

## TITLE 18

WATER AND SEWERS<sup>1</sup>

## CHAPTER

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## CHAPTER 1

WATER

## SECTION

- 18-101. To be furnished under franchise.  
18-102. Excessive use of water prohibited.

**18-101. To be furnished under franchise.** Water shall be furnished for the Town of White Bluff and its inhabitants under franchise to the Water Authority of Dickson County granted by the Town Council of White Bluff. The rights, powers, duties and obligations of the Town of White Bluff, its inhabitants and the Water Authority of Dickson County are clearly stated in the written franchise agreement which shall be binding on all parties concerned. (1983 Code, § 13-101)

**18-102. Excessive use of water prohibited.** It shall be unlawful for any subscriber or subscribers to use water furnished by the Water Authority of Dickson County in a manner which is in excess of the needs of such subscriber or subscribers. (1983 Code, § 13-102)

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

**CHAPTER 2****SEWAGE AND HUMAN EXCRETA DISPOSAL<sup>1</sup>****SECTION**

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<sup>1</sup>Municipal code reference  
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**18-201. Purpose and policy.** The objectives of this chapter are:

- (1) To protect the public health.
- (2) To provide problem free wastewater collection and treatment service.
- (3) To prevent the introduction of pollutants into the municipal wastewater treatment system, which will interfere with the system operation, will cause the town's discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements, or will cause physical damage to the wastewater treatment system facilities.
- (4) To provide for full and equitable distribution of the cost of the wastewater treatment system.
- (5) To enable the Town of White Bluff 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.
- (6) To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment system.

In meeting these objectives, this chapter provides that all persons in the service area of the Town of White Bluff must have adequate wastewater treatment either in the form of a connection to the municipal wastewater treatment system or, where the system is not available, an appropriate private

disposal system. This 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 wastewater treatment system and from other activities required by the enforcement and administrative program established herein.

This chapter shall apply to the Town of White Bluff, Tennessee and to persons outside the town who are, by contract or agreement with the town, users of the municipal wastewater treatment system. Except as otherwise provided herein, the superintendent over the wastewater treatment plant and collection system of the Town of White Bluff shall administer, implement, and enforce the provisions of this chapter. This chapter shall be enforced in accordance with a written enforcement response plan and as provided herein. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

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

(1) "Act" or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. sections 1251, *et seq.*

(2) "Approval authority." The Commissioner of the Tennessee Department of Environment and Conservation and the Administrator of the EPA.

(3) "Authorized representative of industrial user." An authorized representative of an industrial user shall be:

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

(b) The manager of one (1) or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; or

(c) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or

(d) A director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee, if the user is a federal, state, or local governmental facility; or

(e) The individuals described in subsections (a) through (d) above may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the superintendent.

(4) "Best Management Practices" or "BMPs." Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in §§ 8-217 and 8-218. "BMPs" include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(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 twenty degrees (20°) centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(6) "Board." The Mayor and Board of Aldermen of the Town of White Bluff, Tennessee.

(7) "Building sewer." A sewer conveying wastewater from the premises of a user to the POTW.

(8) "Categorical standards." National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a publicly owned treatment works by existing or new industrial users in specific industrial subcategories are established as separate regulations under the appropriate subpart of 40 CFR chapter I, subchapter N. These standards, unless specifically noted otherwise, shall be in addition to all applicable pretreatment standards and requirements set forth in this chapter.

(9) "Compatible pollutant" means BOD, suspended solids, pH, and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in this town's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(10) "Cooling water." The water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

(11) "Control authority." The term "control authority" shall refer to the "approval authority," defined herein above; or the superintendent over the

wastewater collection and treatment system if the town has an approved pretreatment program under the provisions of 40 CFR 403.11.

(12) "Customer." means any individual, partnership, corporation, association, or group who receives sewer service from the town under either an express or implied contract requiring payment to the town for such service.

(13) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(14) "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.

(15) "Environmental Protection Agency" or "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.

(16) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(17) "Grab sample." A sample which is taken from a waste stream on a one (1) time basis with no regard to the flow in the waste stream and over a period not exceeding fifteen (15) minutes.

(18) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

(19) "Incompatible pollutant" shall mean any pollutant which is not a "compatible pollutant" as defined in this section.

(20) "Indirect discharge." The discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(21) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402 of the Act (33 U.S.C. 1342).

(22) "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 treatment works or the collection system

(23) "Local administrative officer." The authorized representative of the publicly owned treatment works is the superintendent over the White Bluff Wastewater System. The superintendent may designate person(s) to serve in his absence when he is unable to perform his duties. Such instances shall include, but not be limited to, the superintendent being ill or on vacation.

(24) "Local hearing authority." The hearing authority of the town may be:

- (a) White Bluffs Mayor and Board of Aldermen; or
- (b) A group of no more than five (5) duly authorized representatives of the board designated above.

(25) "National pretreatment standard or pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to industrial users. This term includes prohibitive discharge limits established pursuant to Tennessee Code Annotated, § 1200-4-14-.05.

(26) "NPDES (National Pollutant Discharge Elimination System)" shall mean 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.

(27) "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 that section, provided that:

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

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

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

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

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

(i) Begun, or caused to begin as part of a continuous onsite construction program:

(A) Any placement, assembly, or installation of facilities or equipment; or

(B) Significant site preparation work including cleaning, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

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

(28) "Non-significant categorical industrial user." A categorical industrial user that has been determined by the superintendent as non-significant in accordance with the issues described in paragraph (40) of this section.

(29) "Pass-through." A discharge which exits the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause or a violation of any requirement of White Bluff's NPDES permit (including an increase in the magnitude or duration of a violation).

(30) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other assigns. The masculine gender shall include the feminine; the singular shall include the plural where indicated by the context.

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

(32) "Phenols." The total of the phenolic chemical compounds as analyzed by the 4AAP Method and as defined in EPA publication, "Methods for Chemical Analysis of Water and Wastes," EPA 600/4-79-020, March 1979.

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

(34) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical substances, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

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



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

(37) "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 the town. This definition includes any sewers that convey wastewater to the POTW treatment plant but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the town who are, by contract or agreement with the town, users of the town's POTW.

