer may consider the following factors:

1) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
2) Damages to the pretreatment agency, including compensation for the damage or destruction of the facilities of the costs and attorneys' fees incurred by the pretreatment agency as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damages;
3) Cause of the discharge or violation;
4) The severity of the discharge and its effect upon the facilities of the publicly owned treatment works and upon the quality and quantity of the receiving waters;
5) Effectiveness of action taken by the violator to cease the violation;
6) The technical and economic reasonableness of reducing or eliminating the discharge; and
7) The economic benefit gained by the violator.

E. The local administrative officer may institute proceedings for assessment in the chancery court of the county in which all or part of the pollution or violation occurred, in the name of the pretreatment agency.

(iii) The local hearing authority may establish by regulation a schedule of the amount of civil penalty which can be assessed by the local administrative officer for certain specific violations or categories of violations.

(iv) Assessments may be added to the user's next scheduled sewer service charge and the local administrative officer shall have such other collection remedies as may be available for other service charges and fees.

b) Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the commissioner for violations of Tennessee Code Annotated. §

69-3-115 (a)(l)(F). However, the sum of penalties imposed by this section and by Tennessee Code Annotated, § 69-3-115(a) shall not exceed ten thousand dollars ($10,000) per day for each day during which the act or omission continues or occurs.

4) Assessment for noncompliance with program permits or orders.
   a) The local administrative officer may assess the liability of any polluter or violator for damages to the Town resulting from any person's or industrial user's pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program or this section
   b) If an appeal from such assessment is not made to the local hearing authority by the polluter or violator within thirty (30) days of notification of such assessment the polluter or violator shall be deemed to have consented to the assessment, and it shall become final.
   c) Damages may include any expenses incurred in investigating and enforcing the pretreatment program of this section, in removing, correcting, and terminating any pollution, and also compensation for any actual damages caused by the pollution or violation.
   d) Whenever any assessment has become final because of a person's failure to appeal within the time provided, the local administrative officer may apply to the appropriate court for a judgment, and seek execution on the judgment. The court, in its proceedings, shall treat the failure to appeal the assessment as a confession of judgment in the amount of the assessment.

5) Judicial proceedings and relief. The local administrative officer may initiate proceedings in the chancery court of the county in which the activities occurred against any person or industrial user who is alleged to have violated or is about to violate the pretreatment program, this section, or orders of the local hearing authority or local administrative officer. In the action, the local administrative officer may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

6) Termination of discharge. In addition to the revocation of permit provisions in 202(2)(g) of this chapter, users are subject to termination of their wastewater discharge for violations of a wastewater discharge permits, or orders issued hereunder, or for any of the following conditions:
   a) Violation of wastewater discharge permit conditions.
   b) Failure to accurately report the wastewater constituents and characteristics of its discharge.
   c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.
   d) Refusal of reasonable access to the users premises for the purpose of inspection, monitoring or sampling.
   e) Violation of the pretreatment standards in the general discharge prohibitions in Section 108 of Chapter 1.
   f) Failure to properly submit an industrial waste survey when requested by the pretreatment coordination superintendent.

   The user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause, as provided in subsection (2)(c) above, why the proposed action should not be taken.

7) Disposition of damage payments and penalties--special fund. All damages and/or penalties assessed and collected under the provisions of this section shall be placed in a special fund by the pretreatment agency and allocated and appropriated for the administration of its wastewater fund or combined water and wastewater fund.

8) Levels of non-compliance
   a) Insignificant non-compliance: For the purpose of this guide, insignificant non-compliance

is considered a relatively minor infrequent violation of pretreatment standards or requirements. These will usually be responded to internally with a phone call or site visit but may include a Notice of Violation (NOV).

b) "Significant noncompliance."

(i) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken for each parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limit.

(ii) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC (TRC= 1.4 for BOD, TSS fats, oils and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required.

(iii) Any other violation of a pretreatment standard or requirement (daily maximum of longer-term average, instantaneous limit, or narrative standard) that the WWF 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).

