

ORDINANCE NO. 10-300
SEWER USE ORDINANCE AMENDMENT
BRIGHTON, TENNESSEE

BE IT ORDAINED AND ENACTED BY THE BOARD OF MAYOR AND
ALDERMEN OF THE TOWN OF BRIGHTON, TENNESSEE, as follows:

| SECTION | | PAGE |
|---------|---|------|
| 1 | General Provisions | 1 |
| 2 | Connection to Public Sewers | 6 |
| 3 | Private Domestic Wastewater Disposal | 9 |
| 4 | Regulation of Holding Tank Waste Disposal | 11 |
| 5 | Applications for Domestic Wastewater Discharge and Industrial Wastewater Discharge Permits | 11 |
| 6 | Discharge Regulations | 16 |
| 7 | Industrial User Monitoring, Inspection Reports, Records Access, and Safety | 23 |
| 8 | Enforcement and Abatement | 26 |
| 9 | Penalty: Costs | 29 |
| 10 | Fees and Billing | 30 |
| 11 | Validity | 33 |
| 12 | Ordinance in Force | 33 |

ORDINANCE NO. _____
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SECTION 1. GENERAL PROVISIONS

1.1 Purpose and Policy

This Ordinance sets forth uniform requirements for the disposal of wastewater in the service area of the Town of Brighton, Tennessee, wastewater treatment system. The objectives of this Ordinance are:

- (a) To protect the public health;
- (b) To provide problem free wastewater collection and treatment service;
- (c) To prevent the introduction of pollutants into the municipal wastewater treatment system, which will interfere with the system operation or cause the Town to violate state requirements or cause any physical damage to the wastewater treatment system and facilities;
- (d) To provide for full and equitable distribution of the cost of the wastewater treatment system;
- (e) To enable the Town of Brighton 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;
- (f) To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment system.

In meeting these objectives, this Ordinance provides that all persons in the service area of the Town of Brighton 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. The Ordinance 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 resulting from the operation, maintenance, and capital activities required by the enforcement and administrative program established herein.

This Ordinance shall apply to the Town of Brighton, Tennessee, and to persons outside the Town, who are, by contract or agreement with the town users of the municipal wastewater treatment system. Except otherwise provided herein, the Water and Sewer Superintendent of the Town of Brighton shall administer, implement, and enforce the provisions of this Ordinance.

..2 Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Ordinance, 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. 1252, et.seq.
- (2) Approval Authority: The Director in an NPDES state with an approved State Pretreatment Program and the Administrator of the EPA in a non-NPDES state or NPDES state without an Approved State Pretreatment Program.
- (3) Authorized Representative of Industrial User: An authorized representative of an Industrial User may be: (1) a principal executive officer of at least the level of vice-president, if the Industrial User is a corporation; (2) a general partner or proprietor respectively; (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
- (4) Biochemical Oxygen Demand (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20⁰ centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).
- (5) Building Sewer: A sewer conveying wastewater from the premises of a User to the POTW.
- (6) Categorical Standards: National Categorical Pretreatment Standard.
- (7) Town: The Town of Brighton or the Mayor and Board of Aldermen, Town of Brighton, Tennessee.
- (8) Compatible Pollutant: Shall mean 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.
- (9) Cooling Water: The water discharged from any such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- (10) Control Authority: The term "control authority" shall refer to the "Approval Authority" defined hereinabove; or the Superintendent if the Town has an approved Pretreatment Program under the provisions of 40 CFR, 403.11.

- (11) 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.
- (12) Direct Discharge: The discharge of treated or un-treated wastewater directly to the waters of the State of Tennessee.
- (13) 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.
- (14) Enviromental Protection Agency, or EPA: The U.S. Enviromental Protection Agency, or where appropriate the term may also be used as a designated official of the said agency.
- (15) 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.
- (16) Grab Sample: A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- (17) Holding Tank Waste: Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (18) Incompatible Pollutant: Shall mean any pollutant which is not a "compatible pollutant" as defined in this section.
- (19) 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).
- (20) 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).
- (21) Interference: The inhibition or disruption of the municipal wastewater treatment processes or operations of the Town's NPDES Permit. The term includes prevention or sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state critera (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the municipal wastewater treatment system.