(38) "POTW treatment plant." The portion of the POTW designed to provide treatment to wastewater.

(39) "Shall" or "will" is mandatory; "May" is permissive.

(40) "Significant industrial user" means:

(a) Any discharger subject to national categorical pretreatment standards; or

(b) Any non-categorical discharger that:

(i) Has a reasonable potential in the opinion of the control authority or the approval authority to adversely affect the POTW's operation;

(ii) Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW's treatment plant; or

(iii) Discharges an average of more than twenty-five thousand (25,000) gallons per day or more of process wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater).

The town may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred (100) gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

(a) The industrial user, prior to the town's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

(b) The industrial user annually submits the certification statement required in §§ 8-228(1)(d) and 8-228(3), together with any additional information necessary to support the certification statement; and

(c) The industrial user never discharges any untreated concentrated wastewater.

Upon a finding that a user meeting all other criteria of this chapter has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the town may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in Tennessee Rule 1200-4-14-.08(6)(f), determine that such user should not be considered a significant industrial user.

(41) "Slug" shall mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in § 8-217 of this chapter. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

(42) "State" means the State of Tennessee.

(43) "Standard Industrial Classification (SIC)." A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

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

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

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

(47) "Suspended solids." 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.

(48) "Town." The Town of White Bluff or the Board of Mayor and Aldermen, Town of White Bluff, Tennessee.

(49) "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.

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

(51) "User." Any person who contributes, causes or permits the contribution of wastewater into the town's POTW.

(52) "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.

(53) "Wastewater treatment systems" is defined the same as POTW.

(54) "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. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**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 Town of White Bluff, 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 Town of White Bluff any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provision 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 subsection (5) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer in the service area, 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, provided that said public sewer is within three hundred feet (300') of the property line.

(5) The owner of a manufacturing facility may discharge wastewater to the waters of the state, provided that he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations.

(6) Where a public sanitary sewer is not available under the provisions of subsection (4) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of §§ 8-207 and 8-208. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-204. Physical connection public sewer.** (1) No unauthorized person shall uncover, make any connections with or openings into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent as required by §§ 8-213 or 8-214 of this code.

(2) All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(3) A separate and independent building sewer shall be provided for every building; except where one (1) 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.

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

(5) Building sewers shall conform to the following requirements:

(a) The minimum size of a building sewer shall be four inches (4").

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

(c) Four-inch (4") building sewers shall be laid on a grade greater than one-eighth inch (1/8") per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') per second.

(d) Slope and alignment of all building sewers shall be neat and regular.

(e) Building sewers shall be constructed only of:

(i) Cast iron soil pipe with compression joints;

(ii) Schedule 40 polyvinyl chloride pipe with solvent welded or with rubber compression joints; or

(iii) Such other materials of equal or superior quality as may be approved by the superintendent. Under no circumstances will cement mortar joints be acceptable.

(f) A cleanout shall be located five feet (5') outside of the building and one (1) at each change of direction of the building sewer which is greater than forty-five (45) degrees. Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of four-inch (4") nominal diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "T" or "Y" (wye) and one-eighth (1/8) bend shall be used for the cleanout base. Cleanouts shall not be smaller than four-inches (4") on a four-inch (4") pipe.

(g) Connections of building sewers to the public sewer system shall be made the appropriate existing wye or tee branch using

compression type couplings or collar type rubber joint with corrosion resisting or stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe 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 the superintendent. Where connections are made with pipe of different inside or outside diameter, proper watertight gaskets 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 one-eighth inch (1/8") per foot or more if possible. 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 the backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the owner.

(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 the town 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 the superintendent before installation.

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

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

(7) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, or other sources of surface or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**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 the superintendent or his authorized representative and subject to testing before the underground portion is covered.

(2) The applicant for discharge shall notify the superintendent when the building sewer and connection are ready for inspection. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-206. Maintenance of building sewers.** 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 the superintendent to meet specifications of the town. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-207. Availability of public sewer.** (1) Where a public sanitary sewer is not available under the provisions of § 8-203(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 drain is below the elevation to obtain a grade equivalent to a one-eighth inch (1/8") per foot in the building sewer but is otherwise accessible to a public sewer as provided in § 8-203, the owner shall provide a private sewage pumping station as provided in § 8-204(5)(h).

(3) Where a public sewer becomes available, the building sewer shall be connected to said sewer within thirty (30) days after date of official notice to do so. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-208. Requirements for private wastewater disposal.** (1) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the superintendent stating that a public sewer is not accessible 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 Dickson County Health Department.

(2) Before commencement of construction of a subsurface soil absorption facility, the owner shall first obtain written permission from the Dickson County Health Department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the Dickson 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 Dickson 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 Dickson County Health Department when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within a

reasonable period of time after the receipt of notice by the Dickson County Health Department.

(4) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Environment and Conservation of the State of Tennessee and/or the Dickson 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 private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.

(6) No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Dickson County Health Department. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-209. Carnivals, circuses, etc.** Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits, such groups of transients shall provide a sanitary method of disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections ordered by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the forty-five (45) day notice provided for in the preceding section. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-210. Holding tank waste disposal permit.** No person, firm, association or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excreta disposal system, unless such person, firm, association, or corporation obtains a permit from the superintendent to perform such acts or services. Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the superintendent when the conditions of this chapter have been met and providing superintendent is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-211. Fees for holding tank waste disposal permit.** For each permit issued under the provisions of § 8-210, an annual service charge therefor shall be paid to the town to be set as specified in § 8-249. Any such permit granted shall be for one (1) full year, and shall continue in full force and effect from the time issued until the ending of the year unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted on each side of the tank used in the conduct of the business

permitted hereunder. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-212. Designated disposal locations.** The superintendent shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation thereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-213. Revocation of permit.** Failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of such permit by the superintendent. The possession within the town by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of servicing a wastewater septic tank or excreta disposal system shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the Town of White Bluff. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-214. Applications for discharge of domestic wastewater.** All users or prospective users which generate domestic wastewater shall make application to the superintendent for written authorization to discharge to the municipal wastewater treatment system. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the municipal sewer shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with § 8-204 of this chapter and an inspection has been performed by the superintendent or his representative.

