

**LCBPU BOARD OF PUBLIC UTILITIES**

**SEWER USE RESOLUTION**

**12-6-18**

## **TITLE 18 - SEWERS**

### **CHAPTER**

1. SEWAGE DISPOSAL.
2. SEWER REGULATIONS.

### **CHAPTER 1**

#### **SEWAGE DISPOSAL**

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### **CHAPTER 2**

#### **SEWER REGULATIONS**

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## **SECTION 1 – GENERAL TERMS**

**18-201. Purpose and Policy.** This chapter sets forth uniform requirements for the disposal of wastewater in the service area of LCBPU Board of Public Utilities (LCBPU), as operator of the wastewater collection system owned by LCBPU, Tennessee. LCBPU contracts with Fayetteville Public Utilities (FPU), as the operator of the publicly owned treatment works (POTW) and the recipient of the wastewater flows generated by the County collection system. The objectives of this Sewer Use Resolution are:

- (1) to protect the public health and the health of personnel;
- (2) to provide problem free wastewater collection and treatment service;
- (3) to prevent the introduction of pollutants into the Publicly Owned Treatment Works (POTW) which will interfere with the system operation; will cause the POTW discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements; or will cause physical damage, danger, or unnecessary excessive work to the POTW facilities or collection system;
- (4) to provide for full and equitable distribution of the cost of the POTW and collection system;
- (5) to enable LCBPU and FPU to comply with the provisions of the Federal Clean Water Act, the General Pretreatment Regulations (40 CFR Part 403), and other applicable federal and state laws and regulations; and
- (6) to improve the opportunity to recycle and reclaim wastewaters and sludge from the POTW.

In meeting these objectives, this chapter provides that all persons in the wastewater service area of LCBPU must have adequate wastewater treatment either in the form of a connection to the POTW or, where the system is not available, an appropriate private disposal system. The chapter also provides for the issuance of permits to system users; for the regulations of wastewater discharge volume and characteristics; for monitoring and enforcement activities; and for the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the POTW and from other activities required by the enforcement and administrative program established herein.

This chapter shall apply to LCBPU users inside and outside the service area of LCBPU who are, by contract or agreement with LCBPU, users of the POTW. LCBPU shall administer, implement, and enforce the provisions of this chapter. This chapter shall be enforced in accordance with a written Enforcement Response Plan (ERP) and as provided herein.

**18-202. Abbreviations and Definitions.** Unless the context specifically indicates otherwise, the following abbreviations, terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

BMP	Best Management Practices
BMR	Baseline Monitoring Report
BOD	Biochemical Oxygen Demand
CIU	Categorical Industrial User
CFR	Code of Federal Register
COD	Chemical Oxygen Demand
EPA	Environmental Protection Agency
ERP	Enforcement Response Plan
FOG	Fats, Oils, and Grease
FPU	Fayetteville Public Utilities
FSE-ERG	Food Service Established Enforcement Response Guide

GPD	Gallons per Day				
IU	Industrial User				
MG/L	Milligrams per Liter				
NAICS	North American Industry Classification System				
NPDES	National	Pollutant	Discharge	Elimination	System
POTW	Publicly Owned Treatment Works				
SIC	Standard		Industrial		Classification
SIU	Significant		Industrial		User
SNC	Significant Noncompliance				
SS	Suspended Solids				
TDEC	Tennessee Department of Environment and Conservation				
TSS	Total Suspended Solids				
USC	United States Code				

- (1) Act or "the Act" - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, *et seq.*
- (2) Approval Authority - The Division of Water Pollution Control Director of the Tennessee Department of Environment and Conservation (TDEC) or his/her representative.
- (3) Authorized Representative or Duly Authorized Representative of Industrial User - An authorized representative of an Industrial User may be:
  - a) If the user is a corporation:
    - (i) The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business functions, 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, 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 individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with the corporate procedures.
  - b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
  - c) If the user is a federal, state, or local governmental 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 individuals described in paragraphs a) – c), above, may designate an 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 LCBPU.
- (4) Best Management Practices (BMPs) - means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 18-212 of this chapter. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge waste disposal, or drainage from raw materials storage.
- (5) Biochemical Oxygen Demand (BOD) - The quantity of oxygen utilized in the biochemical

- oxidation of organic matter under Standard laboratory procedure, five (5) days at 20°C expressed in terms of weight and concentration (mg/l).
- (6) Building Sewer - The pipeline connecting the sanitary sewage facilities within a residence or commercial/industrial structure to the public sewer. Building sewers include both gravity flow and pressure pipelines and appurtenances as required by the type of service provided to the residence or Commercial/Industrial User. Building sewers may also be referred to as laterals, sewer laterals, service laterals, building drains, and other similar terms all of which shall be interpreted to mean building sewer as used herein.
  - (7) Categorical Industrial User (CIU) – An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.
  - (8) Chemical Oxygen Demand (COD) - The measure of the oxygen equivalent of a sample susceptible to oxidation by the dichromate reflux method.
  - (9) Commission - The Lincoln County Commission as elected by the citizens of the County.
  - (10) Composite Sample - A sample composed of two (2) or more discrete samples. The aggregate sample will reflect the average water quality covering the compositing or sample period.
  - (11) Control Mechanism - Refers to application or permit.
  - (12) Cooling Water - The water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.
  - (13) Customer/User - The owner, tenant or occupant of any lot or parcel of land connected to a sanitary sewer, or 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.
  - (14) Daily Maximum – The arithmetic average of all effluent samples of a pollutant (except pH) collected during a calendar day.
  - (15) Daily Maximum Limit - The maximum allowable discharge limit of a pollutant during a calendar day. Where 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 during the calendar day.
  - (16) Direct Discharge - The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.
  - (17) Domestic Wastewater - Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent containing sanitary facilities for the disposal of wastewater and used for residential purposes only.
  - (18) Enforcement Response Plan (ERP) - A plan, that is to be reviewed by LCBPU and/or FPU periodically, which determines the proper enforcement response to each pretreatment violation.
  - (19) Environmental Protection Agency (EPA) - The U.S. Environmental Protection Agency, or where appropriate the term may also be used as designation for the administrator or other duly authorized official of the said agency.
  - (20) Existing Source – Any source of discharge that is not a New Source.
  - (21) Fats, Oils, and Grease (FOG) - Substance found in kitchens, garages, food service establishments, and foods such as meats, sauces, salad dressings, deep-fried dishes, cookies, pastries, butter, etc. which accumulates in sewer systems causing obstructions by constricting flow of the sewer pipes and interfering with normal operation of the POTW.
  - (22) FOG Management Policy - Program administered by LCBPU and/or FPU aimed to prevent fats, oils, and grease from being discharged into the sewer collection system through public education and monitoring of restaurants and other entities which process food in an effort to reduce the occurrence of sanitary sewer overflows.
  - (23) Food Service Establishment Enforcement Response Guide (FSE-ERG) - a guide that

provides for a consistent response to all food service establishments that cause, or have the potential to cause, interference to the POTW.

- (24) Garbage - Solid wastes generated from any domestic, commercial, or industrial source.
- (25) Grab Sample - An individual sample which is collected from a waste stream over a period of time not to exceed fifteen (15) minutes.
- (26) Holding Tank Waste - Any waste from holding tanks such as vessels, campers, or trailers, and vacuum-pump tank trucks.
- (27) Indirect Discharge - The introduction of pollutants into the POTW from any non-domestic source.
- (28) Industrial User (IU) - 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).
- (29) Industrial waste - 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.
- (30) Instantaneous Limit - The maximum concentration of a pollutant allowed to be discharged at any time, determined by analysis of any discrete or composited sample, collected, independent of the flow rate or duration of the sampling event.
- (31) Interference - A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal, or exceeds the design capacity of the POTW or the collection system.
- (32) LCBPU - The utility that provides public sewer services in the service area of Lincoln County, Tennessee; the public utility authorized by the Lincoln County Commission to supervise the operation of the wastewater collection system and is charged with certain duties and responsibilities by this Chapter.
- (33) Local Limit - Specific discharge limits developed and enforced by LCBPU and/or FPU upon Industrial Users to implement the general and specific discharge prohibitions listed in Tennessee Rule 1200-4-14-.05(1)(a)&(2).
- (34) Medical Waste - Isolation waste, infectious agents, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, and dialysis wastes.
- (35) National Categorical Pretreatment Standard or Categorical Standard - Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. §1317), which applies to Industrial Users.
- (36) National Pollutant Discharge Elimination System (NPDES) - 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 Federal Water Pollution Control Act as amended.
- (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 Federal Clean Water Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with the 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 of wastewater generating processes of the building, structure, facility or installation is substantially independent of an Existing

Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source should be considered.