- (22) National Categorical 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 a specific category of Industrial Users.
- (23) 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 Control Act as amended.
- (24) New Source: Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307 (c) (33 U.S.C. 1317) Categorical Pretreatment Standard which will be applicable to such source, if the source is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.
- (25) Person: Any individual, partnership, copartnership, firm, company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- (26) pH: The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- (27) Pollution: The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- (28) 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.
- (29) Pretreatment of 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 of alternation can be obtained by physical, chemical, or biological processes, or process changes other means, except as prohibited by 40 CFR Section 40.36 (d).
- (30) Pretreatment Requirements: Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an Industrial User.

- (31) 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 Ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the Town of Brighton who are, by contract or agreement with the Town of Brighton, users of the Town of Brighton's POTW.
- (32) POTW Treatment Plant: That portion of the POTW designed to provide treatment to wastewater.
- (33) Shall is mandatory; May is permissive.
- (34) Slug: shall mean any discharge of water, sewage, or industrial waste which in any concentration of any given constituent or in any quantity of flow exceeds for any period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations of flows during normal operations or any discharge of whatever duration that causes the sewer to overflow or back up in an objectional way or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.
- (35) State: State of Tennessee.
- (36) Standard Industrial Classification (SIC): A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (37) Storm Water: Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- (38) Storm Sewer or Storm Drain: Shall mean 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.
- (39) Suspended Solids: The total suspended matter that floats on the surface of, or in, water, wastewater or other liquids, and which is removed by laboratory filtering.
- (40) 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 article, or his duly authorized representative.
- (41) Toxic Pollutant: Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under provision CWA (307 (a)) or other Acts.

- (42) Twenty-four (24) Hour Flow Proportional Composite Sample: A sample consisting of several sample portions collected during a 24-hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.
- (43) User: Any person who contributes, causes or permits the contribution of wastewater into the Town's POTW.
- (44) 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.
- (45) Wastewater Treatment Systems: Defined the same as POTW.
- (46) Waters of the State: All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the State or any portion thereof.

SECTION 2. CONNECTION TO PUBLIC SEWERS

2.1 Requirements for Proper Wastewater Disposal

- (a) It shall be unlawful for any person to place, deposit, or permit in an unsanitary manner on public or private property, within the service area of the Town of Brighton, Tennessee, any human or animal excrement, garbage, or other objectionable waste.
- (b) It shall be unlawful to discharge to any waters of the State within the service area of the Town Brighton, Tennessee any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- (c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank subsurface absorption system, cesspool, or other facility intended or used for the disposal of sewage unless approved by the Superintendent and the Mayor and Board of Alderman.
- (d) Except as provided in Paragraph 2.1(e) 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 Ordinance, within sixty (60) days after date of official notice to do so, provided that said public sewer is within five hundred (500) feet of the building drain as defined herein.

- (e) 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.
- (f) Where a public sanitary sewer is not available under the provisions of Paragraph 2.1(d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of Section 3 of this Ordinance.

2.2 Physical Connection Public Sewer

- (a) No authorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent as required by Section 5 of this Ordinance.
- (b) 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 of damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (c) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, 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 or where approved by Superintendent and Mayor and Board of Alderman.
- (d) Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the Superintendent to meet all requirements of this Ordinance. All others must be sealed to the specifications of the Superintendent.
- (e) Building sewers shall conform to the following requirements:
 - (1) The minimum size of a building sewer shall be four (4) inches.
 - (2) The minimum depth of a building sewer shall be eighteen (18) inches.
 - (3) Four (4) inch building sewers shall be laid on a grade greater than 1/8-inch per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least 2.0 feet per second.
 - (4) Slope and alignment of all building sewers shall be near and regular.
 - (5) The septic tank for SDGS shall be 1000 gal polyethylene type septic tank.