The receipt by the town of a prospective customer's application for service shall not obligate the town to render the service. If the service applied for cannot be supplied in accordance with this chapter and the town's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the town to the applicant for such service, except that conditional waivers for additional services may be granted by the superintendent for interim periods if compliance may be assured within thirty (30) days. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-215. Industrial wastewater discharge permits.** (1) General requirements. All industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing industrial users connected to or



contributing to the POTW shall renew their wastewater discharge permit within one hundred eighty (180) days after the effective date of this chapter.

(2) Applications. Applications for wastewater discharge permits shall be required as follows.

(a) Users required to obtain a wastewater discharge permit shall complete and file with the superintendent an application in the form prescribed by the superintendent, and accompanied by the appropriate fee. Existing users shall apply for a wastewater discharge permit within sixty (60) days after the effective date of this chapter, and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW.

(b) The application shall be in the prescribed form of the town and shall include, but not be limited to the following information: name, address and SIC number of applicant; wastewater constituents and characteristics; discharge variations - daily, monthly, seasonal and thirty (30) minute peaks; a description of all toxic material handled on the premises; site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location, and elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the superintendent.

(c) Any user who elects or is required to construct new or additional facilities for pretreatment shall, as part of the application for wastewater discharge permit, submit plans, specifications, and other pertinent information relative to the proposed construction to the superintendent 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 are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the town under the provisions of this chapter.

(d) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this paragraph, "pretreatment standard" shall include either a national pretreatment standard or a pretreatment standard imposed by §§ 8-217, 8-218, or 8-219 of this chapter.

(e) The application shall be signed in accordance with 40 CFR section 403.12(1) and shall include the following certification statement as found in 40 CFR 403.6(a)(2)(h).

"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."

(f) The following conditions shall apply to the schedule required by paragraph (2)(d) above:

(i) 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;

(ii) Not 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 the superintendent including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the superintendent.

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

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

(i) The superintendent will act only on applications containing all the information required in this section. Persons who have filed

incomplete application will be notified by the superintendent that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the superintendent, the superintendent shall submit the application to the mayor with a recommendation that it be denied and notify the applicant in writing of such action.

(3) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees establishing by the town. Permits shall contain the following:

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

(b) Limits on the average and maximum wastewater constituents and characteristics including best management practices.

(c) Limits on average and maximum rate and time of discharge or requirements for equalization.

(d) Requirements for installation (if necessary) and maintenance of inspection and sampling facilities.

(e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule.

(f) If appropriate, compliance schedules as required in 40 CFR 403.12.

(g) Requirements for submission of technical reports or discharge monitoring reports.

(h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the town and affording town access thereto.

(i) Requirements for notification of the town of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.

(j) Requirements to control slug discharge, if determined by the superintendent to be necessary and notification requirements for slug discharges, including any discharge that would violate a prohibition under § 8-217.

(k) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.

(l) Statement of duration (in no case more than five (5) years).

(m) Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator.

(n) Other conditions as deemed appropriate by the town to ensure compliance with this chapter.

(4) 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 the superintendent within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard the information required by this subsections (2)(b) and (2)(c) above. The terms and conditions of the permit may be subject to modification by the superintendent during the term of the permit as limitations or requirements are modified or just cause exists. The user shall be informed of any proposed changes in this permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(5) Permits duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit.

(6) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the town. Any succeeding owner or user shall be provided a copy of the existing permit and shall subsequently comply with the terms and conditions of the existing permit.

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

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

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

(c) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(d) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-216. Confidential information.** All information and data on a user obtained from reports, questionnaire permit application, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the superintendent 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 or the town's or user's NPDES permit. Provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the superintendent as confidential shall not be transmitted to any governmental agency or to the general public by the superintendent until and unless prior and adequate notification is given to the user. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-217. General discharge prohibitions.** No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation and performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

(1) 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. At no time, shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or to any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and any other substances which the board, the town, the state, or EPA has notified the user is a fire hazard or a hazard to the system. Wastestreams shall not have a closed cup flashpoint of less than one hundred forty degrees (140°) Fahrenheit or sixty degrees (60°) centigrade using the test methods in 40 CFR 261.21.

(2) Solid or viscous substances which may cause obstruction to the flow in a sewer resulting in interference with the wastewater treatment facilities

such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(3) Any wastewater having a pH less than 6.0 or higher than 9.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(4) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to interfere with any wastewater treatment process, constitute a health and safety hazard to humans or animals, create a toxic effect in the 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. This prohibition shall include toxic gases, vapors, or fumes within the POTW.

(5) 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.

(6) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the 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; 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.

(7) Any substance which will cause the POTW to violate its NPDES permit, pass through or the receiving water quality standards.

(8) 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.

(9) Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds forty degrees (40°) centigrade (one hundred four degrees (104°) Fahrenheit).

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

(11) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "slug" as defined herein.

(12) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(13) Any wastewater which causes a hazard to human life or creates a public nuisance.

(14) Any waters or wastes containing fats, wax, grease, or oil (including animal oils, petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin), whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two (32) or one hundred forty (140) degrees Fahrenheit (0 and sixty degrees (60°) centigrade) or that will cause interference or pass through.

(15) Any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent and the Tennessee Department of Environment and Conservation. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent and the Tennessee Department of Environment and Conservation, to a storm sewer or natural outlet.

(16) 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.

(17) Any trucked or hauled pollutants, except at discharge points designated by the POTW in accordance with §§ 8-210 through 8-213. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-218. Restrictions on wastewater strength.** (1) The town is authorized to establish local limits pursuant to Tennessee Rule 1200-4-14-.05(3).

