

**ORDINANCE TO AMMEND CHAPTER 17 OF THE
GALLATIN MUNICIPAL CODE BY REPLACING
SECTIONS 17-211 THROUGH 17-239**

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that Sections 17-211 through 17-239 of Chapter 17, Gallatin Municipal Code are hereby deleted in their entirety and replaced with the following:

Sec. 17-211. Purpose and Policy

This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Gallatin, Tennessee, and enables the City to comply with all applicable State and Federal laws, including the State Pretreatment Requirements (Tennessee Rule 1200-4-14), the Clean Water Act (33 United States Code, 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations, Part 403).

Sec. 17-212. Objectives

The objectives of this ordinance are:

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

This ordinance shall apply to all users of the wastewater collection and treatment system for the City of Gallatin, Tennessee, including persons outside the City who are, by contract or agreement with the City, users of the municipal wastewater system. This ordinance authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Sec. 17-213. Administration

Except as otherwise provided herein, the Superintendent of Public Utilities shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to duly authorized City personnel.

Sec. 17-214. Abbreviations

The following abbreviations, when used in this ordinance, shall have the designated meanings:

AO	Administrative Order
BOD	Biochemical Oxygen Demand
BMP	Best Management Practice
BMR	Baseline Monitoring Report
CA	Control Authority
CFR	<i>Code of Federal Regulations</i>
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
EPA	US Environmental Protection Agency
GPD	Gallons per Day
IU	Industrial User
mg/L	Milligrams per Liter
NPDES	National Pollutant Discharge Elimination System
NOV	Notice of Violation
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIU	Significant Industrial User
SNC	Significant Non-compliance
TDEC	Tennessee Department of Environment and Conservation
TSS	Total Suspended Solids
USC	United States Code

Sec. 17-215. Definitions

Unless a provision explicitly states otherwise, the following words, terms, and phases, as used in this ordinance, shall have the meanings hereinafter designated.

Act or “the Act” shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq.

Approval Authority shall mean the Director of the Tennessee Division of Water Pollution Control or his/her representative(s)

Authorized or Duly Authorized Representative of the User shall mean

1. If the User is a corporation:
 - A. The president, secretary, treasurer, or a 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 or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
3. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.
4. The individuals described in paragraphs 1 through 3, 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 City.

Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty (20) degrees centigrade, usually expressed as a concentration (milligrams per liter – mg/L).

Best Management Practices (BMP) shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 17-216 [Tennessee Rule 1200-4-14-.05(1)(a) and (2)]. Best

Management Practices 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.

Categorical Pretreatment Standard or Categorical Standard shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307(b) and (c) of the Act (33 USC section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Categorical Industrial User shall mean an Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

City shall mean the City of Gallatin, Tennessee

Chemical Oxygen Demand shall mean a measure of oxygen required to oxidize all compounds, both organic and inorganic, in water.

Control Authority shall mean the City of Gallatin, Tennessee.

Daily Maximum shall mean the arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day.

Daily Maximum Limit shall mean the maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Environmental Protection Agency or EPA shall mean the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

Existing Source shall mean any source of discharge that is not a "New Source".

Grab Sample shall mean a sample that is taken from a wastestream without regard to the flow in the wastestream and over a period not to exceed fifteen (15) minutes.

Indirect Discharge or Discharge shall mean the introduction of pollutants into the POTW from any non-domestic source.

Instantaneous Limit shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined by the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference shall mean 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, its sludge processes, use or disposal, or exceeds the design capacity of the treatment works or the collection system.

Local Hearing Authority shall mean the administrative board created pursuant to an approved pretreatment program which is responsible for the administration and enforcement of that program and the provisions of T.C.A. 69-3-123 through 69-3-129. In this case it shall mean the board created in Section 17-236.

Local Limit shall mean specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Tennessee Rule 1200-4-14-.05(1)(a) and (2).

Medical Waste shall mean isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Monthly Average shall mean the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

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

New Source shall mean:

1. 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 Act that will be applicable to such source if the Standards are thereafter promulgated in accordance with that Section, provided that:
 - A. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - B. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
 - C. 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 type of activity as the Existing Source, should be considered.
2. 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 Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

3. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

A. Begun, or caused to begin, as part of a continuous onsite construction program

- i. any placement, assembly, or installation of facilities or equipment; or
- ii. significant site preparation work including clearing, 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

B. Entered into a binding contractual obligation for the purchase of facilities or equipment which is 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.