- (5) Building sewers shall be constructed only of (1) concrete or clay sewer pipe using rubber or neoprene compression joints of approved type; (2) cast iron soil pipe with leaded or compressed joints; (3) polyvinyl chloride pipe with solvent welded or with rubber compression joints; (4) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type; or (5) such other materials of equal or superior quality as may be approved by the Superintendent. Under no circumstances will cement mortar joints be acceptable.
- (6) A cleanout shall be located five (5) feet outside of the building, five (5') pass septic tank, one as it taps on the utility lateral and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than seventy-five (75) feet apart in horizontal building sewers of four (4) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches on a four (4) inch pipe.
- (7) 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. All such connections shall be made gastight and watertight.
- (8) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of 1/8-inch per foot or more 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 other 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.
- (9) 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 shall 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.

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

- (f) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.
- (g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

2.3 Inspection of Connection

- (a) The sewer connection and all building sewers, including septic tank, from the building to the public sewer main line shall be inspected before the underground portion is covered by the Superintendent or his authorized representative.
- (b) The applicant for discharge shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

2.4 Maintenance of Building Sewers

The Town of Brighton shall be entirely responsible for the maintenance of the building sewer located on private property from the septic tank to the main collection line. This maintenance will include repair or replacement of the service line and pumping of septic tank as deemed necessary by the Superintendent to meet specifications of the Town. The property owner shall be responsible for maintenance from building to septic tank.

SECTION 3. PRIVATE DOMESTIC WASTEWATER DISPOSAL

3.1 Availability

- (a) Where a public sanitary sewer is not available under the provisions of Section 2, Paragraph 2.1(d), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.
- (b) 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 1/8-inch per foot in the

building sewer but is otherwise accessible to a public sewer as provided in Section 2, the Owner shall provide a private sewage pumping station as provided in Section 2.2, Paragraph e-8.

- (c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice to do so.

3.2 Requirements

- (a) 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 Superintendent and the Tipton County Health Department.
- (b) Before commencement of construction of a private sewage disposal system, the Owner shall first obtain written permission from the Superintendent and the Tipton County Health Department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the Superintendent and the Tipton County Health Department.
- (c) A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the Superintendent and the Tipton 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 Superintendent and the Tipton County Health Department when the work is ready for final inspection shall be made by the Superintendent and the Tipton County Health Department.
- (d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health and Environment of the State of Tennessee and the Superintendent and Tipton County Health Department no septic tank or cesspool shall be permitted to discharge to any natural outlet.
- (e) The Owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.
- (f) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Superintendent and the Tipton County Health Department.

SECTION 4. REGULATION OF HOLDING TANK WASTE DISPOSAL

4.1 Permit

No persons, 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 Ordinance have been met and providing the Superintendent is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

4.2 Fees

For each permit issued under the provisions of this Ordinance, an annual service charge therefore shall be paid to the Town to be set as specified in Section 10. Any such permit granted shall be for one (1) full fiscal year or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted on each side of each motor vehicle used in the conduct of the business permitted hereunder.

4.3 Designated Disposal Locations

The Superintendent shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated.

4.4 Revocation of Permit

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

SECTION 5. APPLICATION FOR DOMESTIC WASTEWATER AND INDUSTRIAL WASTEWATER DISCHARGE PERMITS

5.1 Application 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 Section 2 of this Ordinance and an inspection has been performed by the Superintendent or his representative.

The receipt by the Town of a prospective customer's application for service shall not obligate the Town to render the service. If the service applied for cannot be supplied in accordance with this Ordinance 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 application 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 a reasonable period of time.

5.2 Industrial Wastewater Discharge Permits

(a) General Requirements

All Industrial Users proposing to connect to or contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW.

(b) Applications

Applications for Wastewater Discharge Permits shall be required as follows:

- (1) 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.
- (2) 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 volume; wastewater constituents and characteristics; discharge variations- daily, monthly, seasonal and 30 minute peaks; a description of all toxic materials 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.