(2) No person or user shall discharge wastewater which exceeds the following set of standards (Table A - User Discharge Restrictions) unless an exception is permitted as provided in this chapter. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

**TABLE A - USER DISCHARGE RESTRICTIONS**

Pollutant	Daily Aver. Maximum* Concentration (mg/l)
Cadmium, Total	0.026
Chromium, Total	2.95
Copper, Total	0.771
Cyanide, Total	0.134
Lead, Total	0.176
Nickel, Total	0.906
Silver, Total	0.074
Zinc, Total	2.23
Oil and Grease	100.00

\*Based on 24-hour flow proportional composite samples

(3) The superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement local limits and the requirements of § 8-217. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-219. Protection of treatment plant influent.** The superintendent shall monitor the treatment works influent for each parameter in the following table (Table B - Plant Protection Criteria). Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set for in this chapter. In the event that the influent at the POTW reaches or exceeds eighty percent (80%) of the levels established by this table, the superintendent shall initiate technical studies to determine the cause of the influent violation and shall recommend to the town the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The superintendent shall also recommend changes to any of these criteria in the event that: the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW.

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\*Based on 24-hour flow proportional composite samples.



**TABLE B - PLANT PROTECTION CRITERIA**

Parameter	Daily Average Max. <sup>1</sup> Concentration (mg/l)
Cadmium (Cd)	0.003
Chromium, Total	0.278
Copper (Cu)	0.139
Cyanide (CN)	0.015
Lead (Pb)	0.036
Mercury (Hg)	0.00013
Nickel (Ni)	0.074
Silver (Ag)	0.012
Zinc (Zn)	0.377
Total Phenols (by 4AAP Method)	5.0
Total Kjeldahl Nitrogen (TKN)	90.0
Oil and Grease	100.0
MBAS	10.0
Toluene	0.214
Benzene	0.013
1,1,1-Trichloroethane	0.250
Ethylbenzene	0.029
Carbon tetrachloride	0.150
Chloroform	0.224
Tetrachloroethylene	0.033

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<sup>1</sup>Based on 24-hour flow proportional composite samples.

Trichloroethylene	0.100
1,2 Transdichloroethylene	0.008
Methylene chloride	0.096
Phenol	5.00
Naphthalene	0.005
Total phthalates	0.293
BOD	*
Suspended Solids	*
Ammonia-Nitrogen	*

\*Not to exceed the design capacity of treatment works

(Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-220. Federal categorical pretreatment standards.** Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under the ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR section 403.12. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-221. Right to establish more restrictive criteria.** No statement in this chapter is intended or may be construed to prohibit the superintendent from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the POTW resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Environment and Conservation and/or the United States Environmental Protection Agency. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

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\*Not to exceed the design capacity of treatment works.

**18-222. Special agreements.** Nothing in this section shall be construed so as to prevent any special agreement or arrangement between the town and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. The making of such special agreements or arrangements between the town and the user shall be strictly limited to the capability of the POTW to handle such wastes without interfering with unit operations or sludge use and handling or allowing the pass through of pollutants which would result in a violation of the NPDES permit. No special agreement or arrangement may be made without documentation by the industry of the use of good management practice in the reduction of wastewater volume and strength. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-223. Exceptions to discharge criteria.** (1) Application for exception. Non-residential users of the POTW may apply for a temporary exception to the prohibited and restricted wastewater discharge criteria listed in §§ 8-217 and 8-218 of this code. Exceptions can be granted according to the following guidelines.

The superintendent shall allow applications for temporary exceptions at any time. However, the superintendent shall not accept an application if the applicant has submitted the same or substantially similar application within the preceding year and the same has been denied by the town.

All applications for an exception shall be in writing, and shall contain sufficient information for evaluation of each of the factors to be considered by the superintendent in his review of the application.

(2) Conditions. All exceptions granted under this paragraph shall be temporary and subject to revocation at any time by the superintendent upon reasonable notice.

The user requesting the exception must demonstrate to the superintendent that he is making a concentrated and serious effort to maintain high standards of operation control and housekeeping levels, etc., so that discharges to the POTW are being minimized. If negligence is found, permits will be subject to termination. The user requesting the exception must demonstrate that compliance with stated concentration and quantity standards is technically or economically infeasible and the discharge, if accepted, will not:

- (a) Interfere with the normal collection and operation of the wastewater treatment system;
- (b) Limit the sludge management alternatives available and increase the cost of providing adequate sludge management; or
- (c) Pass-through the POTW in quantities and/or concentrations that would cause the POTW to violate its NPDES permit.

The user must show that the exception, if granted, will not cause the discharger to violate its in-force federal pretreatment standards unless the

exception is granted under the provisions of the applicable pretreatment regulations.

A surcharge shall be applied to any exception granted under this subsection. These surcharges shall be applied for that concentration of the pollutant for which the variance has been granted in excess of the concentration stipulated in this chapter based on the average daily flow of the user.

(3) Review of application by the superintendent. All applications for an exception shall be reviewed by the superintendent. If the application does not contain sufficient information for complete evaluation, the superintendent shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the superintendent to correct such deficiencies and thirty (30) more days if approval is requested from the state. This thirty (30) day period may be extended by the town upon application and for just cause shown. Upon receipt of a complete application, the superintendent shall evaluate same within thirty (30) days and shall submit his recommendations to the town at its next regularly scheduled meeting.

(4) Review and application by the board. The town shall review and evaluate all applications for exceptions and shall take into account the following factors:

(a) Whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in §§ 8-217, 8-218, and 8-219 and grant an exception only if such exception may be granted within limitations of applicable federal regulations;

(b) Whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of section 307(a) of the Act (33 U.S.C. 1317), and then grant an exception only if such exception may be granted within the limitations of applicable federal regulations;

(c) Whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works;

(d) The cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive costs alone shall not be the basis for granting an exception;

(e) The age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge;

(f) The process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge; and

(g) The engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-224. Accidental discharges.** (1) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into 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 diked areas 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, slug discharge, 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 the superintendent 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.

(2) Notification of accidental discharge.

Any person causing or suffering from any accidental discharge shall immediately notify the superintendent (or his designated official) by telephone to enable countermeasures to be taken by the superintendent to minimize damage to the POTW, the health and welfare of the public, and the environment.

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

Such notification 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.

(3) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all

employees who may suffer from or cause to occur such a dangerous discharge are advised of the emergency notification procedure.