- b) Construction on a site at which an Existing Source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of 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 is intended to be useful 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) Non-contact Cooling Water – Water used for cooling that does not come into direct contact with any raw material, intermediate product, or finished product.
- (39) Pass Through - A discharge which exits the WWTP into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of LCBPU and/or FPU'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 their legal representatives, agents, assigns. The masculine gender shall include the feminine; 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 man-made 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, municipal, agriculture and industrial waste, and certain characteristics of wastewater (e.g., pH temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- (44) Pretreatment Standard or Standards – Prohibited discharge Standards, Categorical Pretreatment Standards, and Local Limits.
- (45) 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, or in lieu of introducing such pollutants into a POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other

means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

- (46) Pretreatment Requirements - Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
- (47) Prohibited Discharge Standards – Prohibitions against discharges of certain substances as described in Section 18-212(1).
- (48) Publicly Owned Treatment Works (POTW) - A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by LCBPU and/or FPU. This definition includes any sewers that convey wastewater to the POTW treatment plant including pipes, sewers, or other conveyances only if they convey wastewater to the POTW.
- (49) Shall/Will or May - Shall/Will is mandatory; "May" is permissive.
- (50) Significant Industrial User (SIU)
  - 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:
    - (i) Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater);
    - (ii) contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW; or
    - (iii) in the opinion of LCBPU and/or FPU, has a reasonable potential to adversely affect the POTW's operation or violate any Pretreatment Standard or requirement.
- (51) Significant Noncompliance (SNC)
  - a) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements for each pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or requirement, including instantaneous limits.
  - b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six (6) 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.
  - c) Any other violation of a Pretreatment Standard or requirement (daily maximum, longer-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).
  - d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the POTW's exercise of its emergency authority under Section 18-219 (7), Emergency Order, to halt or prevent such a discharge.
  - e) Failure to meet, within ninety (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 forty five (45) days after their due date, required reports such as baseline monitoring reports, ninety (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 POTW determines will adversely affect the operation or implementation of the local pretreatment program.
- (52) Slug or Slug Discharge - Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge which has a reasonable potential to cause interference or pass-through, or in any other way violate the POTW's Local Limits or permit conditions.
- (53) Standard Industrial Classification (SIC) - A United States government system for classifying industries by a four-digit code. Established in 1937, it is being supplanted by the six-digit North American Industry Classification System (NAICS), which was released in 1997.
- (54) State - State of Tennessee.
- (55) Storm Sewer - 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 Lincoln County, TN.
- (56) Storm Water - Any flow occurring during or following any form of natural precipitation and resulting there from.
- (57) Suspended Solids (SS) or Total Suspended Solids (TSS) - The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.
- (58) Toxic pollutant - Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA (307(a)) or other Acts.
- (59) Twenty-four (24) Hour Flow-Proportional Composite Sample - A sample consisting of not less than eight (8) portions, of at least one hundred (100) mls, 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.
- (60) Upset - An exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (61) User/Customer - The owner, tenant or occupant of any lot or parcel of land connected to a sanitary sewer, or 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 POTW.
- (63) Wastewater Treatment Plant (WWTP) - Defined the same as POTW.
- (64) Waters of the State - All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the State or any portion thereof.

## **SECTION 2 – WASTE DISPOSAL**

### **18- 203.Requirements for Proper Wastewater Disposal.**

- (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 LCBPU service area, 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 LCBPU service area any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- (3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- (4) Except as provided in paragraph (5) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the LCBPU service area and abutting on any street, alley, or right-of-way in which there is now 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 public sewer in accordance with the provisions of this chapter, within thirty (30) days after date of official notice to do so.
- (5) Property owners with availability to a public sanitary sewer as defined herein shall be billed for sewer usage regardless of whether or not they have physically connected to a public sanitary sewer in accordance with policies as adopted by the LCBPU, as follows:
  - a) Any owner of property determined to have sewer availability, whose building is located within one hundred (100) feet of a public sanitary sewer, shall be subject to full sewer service charges based on water usage as determined by LCBPU's current schedule of charges.
  - b) Any owner of property determined to have sewer availability, whose building is located more than one hundred (100) feet away from a public sanitary sewer, shall be subject to a minimum sewer service charge as determined by LCBPU's current schedule of charges.
  - c) Where a public sanitary sewer is not available under the provisions of paragraph (4), or where the property is not served by the LCBPU water system, the property owner shall not be charged for sewer service.
- (6) The LCBPU Board, consisting of five members, for the purpose of establishing standard policies and procedures relating the requirement to connect and to pay the full or minimum sewer service charges. Such board shall have the authority to render decisions relating to the same.
- (7) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided he obtains an NPDES permit and meets all the requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations.
- (8) Where a public sanitary sewer is not available under the provisions of paragraph (4), the building sewer shall be connected to a private sewage disposal system complying with the provisions of §§ 18-207 and 18-208 of this code.
- (9) LCBPU may adopt, from time to time, standard policies on public sewer extensions that are to become part of the LCBPU sewer system, following completion of construction. These policies may include, but are not limited to, requirements for planning, permitting, approval, funding and acceptance, design and construction standards, standard specifications, and standard details. Copies of the policies will be made available to engineers, developers, contractors, plumbers, and other parties desiring to extend or connect to the LCBPU sewer system.

**18-204. Connection to public sewer.**

- (1) There shall be three classifications for application for service: (a) residential, (b) commercial and (c) industrial. In each case, the owner or his agent shall make application for connection on a special form furnished by LCBPU. 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 LCBPU. The receipt by LCBPU of a prospective customer's application for connection shall not obligate LCBPU to render the connection. If the service applied for cannot be supplied, the connection charge will be refunded, in full, and there shall be no liability to the applicant for such service.
- (2) 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 ground water to a building sewer 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 chapter shall be completely and permanently disconnected within sixty (60) days of the effective day of this chapter.
- (3) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written application from LCBPU, as required by §§ 18-210 or 18-211 of this chapter.
- (4) All costs and expenses related to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify LCBPU from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (5) 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, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- (6) Old building sewers may be used in connection with new buildings only when they are found on examination and testing by LCBPU or its designee to meet all requirements of this chapter. All others must be sealed to the specifications of LCBPU.
- (7) Building sewers shall conform to the following requirements:
  - a) The minimum size of a building sewer shall be four (4) inches.
  - b) The minimum depth of a building sewer shall be eighteen (18) inches.
  - c) Four (4) inch building sewers shall be laid on a grade greater than 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 two (2) feet per second.
  - d) Slope and alignment of all building sewers shall be neat and regular.
  - e) Building sewers shall be constructed only of:
    - (i) schedule 40 polyvinyl chloride pipe with solvent welded or with rubber compression joints of approved type of pipe used, or
    - (ii) such other materials of equal or superior quality as may be approved by LCBPU. Under no circumstances will cement mortar joints be acceptable.
  - f) Cleanouts shall be provided to allow cleaning in the direction of flow, and shall be located five feet outside of the building and at each change of direction of the building sewer which is greater than 45°. Additional cleanouts shall be placed not more than seventy-five (75) feet apart in horizontal building sewers of four (4) 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. "Ts" (tees) or "Ys" (wyes) and 22-1/2° or 45° fittings shall be used for the cleanout base. Cleanouts shall not be smaller than

four (4) inches on a four (4) inch pipe. Cleanouts shall be located within a plastic or iron box with lid.

- g) Connections of building sewers to the public sewer system shall be made to the appropriate existing wyes or tees using compression type couplings or collar type rubber joint with corrosion resisting or stainless steel bands. Where existing wyes or tees are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting or cutting a clean opening in the existing public sewer and installing a tee-saddle or tee-insert of a type approved by LCBPU. Where connections are made with pipes of different inside or outside diameter, proper watertight gasket or sleeved transition connections shall be used. All such connections shall be made gastight and watertight.
  - h) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of 1/8-inch per foot or more. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by a private sewage pumping station and discharged to the building sewer at the expense of the owner. If the public sewer available to a particular parcel is low pressure sewer, then connection to such public sewer shall be by an approved septic tank and/or private sewage pumping station and low pressure sewer service line assembly.
  - i) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling 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 LCBPU or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federal Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by LCBPU before installation.
  - j) An installed building sewer and all appurtenances, including septic tanks and pump wells, shall be gastight and watertight.
- (8) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to LCBPU and/or the Lincoln County Road Department and/or the Tennessee Department of Transportation.
- (9) Building sewers and sewer line extensions shall be designed and constructed in accordance with the latest revision of the "Standard Specifications for Sewerage Systems" of LCBPU. Such specifications may require the use of grinder pumps, STEP pumps, septic tanks and other related equipment that are the products of specific manufacturers. Such requirements shall be based on LCBPU's assessment of the equipment's economy, quality, and durability, and the need to develop locally available maintenance capabilities and replacement part inventories for the system components.