- (3) 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 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 Ordinance.
- (4) 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 Standards. For the purpose of this paragraph, "Pretreatment Standard," shall include either a National Pretreatment Standard or a pretreatment standard imposed by Section 6 of this Ordinance.
- (5) 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.
- (6) 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 Ordinance 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.
- (7) The Superintendent will act only on applications containing all the information required in this section. Persons who have filed incomplete applications 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.

(c) Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, user charges and fees established by the Town. Permits may contain the following:

- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer.
- (2) Limits on the average and maximum wastewater constituents and characteristics.
- (3) Limits on average and maximum rate and time of discharge or requirements and equalization.
- (4) Requirements for installation and maintenance of inspections and sampling facilities.
- (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule.
- (6) Compliance schedules.
- (7) Requirements for submission of technical reports of discharge reports.
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Town, and affording Town access thereto.
- (9) 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.
- (10) Requirements for notification of slug discharged.
- (11) Other conditions as deemed appropriate by the Town to ensure compliance with this Ordinance.

(d) Permit Modifications

Within nine (9) months of the promulgated 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 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by Paragraphs 5.2(b)(2) and 5.2(b)(3). 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 other 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.

(e) 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 180 days prior to the expiration of the User's existing permit.

(f) Permit Transfer

Wastewater Discharge Permits are issued to a specific User for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the Town. Any succeeding owner or User shall also comply with the terms and conditions of the existing permit.

(g) Revocation of Permit

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

- (1) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.
- (2) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.
- (3) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
- (4) Intentional failure of a User to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

5.3 Confidential Information

All information and data on a User obtained from reports, questionnaire permit application, permits and monitoring programs and 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 Ordinance 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.

SECTION 6. DISCHARGE REGULATIONS

6.1 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:

- (a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or to 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 at any point in the system), be more than five percent (5%) nor any single reading over twenty percent (20%) of the Lower Explosive Unit (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 Town, the State or EPA has notified the User is a fire hazard or a hazard to the system.
- (b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities 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 fleshlings, 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.
- (c) Any wastewater having a pH less than 5.0 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

- (d) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in 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.
- (e) 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.
- (f) 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 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.
- (g) Any substances which will cause the POTW to operate inefficiently and fail.
- (h) 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.
- (i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40^o C (104^oF).
- (j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has known will cause interference with the POTW.
- (k) Any water or wastes causing an unusual volume of flow or concentration of waste constituting "sludge" as defined herein.
- (l) 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.
- (m) Any wastewater which causes a hazard to human life or creates public nuisance.

- (n) Any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two (32) or one hundred fifty (150) degrees F (0 and 65°C).
- (o) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewer, or to a natural outlet approved by the Superintendent and the Tennessee Department of Health and Environment. Industrial cooling water and unpolluted process water may be discharged on approval of the Superintendent and the Tennessee Department of Health and Environment, to a storm or natural outlet.

6.2 Restrictions on Wastewater Strength

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 Ordinance. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this Ordinance.

TABLE A
USER DISCHARGE RESTRICTIONS

| Pollutant | Daily Average* Maximum Concentration (mg/l) | Instantaneous Maximum Concentration (mg/l) |
|-------------------------|---|--|
| Antimony | 5.0 | 8.0 |
| Arsenic | 1.0 | 1.5 |
| Cadmium | 1.0 | 1.5 |
| Chromium (total) | 4.0 | 7.0 |
| Copper | 3.0 | 5.0 |
| Cyanide | 1.0 | 2.0 |
| Lead | 1.0 | 1.5 |
| Mercury | 0.1 | 0.2 |
| Nickel | 3.0 | 4.5 |
| Pesticides & Herbicides | 0.5 | 1.0 |
| Phenols | 10.0 | 15.0 |
| Selenium | 1.0 | 1.5 |
| Silver | 1.0 | 1.5 |
| Surfactants, as MBAS | 25.0 | 50.0 |
| Zinc | 3.0 | 5.0 |

* Based on 24-hour flow proportional composite samples

6.3 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 forth in this Ordinance. In the event that the influent at the POTW reaches or exceeds 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 establishing 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.