(4) Slug control plan. At least once every two (2) years, the POTW shall evaluate whether each significant industrial user needs a plan to control accidental or slug discharges. The results of such activities shall be available to the approval authority upon request. If the POTW decides that an accident or slug control plan is needed, the plan shall contain, at a minimum, the following elements:

(a) Description of discharge practices, including non-routine batch discharges.

(b) Description of stored chemicals.

(c) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under § 8-217, with procedures for follow-up written notification within five days.

(d) 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.

(e) Any necessary measures for building containment structures or equipment.

(f) Any additional measures necessary for containing toxic organic pollutants (including solvents).

(g) Any necessary procedures and equipment for emergency response.

(h) Any necessary follow-up practices to limit the damage suffered by the treatment plant or the environment.

(5) Notifications relating to slug discharges. (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(b) Significant industrial users are required to notify the superintendent immediately of any changes at its facility affecting the potential for a slug discharge. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-225. Monitoring facilities**. The installation of a monitoring facility shall be required for all industrial users having wastes which receive pretreatment, are otherwise altered or regulated before discharge, or are

unusually strong and thereby subject to a surcharge. Monitoring facility shall be a manhole or other suitable facility approved by the superintendent.

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

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user.

If sampling or metering equipment is also required by the superintendent, it shall be provided and installed at the user's expense. All sampling and metering equipment shall be approved by the superintendent before installation.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The superintendent may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the monitoring facility shall be constructed in accordance with the superintendent's requirements and all applicable local agency construction standards and specifications. When, in the judgment of the superintendent, 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 by the superintendent. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-226. Inspection and sampling.** (1) The town shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the town or a representative 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. The town, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that, upon

presentation of suitable identification, personnel from the town, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility.

(2) Significant industrial users are required to notify the superintendent immediately of any changes at its facility affecting the potential for a slug discharge.

(3) If sampling performed by a user indicates a violation, the user must notify the superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the superintendent within thirty (30) days after becoming aware of the violation. Resampling by the industrial user is not required if the town performs sampling at the user's facility at least once a month, or if the town performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the town receives the results of this sampling. If the town has performed the sampling and analysis in lieu of the industrial user, the superintendent must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis.

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

(5) All measurements, tests and analysis of the characteristics of water and waste to which reference is made in this chapter shall be determined in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, the user shall use "Standard Methods for the Examination of Water and Sewage," latest edition, "Methods for Chemical Analysis of Water and Waste" published by the U.S. Environmental Protection Agency or the "Annual Book of Standards, part 23, Water, Atmospheric Analysis" published by the American Society for Testing and Materials. Samples shall be collected at the control manhole provided for in Section 6.03.

(6) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, twenty-four (24) hour composite samples must be obtained through flow-proportional composite sampling techniques unless time-proportional composite sampling or grab sampling is authorized by the superintendent. Where time-proportional composite sampling or grab sampling is authorized by the superintendent, the samples must be representative of the discharge and the



decision to allow the alternative sampling must be documented in the industrial user file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows; for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the superintendent, as appropriate. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-227. Baseline and compliance date report.** (1) **Baseline reports.** Within one hundred eighty (180) days following after the effective date of an applicable pretreatment standard or one hundred twenty (180) days after the final administrative decision made upon a category determination submission under Tennessee Code Annotated, § 1200-4-14-.06(1)(d), whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to the POTW shall be required to submit to the superintendent a report (baseline report) which contains the information listed in subsections (1) through (6) of this section. At least ninety (90) days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the superintendent a report which contains the information listed in subparagraphs (1) through (5) of this section. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in subsections (d) and (e) below:

(a) Identifying information. The user shall submit the name and address of the facility including the name of the operator and owners.

(b) Permits. The user shall submit a list of any environmental control permits held by or for the facility.

(c) Description of operations. The user shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operation(s) earned out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(d) Flow measurement. The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

(i) Regulated process streams; and

(ii) Other streams as necessary to allow use of the combined wastestream formula of Tennessee Code Annotated,

§ 1200-4-14-.06(5). (See part (e)(iv) below.) The superintendent may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(e) Measurement of pollutants.

(i) The user shall identify the pretreatment standards applicable to each regulated process.

(ii) In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or superintendent) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the standard requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the superintendent or the applicable standards to determine compliance with the standard.

(iii) The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this paragraph.

(iv) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula of Tennessee Code Annotated, § 1200-4-14-.06(5) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Tennessee Code Annotated, § 1200-4-14-.06(5) this adjusted limit along with supporting data shall be submitted to the superintendent.

(v) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the administrator.

(vi) The superintendent may allow the submission of a baseline report which utilizes only historical data so long as the

data provides information sufficient to determine the need for industrial pretreatment measures.

(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) Certification. A statement, reviewed by an authorized representative of the industrial user (as defined in § 8-202(c) this rule) and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements; and

(g) Compliance schedule. If additional pretreatment and/or O and M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment and/or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

(i) Where the industrial user's categorical pretreatment standard has been modified by a removal allowance (1200-4-14-.07), the combined wastestream formula (1200-4-14-.06(5)), and/or a fundamentally different Factors variance (1200-4-14-.13) at the time the user submits the report required by paragraph (2) of this rule, the information required by subparagraphs (f) and (g) of this paragraph shall pertain to the modified limits.

(ii) If the categorical pretreatment standard is modified by a removal allowance (1200-4-14-.07), the combined wastestream formula (1200-4-14-.06(5)), and/or a fundamentally different factors variance (1200-4-14-.13) after the user submits the report required by paragraph (a) of this rule, any necessary amendments to the information requested by subparagraphs (f) and (g) of this paragraph shall be submitted by the user to the control authority within sixty (60) days after the modified limit is approved.

(2) Compliance date report. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and Requirements shall submit to the superintendent a report containing the information described in § 8-227(1)(d), (e) and (f). For industrial users subject to equivalent mass or concentration limits established by the superintendent in accordance with the procedures in 1200-4-14-.06(3), this report shall contain a reasonable measure of the user's long-term production rate. For all other

industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

(3) Signatory requirements for industrial user reports of paragraphs (1) and (2) above shall include the certification statement as set forth in § 8-215(2)(e), and shall be signed by an authorized representative as defined in § 8-202(c). (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-228. Periodic reports.** (1) Self monitoring reports.