**18-205. Inspection of connections.**

- (1) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected by LCBPU and subject to testing before the underground portion is covered.
- (2) The applicant for discharge shall notify LCBPU when the building sewer and connection

- are ready for inspection.
- (3) LCBPU shall have free and unobstructed access to any part of the premises where building sewers or other drains connected with or draining into the public sewers are laid for the purpose of examining the construction, condition, and method of use of the same, upon cause or reasonable suspicion that there may be inadequate plumbing, that the facilities present may not be properly functioning, that there is an improper discharge, or for a periodic systematic inspection of a particular drainage basin or other large segment of the system at any time of the day between the hours of 7:00 a.m. and 6:00 p.m. or any other time in the event of an emergency. If such entry is refused, the sewer service may be disconnected upon reasonable notice and an opportunity for a hearing. The service may be suspended immediately in the event of an emergency if there is reasonable cause to suspect that the discharge will endanger the public health or the environment, have the potential to interrupt the treatment process, or damage LCBPU's lines or facilities; and a hearing shall thereafter be afforded the user as soon as possible.

**18-206. Maintenance responsibility of building sewers.**

- (1) Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance will include repair or replacement of the service line as deemed necessary by LCBPU to meet its specifications.
- (2) When an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is a Commercial/Industrial User, either or both may be held responsible for compliance with the provisions of this chapter.
- (3) When a building is demolished, or in the case of a mobile home when it is removed from the premises, it shall be the responsibility of the property owner to have the sewer service line plugged securely so that extraneous water will not enter the sewer. The owner of the premises or his agent shall notify LCBPU of such a plug and allow same to be inspected prior to covering of any work. If such line is to be reused, it must first undergo inspection by LCBPU, and be in conformity with current standards for building sewers.
- (4) Excluding those industrial waste facilities with a permit issued pursuant to section 18-211, the owner or operator of a private sewer system such as, but not limited to, multi-tenant buildings, building complexes, and shopping centers shall be responsible for the quality of wastewater discharged at the point of connection to LCBPU's sewer system and shall be responsible for any violations of the provisions of this chapter, including liability for the damage or injury caused to LCBPU as a result of any discharge through the private system.
- (5) Special Limitations:
  - a) Garbage grinders - No waste from commercial or institutional garbage grinders shall be discharged into LCBPU's sewers except from private garbage grinders used in an individual residence or upon approval of LCBPU for preparation of food consumed on premises.
  - b) Vehicle wash racks - All new gasoline filling stations, garages, self-service automobile washers, and other public wash racks where vehicles are washed shall install and maintain (e.g., clean on a regular schedule) catch basins, subject to the approval of LCBPU. In the event any existing premises does not have a catch basin and the sewer line servicing the facility stops up due to grit or slime in the sewer lines, the owner or operator of such premises shall be required to modify these facilities to construct a catch basin as a condition of continuing use of the system.
  - c) Grease traps, grit traps, oil traps, and lint traps - All new restaurants, laundries,

wash racks, vehicle service stations, private multi-user systems, engine or machinery repair shops, and other facilities that produce grease, grit, oil, lint, or other materials which accumulate and cause or threaten to cause stoppages or impair the efficiency of LCBPU's sewers or threaten the safety of its employees shall install and maintain (e.g., clean on a regular schedule) grease control equipment consisting of a grease trap, grit trap, lint trap, oil interceptor, or other appropriate device of standard design and construction to prevent excess discharges of such materials. The design and construction of any such device shall be subject to prior approval of LCBPU and constructed in accordance with applicable building codes. Such establishments must also adhere to rules and regulations of LCBPU and/or FPU's Fats, Oils, and Grease (FOG) Policy. All food service establishments shall be subject to LCBPU's Food Service Establishment Enforcement Response Guide (FSE-ERG). In the absence of a LCBPU FOG Policy or FSE-ERG, those of FPU shall be used.

- d) Temporary facilities - No person shall discharge any substance directly into a manhole or other opening in a sanitary sewer other than through an approved building sewer unless he has been issued a temporary permit by LCBPU. Permission may be granted at the discretion of LCBPU to provide for discharges from portable sanitary facilities for festivals or public shows or for other reasonable purposes. LCBPU shall incorporate in such a temporary permit such conditions as it deems reasonably necessary to ensure compliance with the provisions of this chapter. Any discharge other than through an approved building sewer shall be unlawful.
- (6) Private Septic Tank and/or Sewage Pumping Station - Each individual property owner or user of the POTW whose sewage discharge requires the use of a private septic tank and/or sewage pumping station shall be entirely responsible for the maintenance and replacement, as required, of the pumping system specifically including the tank, pumps, pump chamber, piping, valves, electrical components, and other appurtenances. Each such individual property owner or user of the LCBPU wastewater collection system shall also be entirely responsible for all portions of the connecting piping from the private sewage pumping station to the public sewer which is located on private property. Any private septic tank and/or sewage pump system regulated by this chapter that is unsafe, or that constitutes an unsanitary condition, or is otherwise dangerous to human life is hereby declared unsafe. Any use of septic tanks and/or private sewage pump systems regulated by this Chapter constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Any such unsafe equipment is hereby declared a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal. LCBPU may provide replacement or repair of the private sewage pump station in the event of an emergency or unsafe conditions and charge the owner for labor and materials or the fee necessary to have the work contracted.

**18-207. Availability of public sewer.**

- (1) Where a public sanitary sewer is not available under the provisions of § 18-203(4), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.
- (2) Any residence, office, recreational facility, or other establishment used for human occupancy where the building sewer is below the elevation necessary to obtain a grade equivalent to 1/8-inch per foot to the point of connection to the sewer but is otherwise accessible to a public sewer as provided in § 18-203, the owner shall provide a private septic tank and/or sewage pumping station as provided in § 18-204(7)(h).

- (3) Where a public sewer becomes available, the building sewer shall be connected to the public sewer within thirty (30) days after date of official notice to do so.
- (4) LCBPU is authorized to require and issue letters of availability to any person seeking to determine whether sewer capacity is available for any parcel of property. Such letter may contain specific time limits and/or expiration dates.

**18-208. Requirements for private wastewater disposal.**

- (1) A private domestic wastewater disposal system may not be constructed within LCBPU's sewer service area unless and until a certificate is obtained from LCBPU stating that a public sewer is not available to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the Lincoln County Health Department.
- (2) Before commencement of construction of a subsurface soil absorption facility, the owner shall first obtain written permission from the Lincoln County Health Department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the Lincoln County Health Department.
- (3) A subsurface soil absorption facility shall not be placed in operation until the installation is completed to the satisfaction of the Lincoln County Health Department. They shall be allowed to inspect the work at any stage of construction and, in any event, the owner shall notify the Lincoln County Health Department when the work is ready for final inspection, and before any underground portions area covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the Lincoln County Health Department.
- (4) The type, capacity, location, and layout of a subsurface soil absorption facility shall comply with all recommendations of TDEC and/or the Lincoln County Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- (5) The owner shall operate and maintain the subsurface soil absorption facility in a sanitary manner at all times, at no expense to LCBPU or Lincoln County Health Department.
- (6) No statement contained in this Chapter shall be construed to interfere with any additional requirements that may be imposed by LCBPU or Lincoln County Health Department.

**18-209. Holding tank waste disposal permit.**

- (1) No person, firm, association or corporation shall haul in or truck to the POTW any type of domestic, commercial or industrial waste unless such person, firm, association or corporation obtains written approval from LCBPU and/or FPU to perform such acts or services. Any person, firm, association or corporation desiring a permit to perform such services shall file an application for discharge permit in compliance with the provisions of §§ 18-213 of this code.
- (2) It will be at the discretion of LCBPU and/or FPU to accept or refuse any truckload waste that could interfere with the operations of the POTW.
- (3) Failure to comply with all provisions of the permit or this Chapter shall be sufficient cause for the revocation of such permit by LCBPU. Fees will be established in a separate fee schedule adopted by LCBPU.