TABLE B
PLANT PROTECTION CRITERIA

| Parameter | Maximum Concentration (mg/l) (24 Hour Flow) (Proportional Composite Sample) | Maximum Instantaneous Concentration (mg/l) (Grab Sample) |
|----------------------------------|--|--|
| Aluminum dissolved (Al) | 3.00 | 6.00 |
| Antimony (Sb) | 0.50 | 1.00 |
| Arsenic (As) | 0.06 | 0.12 |
| Barium (Ba) | 2.50 | 5.00 |
| Boron (B) | 0.40 | 0.80 |
| Cadmium (Cd) | 0.004 | 0.008 |
| Chromium Hex | 0.06 | 0.12 |
| Cobalt (Co) | 0.03 | 0.06 |
| Copper (Cu) | 0.16 | 0.32 |
| Cyanide (CN) | 0.03 | 0.06 |
| Fluoride (F) | 0.60 | 1.20 |
| Iron (Fe) | 3.00 | 6.00 |
| Lead (Pb) | 0.10 | 0.20 |
| Manganese (Mn) | 0.10 | 0.20 |
| Mercury (Hg) | 0.025 | 0.05 |
| Nickel (Ni) | 0.15 | 0.30 |
| Pesticides & Herbicides | 0.001 | 0.002 |
| Phenols | 1.00 | 2.00 |
| Selenium (Se) | 0.01 | 0.02 |
| Silver (Ag) | 0.05 | 0.10 |
| Sulfide | 25.00 | 40.00 |
| Zinc (Zn) | 0.30 | 0.60 |
| Total Kjeldahl Nitrogen (TKN) | 45.00 | 90.00 |
| Oil and Grease | 50.00 | 100.00 |
| MBAS | 5.00 | 10.00 |
| BOD | * | |
| COD | * | |
| Suspended Solids | * | |

* Not to exceed the design capacity of treatment works.

NDL = Below Detectable Limits

6.4 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 Ordinance. The Superintendent shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.

6.5 Right to Establish More Restrictive Criteria

No statement in this Ordinance 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 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 Health and Environment and/or the United States Environmental Protection Agency.

6.6 Special Agreements

Nothing in this section shall be construed so as to prevent any special agreement or arrangement between the Town or 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 any such special agreements or arrangements between the Town and 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.

6.7 Exceptions to Discharge Criteria

(a) 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 Section 6.1 and 6.2 of this Ordinance. 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 applicants for an exception shall be in writing, and shall contain sufficient information for evaluation of each of the factors to be considered by the Town in its review of the application.

(b) 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 excepted, will not:

- (1) interfere with the normal collection and operation of the wastewater treatment system.
- (2) limit the sludge management alternatives available and increase the cost of providing adequate sludge management.
- (3) pass through the POTW in quantities and/or concentrations that would cause the POTW to fail.

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 the concentration of the pollutant for which the variance has been granted in excess of the concentration stipulated in this Ordinance based on the average daily flow of the User.

(c) 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. 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 recommendation to the Town at its next regularly scheduled meeting.

(d) Review of Application by the Town

The Town shall review and evaluate all applications for exceptions and shall take into account the following factors:

- (1) whether or not the applicant is subject to a National Pretreatment Standard containing discharge limitations more stringent than those in Section VII and grant an exception only if such exception may be granted within limitations of applicable federal regulations;
- (2) 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 provision of Section 307(a) of the Act (33 U.S.C. 1318), and then grant an exception only if such exception may be granted within the limitations of application federal regulations;
- (3) 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;
- (4) 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;
- (5) the age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge;
- (6) the process employed by the User and process changes available which would affect the quality or quantity of wastewater discharged;
- (7) 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.

6.8 Accidental Discharges

(a) 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 Ordinance from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from inplant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this article. The wastewater discharge permit of any User who has a history of significant leaks, spills, or other accidental discharge of waste regulated by this

Ordinance shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities 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 Ordinance.