Non-contact Cooling Water shall mean water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Pass-through shall mean a discharge which exits the POTW into waters of the United States in quantities or concentrations which alone, or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

Person shall mean any and all persons, including individuals, firms, partnerships, associations, public or private institutions, state and federal agencies, municipalities or political subdivisions, or officers thereof, departments, agencies, or instrumentalities, or public or private corporations or officers thereof, organized or existing under laws of this or any state or country.

pH shall mean a measure of the acidity or alkalinity of a solution, expressed in standard units.

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

Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in the wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except

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

Pretreatment Requirements shall mean any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

Pretreatment Standards or Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

Prohibited Discharge Standards or Prohibited Discharges shall mean absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 17-216 of this ordinance.

Publicly Owned Treatment Works or POTW shall mean a treatment works, as defined by Section 212 of the Act, which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

Self Monitoring shall mean sampling and analysis performed by a User to ensure compliance with permit or other regulatory requirements.

Septic Tank Waste shall mean any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage shall mean human excrement and gray water (household showers, dishwashing operations, etc.).

Significant Industrial User or SIU shall mean:

Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:

1. An Industrial User subject to categorical Pretreatment Standards; or
2. An Industrial User that:
 - A. Discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blow down wastewater);
 - B. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - C. Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

3. The City 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 finding that the Industrial User never discharges more than one hundred (100) gallons per day of total categorical wastewater (excluding sanitary, non-contact cooling, and boiler blow down wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - A. The Industrial User, prior to the City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 - B. The Industrial User annually submits the certification statement required in Section 17-227(13)(B) [Tennessee Rule 1200-4-14-.12(17)], together with any additional information necessary to support the certification statement; and
 - C. The Industrial User never discharges any untreated concentrated wastewater.
4. Upon finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the City 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.

Slug Load or Slug Discharge shall mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 17-216 of this ordinance. 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.

Storm Water shall mean any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Superintendent shall mean the person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance. The term also means a Duly Authorized Representative of the Superintendent.

Total Suspended Solids or Suspended Solids shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

User or Industrial User shall mean a source of indirect discharge.

Wastewater shall mean liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Wastewater Treatment Plant or Treatment Plant shall mean that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

Sec. 17-216. Prohibited Discharge Standards

1. General Prohibitions

No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass-Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

2. Specific Prohibitions

No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- A. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
- B. Wastewater having a pH less than 5.0 or more than 10.5, or otherwise causing corrosive structural damage to the POTW or equipment;
- C. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference, but in no case solids larger than 0.5 inches (0.5") in any dimension.
- D. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
- E. Wastewater having a temperature greater than 149°F (65°C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
- F. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass-Through;
- G. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

- H. Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with Section 17-224 of this ordinance;
- I. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- J. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;
- K. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable Federal or State regulations;
- L. Storm Water, surface water, ground water, artesian well water, roof run-off, subsurface drainage, swimming pool drainage, condensate, deionized water, Non-Contact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Superintendent;
- M. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- N. Medical Wastes, except as specifically authorized by the Superintendent in an individual wastewater discharge permit or a general permit;
- O. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
- P. Detergents, surface-active agents, or other substances which might cause excessive foaming in the POTW;
- Q. Wastes that would be considered a hazardous waste under Tennessee Rule 1200-1-11, if otherwise disposed of;

Sec. 17-217. National Categorical Pretreatment Standards

Users shall comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471, which are hereby incorporated,

1. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
2. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent

concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

3. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Superintendent shall impose an alternate limit in accordance with Tennessee Rule 1200-4-14-.06(5).
4. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Superintendent. The City may establish equivalent mass limits only if the Industrial User meets all the requirements set forth in Section 17-217(4)(A)(A1) through (4)(A)(A5) below.

A. To be eligible for equivalent mass limits, the Industrial User must:

- A1. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
- A2. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
- A3. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
- A4. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
- A5. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

B. An Industrial User subject to equivalent mass limits must:

- B1. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
- B2. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

- B3. Continue to record the facility's production rates and notify the Superintendent whenever production rates are expected to vary by more than twenty percent (20%) from its baseline production rates determined in paragraphs 17-214(4)(A)(A3) of this section. Upon notification of a revised production rate, the Superintendent will reassess the equivalent mass limit and revise the limit as necessary to reflect the changed conditions at the facility; and
 - B4. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph 17-214(4)(A)(A1) of this section so long as it discharges under an equivalent mass limit.
- C. When developing equivalent mass limits, the Superintendent:
- C1. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process of the Industrial User by the concentration based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
 - C2. Upon notification of a revised production rate, the Superintendent will reassess the equivalent mass limit and revise the limit as necessary to reflect the changed conditions at the facility; and
 - C3. May retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 17-221 of this ordinance. The Industrial User must also be in compliance with Section 17-235(3) regarding the prohibition of bypass.
- D. The Superintendent may convert the mass limits of the categorical Pretreatment Standards of 40 CFR 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Users. The conversion is at the discretion of the Superintendent.
- E. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.
- F. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average (or 4-day average) limitations. Where such Standards are being applied, the same production and/or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

- G. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Superintendent within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Superintendent of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate.