(a) Any user subject to a pretreatment standard (except a non-significant categorical user), after the compliance date of such pretreatment standard, or, in the case of new source, after commencement of the discharge into the potw, shall submit to the superintendent no less than twice per year (June and December), unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the superintendent or the pretreatment standard necessary to determine the compliance status of the user. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.

(b) The superintendent may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (1) above shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(c) The reports required by this section shall include certification requirements per 40 CFR 403.12(1) and shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the Act and contained in 40 CFR part 136 and amendments

thereto or with any other test procedures approved by the superintendent. Sampling shall be performed in accordance with the techniques approved by the superintendent.

(d) Annual certification by non-significant categorical industrial users. A facility determined to be a non-significant categorical industrial user pursuant to the definition of "significant industrial user" in § 8-202(40) must annually submit the following certification statement, signed in accordance with the signatory requirements in Tennessee Rule 1200-4-14-12(12V). This certification must accompany an alternative report required by the superintendent:

(e) An industrial user subject to the reporting requirement of this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the permit or superintendent, using the procedures prescribed in § 8-227(1)(e), the results of this monitoring shall be included in the report.

(2) Compliance schedule reports. Not later than fourteen (14) days following each date in a compliance schedule and the final date for compliance, the user shall submit a progress report to the superintendent including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the superintendent. Signatory requirements for industrial user reports of subsections (1) and (2) above shall include the certification statement as set forth in § 8-215(2)(e), and shall be signed by an authorized representative as defined in § 8-202(c).

(3) The industrial user shall notify the superintendent, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under TN Rule 1200-1-11.

(a) Such notification must include the name of the hazardous waste as set forth in 1200-1-11, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place within one hundred eighty (180) days of the effective date of this rule. Industrial users who commence

discharging after the effective date of this rule shall provide the notification no later than one hundred eighty (180) days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 1200-4-14-.12 (10). The notification requirement in this rule does not apply to pollutants already reported under the self-monitoring requirements of § 8-227(1) and (2) and § 8-228(1).

(b) Dischargers are exempt from the requirements of subparagraph (a) above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 1200-1-11-.02(4)(a) and (4)(d). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 1200-1-11-.02(4)(a) and (4)(d), requires a one (1) time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

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

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

(4) All industrial users shall promptly notify the superintendent in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under paragraph (c) above (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-229. 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, including documentation associated with best management practices. Such records shall include for all samples:

(1) A chain of custody form acceptable to the town which includes the date, exact place, method, time of sampling, the names of the persons taking the samples, and a record of handling up to and including delivery to and receipt by an analytical laboratory;

- (2) The dates analyses were performed;
- (3) Who performed the analyses;
- (4) The analytical techniques/methods used; and
- (5) The results of such analyses.

The industrial user subject to the reporting requirements established in this chapter shall be required to retain for a minimum of three (3) years all records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the superintendent, Director of the Division of Water Quality Control Tennessee Department of Environment and Conservation, or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or the POTW or when requested by the superintendent, the approval authority, or the Environmental Protection Agency. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-230. Safety.** While performing the necessary work on private properties, the superintendent or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the town employees and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-231. Notification of violation.** Whenever the WWTP operator finds that any industrial user has violated or is violating this chapter, or a wastewater permit or order issued hereunder, the WWTP operator or his agent may serve upon said user written notice of the violation. Within ten (10) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the WWTP operator. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-232. Complaints and orders.** Whenever the local administrative officer of any pretreatment agency has reason to believe that a violation of any provision of the pretreatment program of the pretreatment agency or orders of the local hearing authority issued pursuant thereto has occurred, is occurring, or is about to occur, the local administrative officer may cause a written complaint to be served upon the alleged violator or violators.

The complaint shall specify the provision or provisions of the pretreatment program or order alleged to be violated or about to be violated, the facts alleged to constitute a violation thereof, may order that necessary corrective action be taken within a reasonable time to be prescribed in such order, and shall inform the violators of the opportunity for a hearing before the local hearing authority. One (1) or more of the following orders may be issued for a given violation:

(1) Cease and desist order. When the superintendent finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this chapter, or the provisions of a wastewater discharge permit, the superintendent may issue an order to cease and desist, and direct that these persons not complying with such prohibitions, limits, requirements, or provisions to:

- (a) Immediately halt illegal or unauthorized discharges; and
- (b) Surrender his applicable user's permit if ordered to do so after a show cause hearing.

(2) Compliance order. The superintendent may issue an order to the noncompliant 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.

(3) Consent order. The superintendent 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 industrial user to correct the noncompliance within a time period also specified by the order.

(4) Show cause order. (a) The superintendent may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the superintendent 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 by the superintendent regarding the violation, the reasons why the action is being taken, the proposed enforcement action, and directing the user to show cause before the superintendent 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 fifteen (15) days before the hearing.

(b) The superintendent may:

- (i) Issue in the name of the town 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.

(iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the superintendent 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 superintendent to cover the costs of preparation.

(d) After the superintendent 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 shall have been installed on existing treatment facilities, and that these devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

Failure of the superintendent to issue any order to the 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 local hearing authority as provided in § 8-234 no later than thirty (30) days after the date such order is served; provided, however, that the local hearing authority may review such final order on the same grounds upon which a court of the state may review default judgments. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-233. Submission of time schedule.** When the superintendent finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in this chapter, or wastewater source control requirements, effluent limitations of pretreatment standards, or the provisions of a wastewater discharge permit, the superintendent shall require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements.

Such schedule shall be submitted to the superintendent within thirty (30) days of the issuance of any order and shall comply with § 8-215(b)(5). (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-234. Pretreatment enforcement hearings and appeals.** The local hearing authority shall have and exercise the power, duty, and responsibility to hear appeals from orders issued and penalties or damages assessed by the local

administrative officer, or permit revocations or modifications by him; and affirm, modify, or revoke such actions or orders of the local administrative officer. Any hearing or rehearing brought before the local hearing authority shall be conducted in accordance with the following:

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

(2) The hearing herein provided may be conducted by the local hearing authority at a regular or special meeting. A quorum of the local hearing authority must be present at the regular or special meeting 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 local hearing authority, together with the findings of fact and conclusions of law made pursuant to subsection (6) below. The transcript so recorded shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the local administrative officer to cover the costs of preparation.