**SECTION 3 – RESIDENTIAL, COMMERCIAL and INDUSTRIAL**

**18-210. Application for Discharge of Residential Domestic Wastewater.** All users or

prospective users which generate domestic wastewater shall make application to LCBPU for written authorization to discharge to the POTW. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the sewer shall not be made until the application is received and approved by LCBPU, the building sewer is installed in accordance with § 18-204 of this chapter and an inspection has been performed by LCBPU.

**18-211. Application for Discharge of Commercial or Industrial Wastewater.** All Commercial or Industrial Users proposing to connect to or contribute to the POTW shall obtain a wastewater discharge permit application before connecting to or contributing to the POTW. 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 wastewater treatment process. LCBPU and/or FPU shall administer and enforce the permits for users requiring such, as well as the pretreatment requirements of Section 3 of this Chapter.

**18-212. General Discharge Prohibitions.**

(1) General prohibitions

- a) A user may not introduce into the POTW any pollutant(s) which cause pass through or interference as defined herein or as defined in Section 18-202. These general prohibitions and the specific prohibitions in paragraph (2) of this section apply to each user introducing pollutants into the POTW whether or not the user is subject to other National Categorical Pretreatment Standards or any National, State, or Local pretreatment requirements.

(2) A user may not contribute the following substances to the POTW:

- a) pollutants which create a fire or explosive hazard in the POTW; or any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW, including but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
- b) any wastewater having a pH less than 5.5 or higher than 9.5 or any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW;
- c) solid or viscous pollutants in amounts which may cause obstruction to the flow in a sewer line or to the POTW system resulting in interference as defined herein;
- d) any pollutants, including oxygen demanding pollutants (BOD, COD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the POTW;
- e) any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 104°F (40°C);
- 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 POTW in a quantity that may cause acute worker health and safety problems;
- h) any trucked or hauled pollutants or holding tank waste unless granted a permit;
- i) any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to



- life or are sufficient to prevent entry into the sewers for maintenance and repair;
- j) 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;
  - k) any wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;
  - l) 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 Lincoln County Planning and Zoning, Lincoln County Road Department or TDEC. Industrial cooling water or unpolluted process waters may be discharged on approval of Lincoln County Planning and Zoning, Lincoln County Road Department or TDEC , to a storm sewer or natural outlet;
  - m) any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludge, or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process (in no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; or 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);
  - n) wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test, or to violate its NPDES permit;
  - o) 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 or animals, create a toxic effect in receiving waters of the POTW, 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);
  - p) any waters or wastes causing an unusual volume of flow or concentration of waste constituting a "slug discharge" as defined herein;
  - q) any wastewater which causes a hazard to human life or creates a public nuisance;
  - r) any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which solidify or become viscous at temperature between 32 and 140°F (0 and 60°C), or lower concentrations that are shown to interfere with the POTW; or
  - s) any substance which if otherwise disposed of would be classified as a hazardous waste under 40 CFR 261; or
  - t) Detergents, surface active agents, or other substances that cause excessive foaming at the POTW; or
  - u) Medical waste, including isolation waste, infectious agents, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, and dialysis wastes, except as specifically authorized by LCBPU and/or FPU in a wastewater discharge permit; or
  - v) any water or wastes which exceed maximum concentrations listed in Table B of section 18-213; or
  - w) except where expressly authorized to do so by an applicable Pretreatment

Standard or requirement, no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or requirement.

**18-213. Restrictions on Wastewater Strength.**

- (1) Plant Protection - No person or user shall discharge wastewater which exceeds the plant protection criteria unless an application for discharge of commercial or industrial wastewater has been filed and an industrial wastewater discharge permit has been granted as stated in 18-211 of this chapter. The plant protection criteria shall be set forth in a separate schedule that may be modified from time to time by LCBPU and/or FPU.
- (2) Local Limitations - No IU, SIU, or person shall discharge, directly or indirectly, into the POTW, wastewater containing any substances in concentrations exceeding those contained in the Local Limits schedule. The Local Limits shall be set forth in a separate schedule that may be modified from time to time by LCBPU and/or FPU. Concentration limits are applicable to the wastewater effluent point just prior to discharge into the POTW (end of pipe concentrations).
  - a) To assure that the Local Limits are not violated, LCBPU and/or FPU shall issue permits to Significant Industrial Users limiting the discharge of the substances noted in the Local Limits schedule.
  - b) Limitations on Local Limit wastewater strength may be supplemented if the limitations in the Local Limits schedule:
    - i) are not sufficient to protect the POTW,
    - ii) are not sufficient to allow the POTW to comply with applicable water quality Standards,
    - iii) are not sufficient for the POTW biosolids to render acceptable limits for disposal, or
    - iv) will cause endangerment to the public, LCBPU and/or FPU.
  - c) The Local Limit schedule shall be reviewed and recalculated at least once every five (5) years. Any industrial wastewater discharge permits which are affected shall be revised and amended appropriately.
  - d) No user shall increase the use of process water or, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard. (40 CFR 403.6d).
- (3) Upon the promulgation of a National Categorical Pretreatment Standard, the Standard, if more stringent than the limitations in the Local Limits schedule, shall immediately supersede the limitations imposed in the Local Limits schedule.
- (4) Surcharge Fees - Any discharge which has characteristics based on a composite or grab sample which exceed the following normal maximum domestic wastewater parameter concentrations listed in Table A will be subject to surcharge fees contained in the most current schedule adopted by LCBPU. Surcharges are intended to recover the cost of treating high strength discharges.

<b>Surcharge Criteria</b>	
<b><u>Table A</u></b>	
<b><u>Parameter</u></b>	<b><u>Concentration</u></b>
Biochemical Oxygen Demand	250 mg/l
Chemical Oxygen Demand	500 mg/l
Total Suspended Solids	250 mg/l

Total Kjeldahl Nitrogen

40 mg/l

- (5) Daily Maximum Limits - The maximum concentration of a pollutant listed in Table B that can be discharged without enforcement action being taken. Exceeding daily maximum limits will result in enforcement action as listed in Enforcement Response Plan (ERP).

<b>Daily Maximum Limits</b>	
<b><u>Table B</u></b>	
<b><u>Parameter</u></b>	<b><u>Concentration</u></b>
Biochemical Oxygen Demand	650 mg/l
Chemical Oxygen Demand	1,300 mg/l
Total Suspended Solids	650 mg/l
Total Kjeldahl Nitrogen	100 mg/l

**18-214. Protection of Treatment Plant Influent – More Restrictive Criteria.** LCBPU and/or FPU may regulate the protection of the treatment plant influent by requiring specific wastewater discharge criteria which would be more restrictive than the plant protection criteria or Local Limits when wastes are determined to be harmful or destructive to the POTW, to create a public nuisance, to cause the discharge of the POTW to violate effluent or stream quality Standards, to interfere with the use or handling of sludge, to pass through the POTW resulting in a violation of the NPDES Permit, or to exceed industrial Standards for discharge to municipal POTWs as imposed or as may be imposed by TDEC and/or the EPA.

**18-215. Industrial Pretreatment Regulations.** In order to comply with Federal Industrial Pretreatment Rules 40 CFR 403 and Tennessee Pretreatment Rules 1200-4-14 and to fulfill the purpose and policy of this chapter the following regulations are adopted.