Sec. 17-218. State Pretreatment Standards

Users shall comply with Tennessee Pretreatment Rules codified at 1200-4-14, which are hereby incorporated.

Sec. 17-219. Local Limits

1. The Superintendent is authorized to establish Local Limits pursuant to Tennessee Rule 1200-4-14-.05(3).
2. The following pollutant limitations are established to protect against Interference and Pass-Through. No person shall discharge wastewater containing in excess of the following:
 - A. For a designed and permitted discharge flow at the Gallatin Wastewater Treatment Plant of 5.5 MGD.

<u>Parameter</u>	<u>Daily Average</u>	<u>Monthly Average</u>	<u>Instantaneous Maximum</u>
Aluminum	50 mg/L	75 mg/L	250 mg/L *
Arsenic	0.077 mg/L	0.116 mg/L	0.385 mg/L
Boron	7.9 mg/L	11.85 mg/L	39.5 mg/L *
Cadmium	0.017 mg/L	0.026 mg/L	0.085 mg/L
Chromium	0.99 mg/L	1.49 mg/L	4.95 mg/L
Copper	0.73 mg/L	1.10 mg/L	3.65 mg/L
Iron	50 mg/L	75 mg/L	250 mg/L *
Lead	0.12 mg/L	0.18 mg/L	0.60 mg/L
Mercury	0.004 mg/L	0.006 mg/L	0.020 mg/L
Molybdenum	0.24 mg/L	0.36 mg/L	1.2 mg/L
Nickel	0.57 mg/L	0.86 mg/L	2.86 mg/L
Selenium	0.33 mg/L	0.495 mg/L	1.65 mg/L
Silver	0.137 mg/L	0.206 mg/L	0.685 mg/L
Zinc	1.60 mg/L	2.40 mg/L	8.0 mg/L
Cyanide	0.71 mg/L	1.065 mg/L	3.55 mg/L
Total Phenols	2.35 mg/L	3.525 mg/L	11.75 mg/L
Total Phthalates	1.644 mg/L	2.466 mg/L	8.22 mg/L
Benzene	0.155 mg/L	0.233 mg/L	0.775 mg/L
Carbon Tetrachloride	0.32 mg/L	0.48 mg/L	1.60 mg/L

Chloroform	2.74 mg/L	4.11 mg/L	13.70 mg/L
Ethylbenzene	0.304 mg/L	0.456 mg/L	1.52 mg/L
Methylene Chloride	1.164 mg/L	1.746 mg/L	5.82 mg/L
Naphthalene	0.04 mg/L	0.06 mg/L	0.20 mg/L
1,1,1-Trichloroethylene	2.19 mg/L	3.285 mg/L	10.95 mg/L
1,2-trans-Dichloroethylene	0.04 mg/L	0.06 mg/L	0.20 mg/L
Tetrachloroethylene	1.228 mg/L	1.842 mg/L	6.14 mg/L
Trichloroethylene	0.99 mg/L	1.485 mg/L	4.95 mg/L
Toluene	2.35 mg/L	3.525 mg/L	11.75 mg/L
Xylene	0.155 mg/L	0.233 mg/L	0.775 mg/L

- B. For a designed and permitted discharge flow at the Gallatin Wastewater Treatment Plant of 12.0 MGD.