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the WWF's exercise of its emergency authority under 205(l)(b)(i)(D), Emergency Order, to halt or prevent such a discharge.

(v) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

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

(vii) Failure to accurately report noncompliance.

(viii) Any other violation or group of violations, which may include a violation of best management practices, which the WWF determines will adversely affect the operation of implementation of the local pretreatment program.

(ix) Continuously monitored pH violations that exceed limits for a time period greater than 50 minutes or exceed limits by more than 0.5 s.u. more than eight times in four hours.

Any significant non-compliance violations will be responded to according to the Enforcement Response Plan Guide Table (Appendix A).

9) Public Notice of the significant violations. The superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the WWF, 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 is defined in Section 8.b above.

10) Criminal Penalties. In addition to civil penalties imposed by the local administrative officer and the State of Tennessee, any person who willfully and negligently violates permit conditions is subject to criminal penalties imposed by the State of Tennessee and the United States.

206. Enforcement response guide table.

1) Purpose. The purpose of this chapter is to provide for the consistent and equitable enforcement of the provisions of this ordinance.

2) Enforcement Response Guide Table. The applicable officer shall use the schedule found in Appendix A to impose sanctions or penalties for the violation of this ordinance. The table describes the type of escalating enforcement responses available to the Town, identifies the officials responsible for each type of response, and lists penalty ranges for violation type. The acronyms used in the table are defined as:
PC – Pretreatment Coordinator or WWF Operator
S – Superintendent or Plant Manager
TA – Town Administrator or Town Attorney
VW – Verbal Warning
NOV – Notice of Violation
AO – Administrative Order
SCH – Show Cause Hearing
CP – Civil Penalty or Administrative Civil Penalty

207. Fees and billing.

1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from users of the Town's wastewater treatment system including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.
2) Types of charges and fees. The charges and fees as established in the Town's schedule of charges and fees may include but are not limited to:
   a) Inspection fee and tapping fee;
   b) Fees for applications for discharge;
   c) Sewer use charges;
   d) Surcharge threshold fees (see Table 2);
   e) Waste Hauler Permit;
   f) Industrial wastewater discharge permit fees;
   g) Fees for industrial discharge monitoringng; and
   h) Other fees as the Town may deem necessary.
3) Fees for application for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by §202 of this chapter.
4) Inspection fee and tapping fee. An inspection fee and tapping fee for a building sewer installation shall be paid to the Town's sewer department at the time the application is filed.
5) Sewer user charges. The board of mayor and aldermen shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system.
6) Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge fee in accordance with § 207 of this chapter.
7) Fees for industrial discharge monitoring. Fees may be collected from industrial users having pretreatment or other discharge requirements to reimburse the Town for the costs incurred for necessary compliance monitoring and other administrative duties of the pretreatment program.
8) Administrative civil penalties. Administrative civil penalties shall be issued according to the following schedule. Violations are categorized in the Enforcement Response Guide Table (Appendix A). The local administrative officer may assess a penalty within the appropriate range. Penalty assessments are to be assessed per violation per day unless otherwise noted.

Category I	No penalty
Category 2	$100.00-$1,000.00
Category 3	$1,000.00-$5,000.00
Category 4	$5,000.00-$ 10,000.00

208. **Validity.** This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the Town.

Section 2. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it.

Passed 1st reading _____ 20_____.
Passed 2nd reading _____ 20_____.

_____

Mayor

_____

Recorder/Treasurer

1. Such rates are reflected in administrative ordinance or resolutions, which are of record in the office of Town recorder.