(b) Notification of Accidental Discharge

Any person causing or suffering from an 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 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 Ordinance or state or federal law.

(c) Notice to Employees

A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

SECTION 7. INDUSTRIAL USER MONITORING, INSPECTION REPORTS, RECORDS ACCESS, AND SAFETY

7.1 Monitoring Facilities

The installation of a monitoring facility shall be required for all industrial users having wastes which receive pretreatment, or otherwise altered or regulated before discharge, or are usually 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 and metering equipment is also required by the Superintendent, it shall be provided and installed at the User's expense.

The monitoring facility will normally be required to be located on the User's premises outside of the building. The 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 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 facilities 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 notified in writing. Construction must be completed within 180 days following written notification unless an extension is granted by the Superintendent.

7.2 Inspection and Sampling

The Town shall inspect the facilities of any User to ascertain whether the purpose of this Ordinance 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 their representative ready access at all reasonable times to all parts of their 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 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. The Superintendent or his representatives shall have no authority to inquire into any

manufacturing process beyond that point having a direct bearing on the level and sources of discharge to the sewers, waterways, or facilities for waste treatment.

7.3 Compliance Date Report

Within 180 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which is limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units at the User facility which are limited by such Pretreatment Standards and Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment necessary to bring the User into compliance with the applicable Pretreatment Standards and Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.

7.4 Periodic Compliance Reports

- (a) Any User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Superintendent during the months of 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 a record of all daily flows which during the report period exceeded the average daily flow. 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 (a) of this paragraph shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User.
- (c) The reports required by this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the 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.

7.5 Maintenance of Records

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

- (a) the date, exact place, method, and time of sampling and the names of the persons taking the samples;
- (b) the dates analyses were performed;
- (c) who performed the analyses;
- (d) the analytical techniques/methods used; and
- (e) the results of such analyses.

Any Industrial User subject to the reporting requirement established in this Section shall be required to retain for a minimum of three (3) years all records of monitoring activities and results (whether or not such monitoring activities are required by this Section) and shall make such records available for inspection and copying by the Superintendent, Director of the Division of Water Quality Control, Tennessee Department of Health and Environment, or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or when requested by the Superintendent, the Approval Authority, or the Environmental Protection Agency.

7.6 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.

SECTION 8. ENFORCEMENT AND ABATEMENT

8.1 Issuance of Cease and Desist Orders

When the Superintendent finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this Ordinance, or

the provisions of a Wastewater Discharge Permit, the Superintendent shall issue an order to cease and desist, and direct that these persons not complying with such prohibitions, limit requirements, or provisions to:

- (a) comply forthwith;
- (b) comply in accordance with a time schedule set forth by the Superintendent;
- (c) take appropriate remedial or preventative action in the event of a threatened violation; or
- (d) surrender his application User's permit if ordered to do so after a show cause hearing.

Failure of the Superintendent to issue a Cease and Desist Order to a violating User shall not in any way relieve the User from any consequences of a wrongful or illegal discharge.

8.2 Submission of Time

When the Superintendent finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in this Ordinance, 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 the Cease and Desist Order.

8.3 Show Cause Hearing

- (a) The Town may order any User who causes or allows an unauthorized discharge to enter the POTW to show cause before the Mayor and Board of Aldermen 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 Town Council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the Town Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing.
- (b) The Mayor and Board of Aldermen may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the Water and Sewer Department to:
 - (1) Issue in the name of the Mayor and Board of Aldermen notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.

- (2) Take the evidence
 - (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Mayor and Board of Aldermen for action thereon.
- (c) At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- (d) After the Mayor and Board of Aldermen has reviewed the evidence, it 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.

8.4 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 Ordinance, 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.