<u>Parameter</u>	<u>Daily Average</u>	<u>Monthly Average</u>	<u>Instantaneous Maximum</u>
Aluminum	100 mg/L	150 mg/L	500 mg/L *
Arsenic	0.093 mg/L	0.140 mg/L	0.466 mg/L
Boron	13.1 mg/L	19.6 mg/L	65.4 mg/L *
Cadmium	0.052 mg/L	0.078 mg/L	0.260 mg/L
Chromium	1.42 mg/L	2.13 mg/L	7.11 mg/L
Copper	1.13 mg/L	1.70 mg/L	5.66 mg/L
Iron	100 mg/L	150 mg/L	500 mg/L *
Lead	0.330 mg/L	0.495 mg/L	1.650 mg/L
Mercury	0.007 mg/L	0.011 mg/L	0.037 mg/L
Molybdenum	1.71 mg/L	2.57 mg/L	8.55 mg/L
Nickel	0.82 mg/L	1.23 mg/L	4.09 mg/L
Selenium	0.553 mg/L	0.830 mg/L	2.766 mg/L
Silver	0.197 mg/L	0.296 mg/L	0.987 mg/L
Zinc	2.05 mg/L	3.07 mg/L	10.24 mg/L
Cyanide	0.92 mg/L	1.38 mg/L	4.61 mg/L
Total Phenols	2.79 mg/L	4.19 mg/L	13.95 mg/L
Total Phthalates	2.18 mg/L	3.27 mg/L	10.90 mg/L
Benzene	0.259 mg/L	0.389 mg/L	1.295 mg/L
Carbon Tetrachloride	0.536 mg/L	0.804 mg/L	2.68 mg/L
Chloroform	4.59 mg/L	6.89 mg/L	22.95 mg/L
Ethylbenzene	0.510 mg/L	0.765 mg/L	2.550 mg/L
Methylene Chloride	1.94 mg/L	2.91 mg/L	9.70 mg/L
Naphthalene	0.066 mg/L	0.099 mg/L	0.33 mg/L
1,1,1-Trichloroethylene	3.670 mg/L	5.505 mg/L	18.35 mg/L
1,2-trans-Dichloroethylene	0.066 mg/L	0.099 mg/L	0.33 mg/L
Tetrachloroethylene	2.056 mg/L	3.084 mg/L	10.28 mg/L
Trichloroethylene	1.660 mg/L	2.490 mg/L	8.300 mg/L
Toluene	3.94 mg/L	5.91 mg/L	19.7 mg/L
Xylene	0.259 mg/L	0.388 mg/L	1.295 mg/L

* Parameters removed from regular monitoring schedule, but limit kept for potential future need.

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Superintendent may impose mass limitations in addition to the concentration-based limitations above.

3. The Superintendent may develop Best Management Practices (BMP), by ordinance, in individual wastewater discharge permits, or general permits, to implement Local Limits and the requirements of Section 17-216.
4. Reallocation Program

This section establishes the guidelines and policies for a program for the reallocation of industrial wastewater loadings and permit limits among permitted Industrial Users. This program shall be administered in accordance with the following:

- A. Industrial Users requesting reallocation shall submit such request, on a form approved by the Superintendent, signed by both participants to the Superintendent. To be considered the request shall contain the following information:
 - A1. The transferor and transferee;
 - A2. The parameter(s) requested to be reallocated;
 - A3. The amount to be reallocated (in pounds per day and as a percentage), not to exceed seventy-five percent (75%) of the original allocation;
 - A4. Reallocation fee in the amount of \$1,500.00 per parameter per request; the reallocation fee shall apply to the original reallocation request and shall not be reassessed at the time of permit renewal unless there are modifications to the reallocation;
 - A5. Any additional information requested by the Superintendent.
- B. Within thirty (30) days of the receipt of a reallocation request, the Superintendent shall review such request for merit and shall make a determination on that request.
 - B1. Where a reallocation request is supported by sufficient documentation and is approved by the Superintendent, then that request shall be submitted, as necessary, for any additional approvals (TDEC, EPA, etc.).
 - a. Where a reallocation request receives all necessary approvals, then the Superintendent shall issue revised individual wastewater discharge permits, incorporating the revised effluent limitations, to the participating Industrial Users within thirty (30) days of receiving such approval.

- b. Where a reallocation request fails to receive all necessary approvals, then the Superintendent shall deem the request to be denied and shall notify each participating Industrial User in writing, stating the reasons for the denial. The existing individual wastewater discharge permit limits for the participating Industrial Users shall remain unchanged.
- B2. No reallocation request shall be approved that would result in permit limits that violate a categorical Pretreatment Standard or would otherwise violate a Federal or State law or regulation. A reallocation request shall not be approved that would cause or threaten to cause a violation of the City's NPDES permit; that would cause or threaten to cause Upset, Interference, or Pass-through at the POTW; or would cause or threaten to cause contamination of the sludge produced at the POTW.
- C. At any time an approved reallocation request is determined to have an adverse impact on the POTW (collection or treatment system), then the Superintendent shall notify the participating industries, in writing, that the reallocation request is being rescinded. The Superintendent shall then reissue revised individual wastewater discharge permits, incorporating the original effluent limitations, to the participating Industrial Users within thirty (30) days.
- D. The City reserves that right to reject any reallocation request and all approved reallocation requests are subject to review and revision at the discretion of the Superintendent.
- E. A decision by the Superintendent to deny a reallocation request, to issue a reallocation on terms different than those requested, or to revoke, modify, or not to renew an existing reallocation may be appealed by an affected Industrial User, by filing a written petition for hearing no later than thirty (30) days after the receipt of such decision. Any decision with respect to an existing reallocation shall not be stayed pending appeal. Each appeal shall be heard by the Local Hearing Authority within sixty (60) days of receipt of the petition.