- (1) All System Users must follow the general discharge specifications stated in §§ 18-212 and §§ 18-213 of this chapter.
- (2) Discharge Users wishing to discharge pollutants at higher concentrations than the plant protection criteria of Section §§ 18-213 of this chapter, or those dischargers 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 §§ 18-219.
  - a) Discharge users to the sewer system shall be regulated through the use of a permit system.
  - b) Discharge permits shall limit concentrations of discharge pollutants to those levels that are established as Local Limits or other applicable state and federal pretreatment rules which may be in effect or take effect after the passage of this chapter.
- (3) Application Contents shall include, but not limited to the following information:
  - a) identifying information;
  - b) name, address, contact/owner information;

- c) a list of permits currently held by the facility;
  - d) a description of operations and type of waste including volumes;
  - e) known constituents and characteristics including those listed in §§ 18-218;
  - f) daily, monthly and seasonal or peak flows;
  - g) a description of all chemicals and raw materials handled on the premises;
  - h) product produced by type, amount, process and rate of production;
  - i) number of employees and hours of operation;
  - j) site plans, floor plans showing all sewers, floor drains, and appurtenances by size, location and elevation, and all points of discharge;
  - k) proposed locations for monitoring each waste stream to be covered by the permit;
  - l) proposed pretreatment systems or equipment and/or operation and maintenance procedures necessary to meet applicable Pretreatment Standards and requirements; and
  - m) any other information deemed necessary by LCBPU and/or FPU.
- (4) New construction or additional facilities that may be required by a user 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 LCBPU and/or FPU for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. A wastewater discharge permit shall not be issued until such plans and specifications have been approved. Such approval shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent under the provisions of this chapter.
- (5) If additional pretreatment and/or operation and maintenance will be required to meet the Pretreatment Standards and pretreatment requirements, 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.
- (6) Schedules required by paragraph (5) of this section shall maintain the following conditions:
- a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.). No increment of progress shall exceed nine (9) months.
  - b) No later than fourteen (14) days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to LCBPU and/or FPU including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to LCBPU and/or FPU.
- (7) Evaluation of the data from the application furnished by the user will be completed by LCBPU and/or FPU. Additional information may be required. After acceptance of the data furnished, LCBPU and/or FPU may issue a wastewater discharge permit subject to terms and conditions provided herein.
- (8) The receipt by LCBPU and/or FPU of a prospective customer's application for wastewater discharge permit shall not obligate LCBPU and/or FPU to render the wastewater

collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the rules and regulations and general practice, the application shall be rejected and there shall be no liability of LCBPU and/or FPU to the applicant of such service.

- (9) Applications containing all the information required in this section will be acted on by LCBPU and/or FPU. Persons who have filed incomplete applications will be notified that the application is deficient and of the nature of such deficiency. The applicant will be given thirty (30) days to make the proper corrections. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed, the application shall be denied and notification to the applicant in writing of such action.
- (10) Applications for wastewater discharge permits shall be signed by the authorized representative.
- (11) Permit contents - Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges, and fees established by LCBPU and/or FPU. All wastewater discharge permits shall contain at a minimum the following:
  - a) statement of duration (issuance date, expiration date, and effective date) not to exceed five years;
  - b) statement of non-transferability;
  - c) effluent limits, including BMP's; based on applicable Pretreatment Standards;
  - d) self-monitoring, sampling, reporting, notification, and record-keeping requirements, including identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on federal, state and local law;
  - e) a statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedules (such schedules may not extend the compliance beyond that required by applicable federal, state, or local laws);
  - f) requirements to control slug discharges, if determined by LCBPU and/or FPU to be necessary;
  - g) immediate notification requirements of any changes at the facility affecting potential for a slug discharge; and
  - h) a statement allowing for the installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices.

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 public sewer;
  - b) requirements for the development of spill control plans necessary to prevent accidental or unanticipated discharges;
  - c) limits on average and maximum rates and time of discharge or requirements and for equalization;
  - d) requirements for installation and maintenance of inspections and sampling facilities, including flow measurement devices; and
  - e) other conditions as deemed appropriate by LCBPU and/or FPU to ensure compliance with this chapter.
- (12) Permit modifications - Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the wastewater discharge permit of users subject to such Standards shall be revised to require compliance with such Standard within the time frame prescribed by such Standard. A user with an existing wastewater discharge permit shall submit to LCBPU and/or FPU within 180 days after the promulgation of an

applicable National Categorical Pretreatment Standard the information required by 18-215 (3) and (4). The user shall be informed of any proposed changes in this permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance unless state or federal regulations set a specific time schedule. The terms and conditions of the permit may be subject to modification by LCBPU and/or FPU during the term of the permit in accordance with the following conditions.

- a) to incorporate any new or revised federal, state, or local Pretreatment Standards or requirements, including changes in the POTW's pass-through limits or NPDES permit limitations;
  - b) to address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
  - c) a change in the POTW that requires either a temporary or a permanent reduction of the authorized discharge;
  - d) information indicating that the permitted discharge poses a threat to the POTW, LCBPU and/or FPU's personnel, or the receiving waters;
  - e) violation of the terms of conditions of the wastewater discharge permit;
  - f) misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in the required reporting;
  - g) to correct typographical or other errors in the wastewater discharge permit; or
  - h) to reflect transfer of facility ownership or operation to a new owner or operator.
- (13) Permit duration - Permits shall be issued for a specified time period, not to exceed five (5) years. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. Permit is voidable by the utility upon nonuse, cessation of operations, or transfer of business ownership. Permit is void upon issuance of a new wastewater discharge permit.
- (14) Permit transfer - Wastewater discharge permits are nontransferable. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation.
- (15) Revocation of permit - Any permit issued under the provisions of this chapter is subject to be revoked in whole or in part during its term for causes including, but not limited to, the following:
- a) violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation;
  - b) obtaining a permit by misrepresentation or failure to disclose fully all relevant facts;
  - c) a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;
  - d) refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;
  - e) failure to notify LCBPU and/or FPU of significant changes to the wastewater prior to changed discharge;
  - f) falsifying self-monitoring reports and certification statements;
  - g) tampering with monitoring equipment;
  - h) failure to comply with the requirements of an enforcement notice or order;
  - i) operating with an expired wastewater discharge permit (unless timely application for renewal has been submitted); or
  - j) failure to provide advance notice of the transfer of business ownership.
- (16) Confidential information - All information and data on a user obtained from reports, questionnaire permit application, permits and monitoring programs, and from inspections shall be available to the public or any other governmental agency without restriction

unless the user specifically requests and is able to demonstrate to the satisfaction of LCBPU and/or FPU that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use related to this chapter, LCBPU and/or FPU's NPDES permit, or the 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 LCBPU and/or FPU as confidential shall not be transmitted to any governmental agency or to the general public by LCBPU and/or FPU until and unless prior and adequate notification is given to the user. (1979 Code, § 13-215)

**18-216. Industrial pretreatment requirements.**

- (1) Monitoring facilities - The installation of a monitoring facility may be required for any Industrial User. A monitoring facility may be a manhole or other suitable facility approved by LCBPU and/or FPU. When in the judgment of LCBPU and/or FPU there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, LCBPU and/or FPU may require that separate monitoring facilities be installed for each separate source of discharge. Monitoring facilities 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 required, it shall be provided and installed at the user's expense. All sampling and metering equipment shall be approved by LCBPU and/or FPU before installation. The monitoring facility will normally be required to be located on the user's premises outside of the building. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. Whether constructed on public or private property, the monitoring facility shall be constructed in accordance with LCBPU and/or FPU's requirements and all applicable LCBPU construction standards and specifications. When, in the judgment of LCBPU and/or FPU, an existing user requires a monitoring facility, the user will be so notified in writing. Construction must be completed within one hundred eighty (180) days following written notification unless an extension is granted.
- (2) Housekeeping - The facility and sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition, and kept clean, at the expense of the user. 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.
- (3) Inspection and sampling - LCBPU and/or FPU will 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 LCBPU and/or FPU ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. LCBPU and/or FPU, the approval authority, or the 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. Where a user has security measures to enforce 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, LCBPU and/or FPU, the approval authority, or the EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. LCBPU and/or FPU will inspect and sample the effluent from each Significant Industrial User at least once every twelve (12) months.

- (4) Safety - While performing the necessary work on private properties, LCBPU and/or FPU 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 LCBPU's employees. LCBPU shall indemnify the company against loss or damage to its property by its employees and against liability claims and demands for personal injury or property damages 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. (1979 Code, § 13-22)
- (5) Accidental and slug discharge requirements.
  - a) Protection from accidental and 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 the POTW 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 dikes or holding ponds of any waste regulated by this chapter. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of waste regulated by this chapter shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities or establishment of procedures which will prevent or minimize the potential for such accidental discharge. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to LCBPU and/or FPU 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 any slug or accidental discharge or a discharge, whether accidental or not, which presents or may present an imminent or substantial endangerment to human health and welfare or the environment, or which is likely to cause interference with the POTW, shall immediately notify LCBPU and/or FPU by telephone to enable countermeasures to be taken to minimize damage to the POTW, the health and welfare of the public, and the environment. The notification shall include the location of the discharge, type of waste, concentration and volume (if known), and corrective action taken by user.