(4) In connection with the hearing, the chairman shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the chancery court of the county in which the pretreatment agency is located shall have jurisdiction upon the application of the local hearing authority or the local administrative officer to issue an order requiring such person to appear and testify or produce evidence as the case may require and any failure to obey such order of the court may be punished by such court as contempt thereof.

(5) Any member of the local hearing authority may administer oaths and examine witnesses.

(6) On the basis of the evidence produced at the hearing, the local hearing authority shall make findings of fact and conclusions of law and enter such decisions and orders as in its opinion will best further the purposes of the pretreatment program and shall give written notice of such decisions and orders to the alleged violator. The order issued under this 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 local hearing authority 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 § 8-236 shall comply therewith immediately but on petition to the local hearing authority shall be afforded a hearing as soon as possible, but in no case shall

such hearing be held later than three (3) days from the receipt of such petition by the local hearing authority.

An appeal may be taken from any final order or other final determination of the local hearing authority by any party, including the pretreatment agency, who is or may be adversely affected thereby, to the chancery court pursuant to the common law writ of certiorari set out in Tennessee Code Annotated, § 27-8-101, within sixty (60) days from the date such order or determination is made. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-235. Legal action.** If any person discharges sewage, industrial wastes, or other wastes into the town's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the town, the town attorney may commence an action for appropriate legal and/or equitable relief in the chancery court of this county. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-236. Emergency suspension.** The superintendent may suspend the wastewater treatment service and/or wastewater permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution, but on petition to the local hearing authority the user shall be afforded a hearing as soon as possible. In no case shall such hearing be held later than three (3) days from the receipt of such petition by the local hearing authority.

In the event of a user's failure to immediately comply voluntarily with the suspension order, the superintendent shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, the receiving stream, or endangerment to any individuals. The superintendent shall allow the user to recommence its discharge when the endangerment has passed unless termination proceedings are initiated against the user.

An industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement to the superintendent describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. If a show cause meeting is ordered by the superintendent, the written statement shall be submitted prior to such meeting (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-237. Termination of permit.** Significant industrial users proposing to discharge into the POTW, must first obtain a wastewater discharge permit from the superintendent. Any user who violates the following conditions of this

chapter or a wastewater discharge permit or order, or any applicable or state and federal law, is subject to permit termination:

- (1) Violation of permit conditions.
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge.
- (3) Failure to report significant changes in operations or wastewater constituents and characteristics.
- (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.

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. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-238. Public nuisance.** Discharges of wastewater in any manner in violation of this chapter or of any order issued by the superintendent as authorized by this chapter, is hereby declared a public nuisance and shall be corrected or abated as directed by the superintendent. Any person creating a public nuisance shall be subject to the provisions of the town codes or ordinances governing such nuisance. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-239. Correction of violation and collection of costs.** In order to enforce the provisions of this chapter, the superintendent shall correct any violation hereof. The cost of such correction shall be added to any sewer service charge payable by the person violating this chapter or the owner or tenant of the property upon which the violation occurred, and the town shall have such remedies for the collection of such costs as it has for the collection of sewer service charges. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-240. Damage to facilities.** When a discharge of wastes causes an obstruction, damage, or any other physical or operational impairment to facilities, the superintendent 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. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-241. Civil liabilities.** Any person or user who violates any provision of this chapter, requirements, or conditions set forth in permit duly issued, or who discharges wastewater which causes pollution or violates any order, prohibition, effluent limitation, national standard or performance, pretreatment, or toxicity standard, shall be liable civilly.

The Town of White Bluff may sue for such damage 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. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-242. Annual publication of users in significant non-compliance.** A list of users which were in significant non-compliance with these regulations during the previous twelve (12) months shall be published annually by the town in the Dickson Herald. Such publication may also summarize any enforcement action taken against each entity listed during the same twelve (12) month period. For the purpose of this provision, significant non-compliance shall be those that meet one (1) or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.

(2) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits times the applicable TRC (TRC = 1.4, or 40% over the limit, for BOD, TSS, fats, oil and grease; and 1.2, or 20% over the limit, for all other pollutants except pH).

(3) Any other violation of a pretreatment standard or requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) that the superintendent believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(5) Violation, by ninety (90) days or more after the schedule date, of a compliance schedule milestone contained in a local control mechanism or enforcement order, for starting construction, completing construction, or attaining final compliance.

(6) Failure to provide required reports within thirty (30) days of the due date; such reports include baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(7) Failure to accurately report noncompliance.

(8) Violations which remain uncorrected forty-five (45) days after notification of noncompliance.

(9) Violations that are part of a pattern of noncompliance over a twelve (12) month period.

(10) Any other violation or group of violations which may include a violation of best management practices, which the superintendent determines will adversely affect the operation or implementation of the local pretreatment program. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-243. Injunctive relief.** Whenever an industrial user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the superintendent, through counsel, may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the industrial user. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-244. Civil penalties.** Whenever any assessment has become final because of a person's failure to appeal the superintendent's assessment, the superintendent may apply to the chancery court for a judgment and seek execution of such judgment. The court in such proceedings, shall treat a failure to appeal such assessment as a confession of judgment in the amount of the assessment. The superintendent shall have such remedies to collect these fees as it has to collect other sewer service charges. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-245. Criminal prosecution.** Any industrial user who willfully, negligently, or knowingly violates any provision of this chapter or any orders or permits issued hereunder may be prosecuted through the state attorney general. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-246. Civil penalties.** Any user who is found to have violated an order of the board of mayor and aldermen or who failed to comply with any provision of this chapter, and the order, rules, regulations and permits issued hereunder, may be penalized not less than one hundred dollars (\$100.00) nor more than ten thousand dollars (\$10,000.00) for each offense. Each day of which a violation shall occur or continue shall be deemed a separate and distinct offense.