Unauthorized Discharge (no permit)				
Noncompliance	**Nature of Violation**	**Penalty Category**	**Enforcement Response**	**Personnel**
Failure to return industrial user survey	Initial requirements not understood	1	VW	PC, S
	Delay of more than 30 days	1 or 2	VW, or NOV, and/or CP	PC, S, TA
	Delay of more than 60 days	1, 2, or 3	AO, and CP, or termination of service	PC, S, TA
Unpermitted discharge	IU unaware of requirements; no harm to POTW or environment	1	Phone call and NOV with application	PC, S
	IU unaware of requirement; harm to POTW or environment	2 or 3	AO and Civil Penalty or termination of service	PC, S, TA
	Failure to apply continues after notification by PC, S, or TA	4	Civil Action in Chancery Court and/or Criminal investigation and/or Termination of service	PC, S, TA
Failure to renew permit	IU has not submitted application within 15 days of due date	1	Verbal Warning or NOV	PC, S
	IU has not submitted application within 30 days of due date	1 or 2	NOV and/or CP	PC, S, TA
	IU has not submitted application within 60 days of due date	2 or 3	AO, CP, and/or termination of service	PC, S, TA

Discharge Permit Violations				
Noncompliance	**Nature of Violation**	**Penalty Category**	**Enforcement Response**	**Personnel**
Exceedance of local, state, or federal standards	Isolated 1 per month (no harm)	1 or 2	VW and/or NOV, CP	PC, S, TA
	Isolated > or = 1 per month (no harm)	2	NOV, CP, and/or AO	PC, S, TA
	Isolated, harmful to POTW or environment	3	SCH, CP, and/or AO, and/or legal action	PC, S, TA
	Chronic or TRC, no harm	1	NOV and Public Notice	PC, S, TA
	Chronic or TRC, no harm (2nd occurrence)	1 or 2	Public Notice, CP, and/or AO	PC, S, TA
	Chronic or TRC, no harm (3rd occurrence)	2 or 3		
	Chronic or TRC, no harm (4th occurrence)	3 or 4		
	Chronic or TRC, harm to POTW or environment	4	AO, CP, and/or legal action, and/or termination of service, and Public Notice	PC, S, TA

Monitoring and Reporting Violations				
Noncompliance	**Nature of Violation**	**Penalty Category**	**Enforcement Response**	**Personnel**
Reporting violation	Report improperly signed or certified	1	VW and/ or NOV	PC, S
	Report improperly signed or certified after prior notice	2	SCH, and/or NOV, CP, or AO	PC, S, TA
	Isolated, (less or equal to 5 days late)	1	VW and/ or NOV	PC

Monitoring and Reporting Violations (continued)				
Noncompliance	**Nature of Violation**	**Penalty Category**	**Enforcement Response**	**Personnel**
Reporting violation	Moderate, (greater than 5 but less than 45 days late)	2	NOV, or AO, CP for each additional day late	PC, S, TA
	Significant (45 days late or more)	2 or 3	NOV, or AO, CP for each additional day late, Public Notice	PC, S, TA
	Reports always late: failure to submit (75% or more of reports > 5 days late) within a rolling 12 month period	3 or 4	AO, CP, and/or Civil action or Chancery Court or Termination of service	PC, S, TA
	Failure to report violation, spill or discharge change, no harm	1	NOV	PC, S
	Failure to report violation, spill or discharge change with harm	2 or 3	AO, CP and/or Civil action	PC, S, TA
	Repeated failure to report violation, spills, or change with harm (>2 failures within a rolling 12 month period)	3 or 4	AO, CP, and/or Civil action or termination of service	PC, S, TA
	Falsification of records	4	Criminal investigation or termination	PC, S, TA
Failure to monitor correctly	Failure to monitor all permit required pollutants (1 per 12 months)	1	Verbal Warning or NOV	PC, S
Failure to monitor correctly Improper sampling	Failure to monitor all permit required pollutants (2 - 4 per 12 months)	2	NOV or AO and Civil Penalty	PC, S, TA
	Recurring failure to monitor (more than 4 failures per 24 months)	3	AO and fine and/or Civil action	PC, S, TA
	No evidence of intent	1	Verbal Warning or NOV	PC, S
Improper sampling Failure to install monitoring equipment	Evidence of intent	2, 3, or 4	NOV, AO, Criminal investigation, or termination	PC, S, TA
	Delay of less than 30 days	1	NOV	PC, S
Failure to install monitoring equipment Compliance Schedule	Delay of more than 30 days	2	AO , CP for each additional day	PC, TA
	Recurring, violation of AO	3 or 4	Civil action or criminal investigation or termination of service	PC, S, TA
	Missed milestone less than 30 days will not affect final schedule (good cause)	1	NOV	PC, S
Compliance Schedule	Missed milestone more than 30 days will affect final schedule (good cause)	2	AO	PC, S, TA