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

Such notification will not relieve the user of liability for any expense, loss or damage to the POTW, 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) Slug discharge control program - LCBPU and/or FPU shall evaluate whether each



Significant Industrial User needs a plan or procedure to control accidental or slug discharges. For new sources, this evaluation must be performed within twelve (12) months of commencing discharge. If LCBPU and/or FPU decides that an accident or slug discharge control plan is needed, the plan shall contain, at a minimum, the following elements:

- (i) description of discharge practices, including non-routine batch discharges;
- (ii) description of stored chemicals;
- (iii) procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under § 18-212 or 18-213, with procedures for follow-up written notification with five days;
- (iv) any necessary procedures to prevent accidental spills, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, and worker training;
- (v) any necessary measures for building containment structures or equipment;
- (vi) any additional measures necessary for containing toxic organic pollutants (including solvents);
- (vii) any necessary procedures and equipment for emergency response; and
- (viii) any necessary follow-up practices to limit the damage suffered by the POTW or the environment. (1979 Code, § 13-223)

(6) Bypass

- a) For the purposes of this Section,
  - (i) bypass means the intentional diversion of waste streams from any portion of a User's treatment facility.
  - (ii) severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- b) A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this Section.
- c) Bypass Notifications:
  - (i) If a user knows in advance of the need for a bypass, it shall submit prior notice to LCBPU and/or FPU, at least ten (10) days before the date of the bypass, if possible.
  - (ii) A user shall submit oral notice to LCBPU and/or FPU of an unanticipated bypass that exceeds applicable pretreatment standards within twenty four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. LCBPU and/or FPU may waive the written report on a case by case basis if the oral report has been received within twenty four (24) hours.
- d) Bypass
  - (i) Bypass is prohibited, and LCBPU and/or FPU may take an enforcement

action against a user for a bypass, unless:

- a. bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - b. there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - c. the User submitted notices as required under paragraph (c) of this section.
- (ii) LCBPU and/or FPU may approve an anticipated bypass, after considering its adverse effects, if determined that it will meet the three conditions listed in paragraph (d)(i) of this Section.

**18-217. National Categorical Pretreatment Standards.** Upon the promulgation of the national Categorical Pretreatment Standards for a particular industrial subcategory, the national Categorical Standard, if more stringent than limitations imposed under the chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this Chapter. LCBPU and/or FPU shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12. (1979 Code, § 13-219) Compliance with national Categorical Pretreatment Standards for existing sources subject to such Standards, or for existing sources which hereafter become subject to such Standards, shall be achieved within three (3) years following promulgation of the Standards unless a shorter compliance time is specified. Compliance for new sources shall be required upon promulgation. New sources shall have in operating condition and shall start up all pollution control equipment required to meet applicable Pretreatment Standards before beginning to discharge within the shortest feasible time (not to exceed ninety (90) days). New sources must meet all applicable Pretreatment Standards.

**18-218. Reporting requirements.** Users, whether permitted or not 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.

- (1) **Baseline monitoring report** - Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination under Tennessee Rule 1200-4-14-.06 (1) (d), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to LCBPU and/or FPU a report which contains the information listed 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 LCBPU and/or FPU a report which contains the information listed in subparagraphs (a) through (h) below, including the method of pretreatment it intends to use to meet applicable flow and quantity of pollutants to be discharged. New sources shall provide estimates of the information requested in subparagraphs (d) and (e) below.
  - a) Identifying information - The username, address of the facility including the name of operators and owners.
  - b) Permit information - A listing of any environmental control permits held by or for the facility.
  - c) Description of operations - A description of the nature, average rate of production,

and SIC codes of the operation(s) carried out by the user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

- d) Flow measurement - Shows the measured average daily and maximum daily flow, in gallons per day, to the POTW from each regulated process stream and any other stream necessary to allow use of the combined waste stream formula.
- e) Measurement of pollutant
  - (i) Identify the Pretreatment Standards applicable to each regulated process and any new categorically regulated process or processes for existing sources.
  - (ii) Report the results of sampling or analytical results identifying the nature and concentration (or mass, where required by the Standard or LCBPU and/or FPU) of regulated pollutants in each regulated process. Both daily maximum and average (mass) concentrations shall be reported. The sample shall be representative of daily operation. In cases where the Standard requires compliance with BMP's or pollution prevention alternatives, the user shall submit documentation as required by LCBPU and/or FPU to determine compliance with the Standard.
  - (iii) The user shall take a minimum of one representative sample to compile data necessary to comply with the Pretreatment Standards.
  - (iv) Samples should be taken immediately downstream from the pretreatment facilities, if such exist, or the regulated process, if no pretreatment is provided. 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 waste stream formula.
  - (v) Sampling and analyses shall be performed in accordance with the techniques prescribed in 40 CFR, Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Standard. If 40 CFR, Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures approved by the EPA and LCBPU and/or FPU.
  - (vi) LCBPU and/or FPU may allow the submissions of a baseline report which utilizes only historical data provided the information is sufficient to determine the need for industrial pretreatment measures.
  - (vii) The baseline report shall indicate the time, date, and place of sampling and methods of analysis and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- f) Compliance Certification - A statement, reviewed by the user's authorized representative and certified by a qualified professional, indication whether Pretreatment Standards are being met on a consistent basis, and if not, whether an additional operation and maintenance and/or additional pretreatment is required to meet the pretreatment requirements.
- g) Compliance schedule - If additional pretreatment and/or operation and maintenance will be required to meet the Pretreatment Standards; the shortest schedule by which the Industrial User will provide such additional pretreatment and/or operation and maintenance must be provided. The completion date in this

schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

- h) Signature and report certification – The report must be signed by a Duly Authorized Representative of the User and must contain the certification as specified in Section 18-218(12).
- 2) Compliance schedule progress reports A compliance schedule pursuant to this section must contain the following:
- a) Progress schedule shall contain increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required.
  - b) No increment referred to above shall exceed nine (9) months.
  - c) Progress reports shall be submitted by the user to LCBPU and/or FPU 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 the established schedule.
- (3) Compliance report with categorical Pretreatment Standard deadline - Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standard, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any Industrial User is subject to such Pretreatment Standards and requirements shall submit to LCBPU and/or FPU a report containing the information described in 18-218(1) of this rule. 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 (or other measure of operation) during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection 12 of this section. All sampling will be done in conformance with subsection 8.
- (4) Periodic reports on continued compliance.
- a) All significant and Categorical Industrial Users must, at a frequency determined by LCBPU and/or FPU, submit no less than twice per year (April 10 and October 10) reports indicating the nature and concentration of pollutants in the discharge, which are limited by Pretreatment Standards, and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the user must submit documentation required by LCBPU and/or FPU or the Pretreatment Standard necessary to determine the compliance status of the user.
  - b) All compliance reports must be signed and certified in by the authorized representative of the industrial user as defined in the definitions of this Chapter.
  - c) 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 a 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 this discharge.
  - d) If a user subject to the reporting requirements in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by LCBPU and/or FPU, using procedures prescribed in this section, the results of this monitoring shall be included in the report.
- (5) Reports of changed conditions - Each user must notify LCBPU and/or FPU of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.
- a) LCBPU and/or FPU 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.

- b) LCBPU and/or FPU may modify an existing wastewater discharge permit in response to changed conditions or anticipated changed conditions.
  - c) In the case of any non-routine discharge the user shall immediately telephone and notify LCBPU and/or FPU of the incident stating the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user. Within five (5) days following such discharge, the user shall submit a detailed written report describing the cause(s) of the discharge and the measures taken or to be taken 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 the damage to POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.
  - d) 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 above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
  - e) Significant industrial users are required to notify LCBPU and/or FPU immediately of any changes at the facility affecting the potential for a slug discharge. All users not required to obtain an individual wastewater discharge permit shall provide appropriate reports that may be required by LCBPU and/or FPU to determine user status.
  - f) All users not required to obtain an individual wastewater discharge permit shall provide appropriate reports that may be required by LCBPU and/or FPU to determine user status.
- (6) Reporting of violation - If sampling performed by an Industrial User indicates a violation, the user shall notify LCBPU and/or FPU within twenty four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis within fourteen (14) days of the notification, and submit the results of the repeat analysis to LCBPU and/or FPU. Where LCBPU and/or FPU has performed the sampling and analysis in lieu of the Industrial User, LCBPU and/or FPU must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis.
- (7) Hazardous waste discharges – Any waste which if otherwise disposed of would be a hazardous waste as defined in 40 CFR 261 shall not be discharged into the POTW.
- (8) Sampling analysis and 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) Chain-of-custody procedures, sample preservation techniques, and sample holding times recommended by the EPA shall be followed in all self-monitoring activities.
  - b) Monitoring shall be performed at the approved monitoring station on the effluent sewer. Location and design of the monitoring station shall be subject to the review and approval of LCBPU and/or FPU. Any change in monitoring location will be subject to the approval of LCBPU and/or FPU.
  - c) Sampling and analyses shall be performed in accordance with the techniques prescribed in 40 CFR, Part 136 and amendments thereto. If 40 CFR, Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are

inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures approved by the EPA and LCBPU and/or FPU.