8.5 Emergency Termination of Services

In the event of an actual or threatened discharge to the POTW of any pollutant which in the opinion of the Superintendent presents or may present an imminent and substantial endangerment to the health or welfare of persons, or cause the interference with POTW, the Superintendent or in his absence the person then in charge of the treatment works shall immediately notify the Mayor of the nature of the emergency. The Superintendent shall also attempt to notify the Industrial User or other persons causing the emergency and request their assistance in abating same. Following consultation with the aforementioned officials of the Town or in their absence such elected officials of the Town as may be available, the Superintendent shall temporarily terminate the service of such User or Users as are necessary to abate the condition when such action appears reasonably necessary. Such service shall be restored by the Superintendent as soon as the emergency situation has been abated or corrected.

8.6 Public Nuisance

Discharges of wastewater in any manner in violation of this Ordinance or of any order issued by the Superintendent as authorized by this Ordinance, 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.

8.7 Correction of Violation and Collection of Costs

In order to enforce the provisions of this Ordinance, the Superintendent shall correct any violation hereof. The cost of such correction shall be added to any sewer service charge payable by the person the Ordinance 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.

8.8 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.

8.9 Civil Liabilities

Any person or User who intentionally or negligently violates any provision of this Ordinance, requirements, or conditions set forth in permit duly issued, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard or performance, pretreatment, or toxicity standard, shall be liable civilly.

The Town of Brighton shall 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.

SECTION 9. PENALTY: COSTS

9.1 Civil Penalties

Any User who is found to have violated an Order of the Mayor and Board of Aldermen or who willfully or negligently failed to comply with any provision of this Ordinance, and the order, rules, regulations and permits issued hereunder, shall be fined not less than Fifty and 00/100 Dollars (\$50.00) for each offense. Each day of which 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 fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules, regulations, and permits issued hereunder.

9.2 Falsifying Information

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed for required to be maintained pursuant to this Ordinance or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than six (6) months, or by both.

SECTION 10. FEES AND BILLING

10.1 PURPOSE

It is the purpose of this chapter to provide for the equitable recovery of costs from Users of the Town's wastewater treatment system, including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

10.2 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:

- (a) inspection and tapping fee;
- (b) fees for applications for discharge;
- (c) sewer use charges;
- (d) surcharge fees;
- (e) industrial wastewater discharge permit fees;
- (f) fees for industrial discharge monitoring; and
- (g) other fees as the Town may deem necessary to carry out the requirements of this Ordinance.

10.3 Fees for Application for Discharge

A fee may be charged when a User or prospective User makes application for discharge as required by Section 5 of this Ordinance.

10.4 Inspection Fee and Tapping Fee

An inspection fee and tapping fee for a building sewer installation shall be paid to the Town's Sewer Department at the time the application is filed. Fees shall cover the costs of inspecting new and/or existing plumbing within subject building establishments as well as inspection or 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 Mayor and Board of Aldermen.

10.5 Sewer User Charges

(a) 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:

(1) Residential

(2) Commercial

(b) Determination of Costs

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

10.6 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 discharge of such parameters in proportion to the amount of discharge.

10.7 Industrial Wastewater Discharge Permit Fees

A fee may be charged for the issuance of an Industrial Wastewater Discharge Fee in accordance with Section 5 of this Ordinance.

10.8 Fees for Industrial Discharge Monitoring

Fees may be collected from Industrial User's having pretreatment or other discharge requirements to compensate the Town for the necessary compliance monitoring and other administrative duties of the pretreatment program.

10.9 Billing

The billing for normal domestic wastewater services shall consist of monthly billing in accordance with the rates specified by the Town, subject to net and gross rates.

SECTION 11. VALIDITY

- 11.1 All Ordinances or parts of ordinances in conflict herewith are hereby repealed.
- 11.2 The validity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.
- 11.3 This Ordinance and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the Town of Brighton, Tennessee.

SECTION 12. ORDINANCE IN FORCE

That this Ordinance take effect ten (10) days after its passage on third and final reading, the public welfare requiring it.

Passed 1st reading ----- Oct. 3, 1988.
Passed 2nd reading ----- Oct. 17, 1988.
Passed 3rd reading ----- Nov. 7, 1988.


MAYOR

ATTEST:


TOWN CLERK

JULY 88

Sewer Use Ordinance - 33