Monitoring and Reporting Violations (continued)				
Noncompliance	**Nature of Violation**	**Penalty Category**	**Enforcement Response**	**Personnel**
Compliance Schedule	Missed milestone more than 30 days, will affect final schedule (no good cause)	3 or 4	AO, and/or file civil action, and/or termination of service	PC, S, TA
	Recurring violations or violation of AO	4	Civil action, or criminal investigation, or termination of service	PC, S, TA
Other Permit Violations				
Noncompliance	**Nature of Violation**	**Penalty Category**	**Enforcement Response**	**Personnel**
Waste Stream Dilution in lieu of pretreatment	Initial violation	2 or 3	AO and fine	PC, S, TA
	Recurring	3 or 4	SCH, and/or Termination of service	PC, S, TA
Failure to mitigate noncompliance or halt production	Does not cause harm	1	NOV	PC, S
	Does cause harm	3 or 4	AO, CP, or Civil action	PC, S, TA
Discharging following a terminated permit due to enforcement action that terminated service	Initial violation	4	Maximum penalties	PC, S, TA
Failure to resample following violation	Initial violation	1	VW	PC, S
	Repeated failure after notice by PC (2nd occurrence)	1	NOV	PC, S
	Repeated failure after notice by PC (3rd occurrence)	2	AO, CP	PC, S, TA
	Repeated failure after notice by PC (4th occurrence)	4	AO, CP, and/or Termination of service	PC, S, TA
Failure to properly operate and maintain facility	Does not cause harm	1	NOV	PC, S
	Does cause harm, or reoccurring	4	AO, CP, or Civil Action	PC, S, TA
Violations Detected During Site Visit				
Noncompliance	**Nature of Violation**	**Penalty Category**	**Enforcement Response**	**Personnel**
Entry Denial	Entry denied or consent withdrawn: copies of records denied	2	Obtain warrant and return to IU	PC, S, TA

Violations Detected During Site Visit(continued)				
Noncompliance	**Nature of Violation**	**Penalty Category**	**Enforcement Response**	**Personnel**
Illegal Discharge, violation of general discharge prohibitions	No harm to POTW or environment	2	AO, CP	PC, S, TA
	Caused harm or evidence of intent or negligence	4	AO, CP, and/ or Civil action and or criminal investigation	PC, S, TA
	Recurring, violation of AO	4	Termination of service	PC, S, TA
Improper sampling	Unintentional sampling at incorrect location	1	VW or NOV	PC, S
	Unintentional using incorrect sample type	1	VW or NOV	PC, S
	Unintentional using incorrect techniques	1	VW or NOV	PC, S
Inadequate record keeping	Files incomplete or missing (no evidence of intent)	1	VW or NOV	PC, S
	Recurring	2 or 3	AO, CP	PC, S, TA
Failure to report additional monitoring	Inspection finds additional files (unintentional)	1 or 2	VW or NOV	PC, S
	Recurring (considered falsification)	4	AO, CP	PC, S, TA

Timeframes and Responses
1. All violations will be identified and documented within five (5) days of receiving compliance information.
2. Initial enforcement response [involving contact with the industrial user and requesting information on corrective or preventative action(s)] will occur within fifteen (15) days of violation detection.
3. Follow up actions for continuing or recurring violations will be taken within sixty (60) days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.
4. Violations which threaten health, property, or environmental quality are considered emergencies and will receive immediate responses, such as halting the discharge or termination of service.
5. All violations meeting the criteria for significant noncompliance (SNC) will be addressed with an enforceable order within 30 days of identification of SNC.