In addition to the penalties provided herein, the town may recover reasonable attorney's fees, court costs, court reporters' 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, and permits issued hereunder.

Industrial users desiring to dispute such penalties may secure a review of such assessment by filing with the superintendent a written petition setting forth the grounds and reasons for his objections and asking for a hearing in the matter involved before White Bluffs Board of Mayor and Aldermen. 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 a written petition from the alleged violator pursuant to this section, the superintendent 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 the superintendent and the petitioner agree to a postponement. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-247. Falsifying information.** Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment for not more than six (6) months, or both. (Ord. #135, June 1993, as replaced by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-248. Purpose.** It is the purpose of this chapter to provide for the equitable recovery of costs from users of the town's wastewater treatment system, including costs of operation, maintenance, replacement, administration, bond service costs, capital improvements, and depreciation. (as added by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-249. Types of charges and fees.** The charges and fees as established in the town's schedule of charges and fees, may include, but not be limited to:

- (1) Inspection fee and tapping fee;
- (2) Fees for application for discharge;
- (3) Sewer use charges;
- (4) Surcharge fees;
- (5) Industrial wastewater discharge permit fees;
- (6) Fees for industrial discharge monitoring;
- (7) Holding tank waste disposal permit fees; and
- (8) Other fees as the town may deem necessary to carry out the requirements of this chapter. (as added by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-250. Fees for applications for discharge.** A fee may be charged when a user or prospective user makes application for discharge as required by §§ 8-214 and 8-215 of this chapter. (as added by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-251. Inspection fee and tapping fee.** An inspection fee and tapping fee for a building sewer installation shall be paid to the town's sewer department at the time the application is filed.

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 inspection fee and tapping fee shall be set by the board of mayor and aldermen. The inspection fee for inspection not during normal working hours, Monday through Friday 8:00 A.M. through 4:30 P.M., may be increased at the discretion of the board. (as added by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-252. Sewer use charges.** (1) Classification of users. Users of the wastewater system shall be classified into two (2) general classes or categories depending upon the user's contribution of wastewater loads; each class user being identified as follows:

(a) Class I: Those users whose average biochemical oxygen demand is two hundred fifty milligrams per liter (250 mg/l) by weight or less, and whose suspended solids discharge is two hundred fifty milligrams per liter (250 mg/l) by weight or less.

(b) Class II: Those users whose average biochemical oxygen demand exceeds two hundred fifty milligrams per liter (250 mg/l) concentration by weight and/or whose suspended solids exceeds two hundred fifty milligrams per liter (250 mg/l) concentration.

(2) Determination of costs. The board of mayor and aldermen shall establish monthly rates and charges for the use of the 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; water distribution; debt service costs; and general replacement costs.

(a) All users who fall under Class I shall pay a single unit charge expressed as dollars per one thousand (1,000) gallons of water purchased (\$/1000 gallons) with the unit charge being determined in accordance with the following formula:

$$C_i = \frac{T.S.C.}{V_t}$$



Where:

$C_i =$  the Class I total unit cost in \$/1,000 gallons.

T.S.C. = the total operation, maintenance, and minor equipment replacement, administration, and debt service determined by yearly budget projections

$V_t =$  the total volume of water in 1,000 gallons purchased from all users per year as determined from projections from one town fiscal year to the next

(b) All users who fall within the Class II classification shall pay the same base unit charge per one thousand (1,000) gallons of water purchased as for the Class I users and in addition shall pay a surcharge rate on the excessive amounts of biochemical oxygen demand and/or suspended solids in direct proportion to the actual discharge quantities.

(c) The volume of water purchased which is used in the calculation of sewer use charges may be adjusted by the superintendent if a user purchases a significant volume of water for a consumptive use and does not discharge it to the public sewers (i.e., filling swimming pools, industrial heating, and humidifying equipment, etc.). The user shall be responsible for documenting the quantity of waste discharged to the public sewer.

(d) When either or both the total suspended solids or biochemical oxygen demand quantities discharged into the treatment works is in excess of those described in § 8-252(1)(b), above, thus being classified as Class II users, the following formula shall be used to compute the appropriate user surcharge:

$$C_u = (B_c(B_u - 250) + S_c(S_u - 250)) \times 0.00834 \times V_u$$

Where formula components are as follows:

$C_u =$  Total user surcharge per unit of time

$V_u =$  Volume in 1,000s of gallons per unit of time. No reduction in sewage service charges, fees, or taxes shall be permitted because of the fact that certain wastes discharged to the sewage works contain less than 250 mg/l of BOD, and/or 250 mg/l of total suspended solids (TSS).

$B_c =$  Total cost for treatment of a unit of biochemical oxygen demand (BOD)

- $B_u =$  Average concentration of BOD contribution from a user per unit of time. If actual value is less than 250 mg/l the value used in the formula shall be 250.
- $S_c =$  Total cost of treatment of a unit of suspended solids
- $S_u =$  Average concentration of suspended solids contribution from a user per unit of time. If actual value is less than 250 mg/l the value used in the formula shall be 250. (as added by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-253. Surcharge fees.** If it is determined by the town 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. (as added by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-254. Industrial wastewater discharge permit check.** A fee may be charged for the issuance of an industrial wastewater discharge permit in accordance with § 8-249 of this chapter. (as added by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-255. Fees for industrial discharge monitoring.** Fees may be collected from industrial users having pretreatment or other discharge requirements to compensate the town for the necessary compliance monitoring and other administrative duties of the pretreatment program. (as added by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-256. Billing.** The billing for normal domestic wastewater services shall consist of monthly billing in accordance with the rates specified by the town and in accordance with § 8-11-1. (as added by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-257. Annual notification.** Each user of the system will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services. (as added by Ord. #355, Feb. 2013 *Ch2\_5-7-19*)

**18-258. Biennial review of operational maintenance charges.** The user charge system will be reviewed not less often than every two (2) years. At this time, the total wastewater contribution of users and user classes and the total cost of operation and maintenance of the system will be reviewed to assess

the need for revision of the user charge rate. (as added by Ord. #355, Feb. 2013  
*Ch2\_5-7-19*)