- d) Except as indicated in subparagraphs (e) and (f) 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 LCBPU and/or FPU. Where time-proportional composite sampling or grab sampling is authorized, 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 analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in a 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 LCBPU and/or FPU, as appropriate. Additional grab samples may be required to show compliance with instantaneous limits.
  - e) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. Alternately, pH compliance may be accessed through the use of a strip-chart or a circular chart over the monitoring period from a continuous pH recorder, at the discretion of LCBPU and/or FPU.
  - f) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in (1) and (3) of this section, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfides, and volatile organic compounds for facilities for which historical sampling data do not exist. For facilities for which historical sampling data are available, LCBPU and/or FPU may authorize a lower minimum. For reports required by section (4) (a) and 40 CFR 403.12(e) and (h), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards.
- (9) Date of receipt of reports - Reports will be deemed to have been submitted on the date post-marked or e-mailed.
- (10) Maintenance of records - Any Industrial User subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section.
- (11) Retention of records
- a) Users subject to the reporting requirements established in this chapter shall maintain records of all information resulting from any monitoring activities required by this rule, including documentation associated with best management practices. Such records shall include for all samples:
    - i) the date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
    - ii) the dates analyses were performed;
    - iii) who performed the analyses;
    - iv) the analytical techniques/methods used; and
    - v) the results of such analyses.
  - b) Any Industrial User subject to the reporting requirements established in this rule (including documentation associated with best management practices) shall be

required to retain for a minimum of three (3) years any records of monitoring activities and results (whether or not such monitoring activities are required by this rule) and shall make such records available for inspection and copying by the EPA or LCBPU and/or FPU. This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User, the POTW, the operation of LCBPU and/or FPU's pretreatment program, or when requested by EPA or LCBPU and/or FPU.

- c) LCBPU and/or FPU shall retain such reports for a minimum of three (3) years and shall make such reports available for inspection and copying by the EPA. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Industrial User or the operation of LCBPU and/or FPU's pretreatment program or when requested by the EPA.
- (12) Signatory and certification requirements - All permit applications and reports associated with compliance with the pretreatment program shall be signed by a Duly Authorized Representative of the industrial user or the person delegated by a Duly Authorized Representative of the Industrial User, 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."

## **SECTION 4 - ENFORCEMENT - FEES/PENALTIES**

**18-219. Enforcement Plan.** Whenever LCBPU and/or FPU has reason to believe that a violation of provisions of the pretreatment program or orders of LCBPU issued pursuant thereto has occurred, is occurring, or is about to occur, LCBPU and/or FPU may serve any one or more of the following upon the alleged violator or violators.

- (1) Written Complaint - The complaint shall specify the provisions of the pretreatment program or order alleged to be violated or about to be violated and the facts alleged to constitute a violation thereof, 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 LCBPU Board of Directors.
- (2) Notice of Violation - A violation to this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement may prompt LCBPU and/or FPU to issue a written notice of violation. Within fifteen (15) calendar days of the day of the notice an explanation of the violation and a plan for its satisfactory correction and prevention shall be submitted to LCBPU and/or FPU.
- (3) Compliance order - LCBPU and/or FPU may issue an order to the noncompliant Commercial or Industrial User to achieve or restore compliance with their permit by a date specified in the order. The compliance order may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including, but not limited to, the installation and proper operation of pretreatment technology, additional self-monitoring, and management practices.

- (4) Consent order – LCBPU and/or FPU is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order.
- (5) Cease and desist order - When LCBPU and/or FPU finds that a wastewater discharge has taken place in violation of prohibitions or limitations of this chapter, or the provisions of a wastewater discharge permit, LCBPU and/or FPU may issue an order to cease and desist, and direct the persons not complying with such prohibitions, limits, requirements, or provisions to immediately halt illegal or unauthorized discharges or to surrender the applicable user's permit if ordered to do so after a show cause hearing.
- (6) Show cause order
  - a) LCBPU and/or FPU may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held regarding the violation, the reasons why the action is being taken, the proposed enforcement action, and directing the user to show cause as to why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.
  - b) LCBPU and/or FPU may conduct the hearing and take evidence, or may designate a representative to:
    - (i) issue in the name of LCBPU and/or FPU notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
    - (ii) take the evidence; and
    - (iii) transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the manager for action thereon.
  - c) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of a charge set by the manager to cover the costs of preparation.
  - d) After LCBPU and/or FPU has reviewed the evidence, he may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed on existing treatment facilities, and that these devices or other related appurtenances are properly operated. Further order and directives as are necessary and appropriate may be issued. Failure of LCBPU and/or FPU to issue any order to a violating user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge. Any order shall become final and not subject to review unless the person or persons named therein request by written petition a hearing before the LCBPU Board of Directors, as provided in §18-223, no later than thirty (30) days after the date such order is served; provided, however, that the LCBPU Board of Directors may review such final order on the same grounds upon which a court of the state may review default judgments.
- (7) Emergency order - In the event of an actual or threatened discharge to the POTW of any pollutant which, in the opinion of LCBPU and/or FPU, presents or may present an imminent and substantial endangerment to the health or welfare of persons or cause interference with the POTW, LCBPU and/or FPU then in charge of the treatment works



shall immediately notify the LCBPU and/or FPU of the nature of the emergency. LCBPU and/or FPU shall also attempt to notify the Industrial User or person causing the emergency and request their assistance in abating the emergency. Following consultation, LCBPU and/or FPU shall temporarily terminate the service of such user or users as are necessary to abate the condition when such action appears reasonably necessary. Such service shall be restored by LCBPU and/or FPU as soon as the emergency situation has been abated or corrected.

- (8) Termination of Permit - Significant Industrial Users proposing to discharge into the POTW must first obtain a wastewater discharge permit from LCBPU and/or FPU. Noncompliant Industrial Users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause why the proposed action should not be taken. Any user who violates the following conditions of this chapter, a wastewater discharge permit or order, or any applicable state or federal law, is subject to permit termination:
- a) violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation;
  - b) obtaining a permit by misrepresentation or failure to disclose fully all relevant facts;
  - c) a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;
  - d) refusal of reasonable access to the user's premise for the purpose of inspection or monitoring;
  - e) failure to notify LCBPU and/or FPU of significant changes to the wastewater prior to changed discharge;
  - f) falsifying self-monitoring reports and certification statements;
  - g) tampering with monitoring equipment;
  - h) failure to comply with the requirements of an enforcement notice or order;
  - i) operating with an expired wastewater discharge permit (unless timely application for renewal has been submitted); or
  - j) failure to provide advance notice of the transfer of business ownership.
- (9) Civil liabilities - Any person or user who violates any provision of this chapter, requirements, or conditions set forth in the permit duly issued or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national Standard, or performance, pretreatment, or toxicity Standard, shall be liable civilly. LCBPU and/or FPU may sue for such damages in any court of competent jurisdiction. In determining the damages, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and the correcting action, if any.
- (10) Civil Penalties - Under the Tennessee Rule 1200-4-14-.08(6)(a)6.(i), LCBPU and/or FPU shall have authority to seek or assess civil or criminal penalties of up to ten thousand dollars (\$10,000.00) per day per offense. Each day of which a violation occurs or continues to occur shall be deemed a separate and distinct offense. In addition to the penalties provided herein, LCBPU and/or FPU may recover reasonable attorney fees, court costs, court reporter fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, or permits issued hereunder.

Civil penalties may be added to the user's next scheduled sewer service charge and LCBPU and/or FPU shall have such other remedies to collect the penalties as it has of other service charges. Industrial users desiring to dispute such penalties may secure a review of such assessment by filing with LCBPU and/or FPU a written petition setting forth the grounds and reasons for the objections and asking for a hearing in the matter

involved before the LCBPU Board of Directors. If a petition for review of the assessment is not filed within thirty (30) days after the date the assessment is served, the violator shall be deemed to have consented to the assessment and it shall become final. Upon receipt of the written petition from the alleged violator pursuant to this section, LCBPU and/or FPU shall give the petitioner thirty (30) days written notice of the time and place of the hearing, but in no case shall such hearing be held more than sixty (60) days from the receipt of the written petition, unless LCBPU and/or FPU and the petitioner agree to postponement.

- (11) Annual publication of significant noncompliance - Meaningful public notification of Significant Industrial Users which were in significant noncompliance with applicable Pretreatment Standards or pretreatment requirements during the previous twelve (12) months shall be published annually by LCBPU and/or FPU in a newspaper of general circulation within the jurisdictions served by the POTW. Such publication also may summarize any enforcement action taken against each entity listed during the same twelve (12) month period. For the purpose of this provision, a Significant Industrial User has been defined in section 18-202 of this chapter.
- (12) Provisions governing fraud and false statements - The reports required to be submitted under this section shall be subject to the provisions of 18 USC § 1001 relating to fraud and false statements and the provisions of Sections 309(C) (4) and (6) of the Act (33 USCA §1311), as amended, governing false statements, representation, and certifications in reports required under the Act.

**18-220. Public nuisance.** Discharges of wastewater in any manner in violation of this chapter or of any order issued by LCBPU and/or FPU as authorized by this chapter, is hereby declared a public nuisance and shall be corrected or abated as directed by LCBPU and/or FPU. Any person creating a public nuisance shall be subject to the provisions of the codes or chapters governing such nuisance.

**18-221. Damage to facilities.** When a discharge of wastes causes obstruction, damage or any other physical or operational impairment to facilities, LCBPU and/or FPU shall assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

**18-222. Legal action.** If any person discharges sewage, industrial wastes, or other wastes into LCBPU and/or FPU's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of LCBPU and/or FPU, LCBPU and/or FPU's attorney may commence an action for appropriate legal and/or equitable relief in the Chancery Court of this county.

**18-223. Pretreatment enforcement hearings and appeals.** The LCBPU Board of Directors shall have and exercise the power, duty, and responsibility to hear appeals from orders issued and penalties or damages assessed by LCBPU and/or FPU, or permit revocations or modifications; and affirm, modify, or revoke such actions or orders of LCBPU and/or FPU. Any hearing or rehearing brought before the LCBPU Board of Directors shall be conducted in accordance with the following:

- (1) Upon receipt of a written petition from the alleged violator pursuant to this section, LCBPU and/or FPU shall give the petitioner thirty (30) days written notice of the time and place for the hearing, but in no case shall such hearing be held more than sixty (60) days from the receipt of the written petition, unless LCBPU and/or FPU and the petitioner agree to a postponement.
- (2) The hearing herein provided may be conducted by the LCBPU Board of Directors at a

regular or special meeting. A quorum of the LCBPU Board of Directors must be presented at the regular or special meeting in order to conduct the hearing herein provided.

- (3) A verbatim record of the proceedings of such hearings shall be taken and filed with the LCBPU Board of Directors, together with the findings of fact and conclusions of law made pursuant to subdivision (6) of this subsection. The transcript so recorded shall be made available to the petitioner or any party to a hearing upon payment of a charge set by LCBPU to cover the costs of preparation;
- (4) In connection with the hearing, the LCBPU shall pursue 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 the county in which LCBPU is located shall have jurisdiction upon the application of LCBPU to issue an order requiring such person to appear and testify or produce evidence as the case may require and any failure to obey such order of the court may be punished by such court as contempt thereof.
- (5) Any member of the LCBPU Board of Directors may administer oaths and examine witnesses.
- (6) On the basis of the evidence produced at the hearing, the LCBPU Board of Directors shall make findings of fact and conclusions of law and enter such decisions and orders as in its opinion will best further the purposes of the pretreatment program and shall give written notice of such decisions and orders to the alleged violator. The order issued under this subsection shall be issued no later than thirty (30) days following the close of the hearing by the person or persons designated by the chairman.
- (7) The decision of the LCBPU Board of Directors shall become final and binding on all parties unless appealed to the courts as provided in subsection (2).
- (8) Any person to whom an emergency order is directed pursuant to § 18-219(7) shall comply therewith immediately but upon petition to the LCBPU Board of Directors shall be afforded a hearing as soon as possible, but in no case shall such hearing be held later than three (3) days from the receipt of such petition by the LCBPU Board of Directors. An appeal may be taken from any final order or other final determination of the LCBPU Board of Directors by any party who is or may be adversely affected thereby, to the Chancery Court pursuant to the common law right of certiorari set out in of the Tennessee Code Annotated, § 27-8-101, within sixty (60) days from the date such order or determination is made.

**18-224. Affirmative Defenses to Discharge Violations.**

- (1) Upset
  - a) For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
  - b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (c), below, are met.
  - c) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
    - (i) an upset occurred and the user can identify the cause(s) of the upset;

- (ii) the facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
  - (iii) the user has submitted the following information to LCBPU and/or FPU within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
    - a. description of the indirect discharge and cause of noncompliance;
    - b. the period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    - c. steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
  - d) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
  - e) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
  - f) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.
- (2) Prohibited Discharge Standards
- a) User shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in Section 18-212(1)(a) and the specific prohibitions in subparagraphs (2)(c), (2)(d), (2)(e), (2)(f), and (2)(g) of Section 18-212(1) where the user can demonstrate that:
    - (i) it did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference; and
    - (ii) a Local Limit designed to prevent pass through and/or interference, as the case may be, fits one of the following descriptions:
      - a. the Local Limit was developed in accordance with Tennessee Rule 1200-4-14-.05(3) for each pollutant in the user's discharge that caused pass through or interference, and the user was in compliance with each such Local Limit directly prior to and during the pass through or interference; or
      - b. the Local Limit has not been developed in accordance with Tennessee Rule 1200-4-14-.05(3) for the pollutant(s) that caused the pass through or interference, the user's discharge directly prior to and during the pass through or interference did not change substantially in nature or constituents from the user's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

**18-225. Enforcement response guide.** The purpose of this chapter is to provide for the consistent and equitable enforcement of the provision of this chapter. Violations and recovery

cost will be determined according to the provisions listed in ERP.

**18-226. Fees and billing.**

- (1) Purpose - It is the purpose of this chapter to provide for the equitable recovery of costs from users of LCBPU and/or FPU's POTW, including costs of operation, maintenance, administration, bond service costs, capital improvements, and depreciation. The applicable fees shall be set forth in a separate schedule of charges and fees that may be changed periodically by LCBPU and/or FPU.
- (2) Types of charges and fees - The charges and fees as established in LCBPU and/or FPU's schedule of charges and fees, may include, but not be limited to:
  - a) tapping fee,
  - b) fees for application for discharge (service fees),
  - c) sewer use charges,
  - d) surcharge fees,
  - e) industrial wastewater discharge permit fees,
  - f) fees for industrial discharge monitoring (sampling fees and laboratory test charges),
  - g) holding tank waste disposal permit fees, and
  - h) other fees as LCBPU and/or FPU may deem necessary.
- (3) Fees for applications for discharge - A fee may be charged when a user or prospective user makes application for discharge as required by §§ 18-210 and 18-211 of this chapter.
- (4) Tapping fee - A tapping fee for a building sewer installation shall be paid to LCBPU at the time the application is filed. Fees shall cover the costs of inspecting new and/or existing plumbing within subject building establishments as well as inspection of building sewers, property sewers, and sewer service lines and connections to the public sewers. The tapping fee shall be set by LCBPU. The inspection fee for an inspection not during normal working hours, may be increased at the discretion of LCBPU and/or FPU.
- (5) Determination of costs of sewer use charges
  - a) LCBPU shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system. Said charges shall be based upon the cost categories of administration costs, including billing and accounting costs; operation and maintenance costs of the wastewater collection and treatment system; debt service costs; and general replacement costs.
  - b) The volume of sewer use for residential customers shall be based on the water meter reading for each user. Industrial customer's sewer use shall be based on the water meter reading unless the permit requires a separate sewer meter be used.
- (6) Surcharge fees - If it is determined by LCBPU and/or FPU that the discharge of other loading parameters or wastewater substances are creating excessive operation and maintenance costs within the wastewater system, whether collection or treatment, then the monetary effect of such a parameter or parameters shall be borne by the discharger of such parameters in proportion to the amount of discharge.
- (7) Industrial wastewater discharge permit fees - A fee may be charged for the issuance of an industrial wastewater discharge permit in accordance with § 18-211 of this chapter.
- (8) Fees for industrial discharge monitoring - Fees may be collected from Industrial Users having pretreatment or other discharge requirements to compensate LCBPU and/or FPU for the necessary compliance monitoring and other administrative duties of the pretreatment program
- (9) Billing - The rules and regulations for billing shall be set by LCBPU.

**18-227.**        **Validity.** This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of LCBPU