Sec. 17-220. City's Right of Revision

The City reserves the right to establish, by ordinance, individual wastewater discharge permits, or general permits, more stringent Standards or Requirements on discharge to the POTW consistent with the purpose of this ordinance.

Sec. 17-221. Dilution

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement.

Sec. 17-222. Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with the provisions of this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 17-216 of this ordinance within the time limitations specified by the EPA, the State, or the Superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Superintendent for review, and shall be acceptable to the Superintendent before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this ordinance.

Sec. 17-223. Accidental Discharge/Slug Discharge Control Plans

The Superintendent shall evaluate whether each Significant Industrial User needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The Superintendent may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the Superintendent may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the Superintendent of any accidental or slug discharge, as required in Section 17-227(6) of this ordinance; and
4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

Sec. 17-224. Hauled Wastewater

1. Septic tank waste may be introduced into the POTW only at locations designated by the Superintendent, and at such times as are established by the Superintendent. Such waste shall not violate Section 17-216 through 17-221 of this ordinance or any other requirements established by the City. The Superintendent may collect samples of any load to ensure compliance with applicable Standards. The Superintendent may require the septic tank waste hauler to provide an analysis of any load prior to discharge to ensure compliance with applicable Standards.

2. Septic tank wastes shall originate from residential uses only; at no time shall commercial or industrial septic tank wastes be hauled and discharged into the POTW. The disposal of hauled industrial waste is prohibited.
3. The septic tank waste hauler shall file an application with the Superintendent prior to the discharge of hauled septic tank wastewater. The Superintendent may require septic tank waste haulers to obtain individual wastewater discharge permits or general permits. The septic tank waste hauler shall purchase a "Sewer Dump Ticket" prior to the discharge of hauled septic tank wastewater. The Superintendent may require septic tank waste haulers to provide, prior to discharge, a certified waste manifest documenting the origin and nature of the septic tank wastes. The certified manifest shall contain, at a minimum, the following information:
 - A. Name and address to each customer;
 - B. Type of waste collected at each location;
 - C. Approximate volume of waste collected at each location;
 - D. Pollutant analysis – if applicable;
 - E. Certification Statement – as outlined in Section 17-225(7)
4. The Superintendent reserves the right to refuse any hauled waste load.

Sec. 17-225. Wastewater Discharge Permits

1. Wastewater Analysis

When requested by the Superintendent, a User must submit information on the nature and characteristics of its wastewater with sixty (60) days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require Users to update this information.

2. Wastewater Discharge Permit Requirement

- A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit or a general permit from the Superintendent, except that a Significant Industrial User that has filed a timely application pursuant to Section 17-225(3) of this ordinance may continue to discharge for the time period specified therein.
- B. The Superintendent may require other Users to obtain individual wastewater discharge permits or general permits as necessary to carry out the purposes of this ordinance.
- C. Any violation of the terms and conditions of an individual wastewater discharge permit or a general permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 17-230 through 17-234 of this ordinance. Obtaining an individual wastewater discharge permit or a general permit does not relieve a permittee of its obligation to comply with all Federal and State

Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

3. Wastewater Discharge Permitting: Existing Connections

Any User required to obtain an individual wastewater discharge permit or a general permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall within one hundred twenty (120) days after said date, apply to the Superintendent for an individual wastewater discharge permit or a general permit in accordance with Section 17-225(5) of this ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this ordinance except in accordance with the conditions of an individual wastewater discharge permit or a general permit issued by the Superintendent.

4. Wastewater Discharge Permitting: New Connections

Any User required to obtain an individual wastewater discharge permit or a general permit who proposes to begin or re-commence discharging into the POTW must first obtain such permit prior to the beginning or re-commencing of such discharge. An application for this individual wastewater discharge permit or general permit, in accordance with Section 17-225(5) of this ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or re-commence.

5. Wastewater Discharge Permit Application Contents

A. All Users required to obtain an individual wastewater discharge permit or a general permit must submit a permit application. Users that are eligible may request a general permit under Section 17-225(6). The Superintendent may require Users to submit all or some of the following information as part of a permit application:

A1. Identifying Information

- a. The name and address of the facility, including the name of the operator and owner;
- b. Contact information, description of activities, facilities, and plant production processes on the premises.

A2. Environmental Permits

A list of all environmental control permits held by or for the facility.

A3. Description of Operations

- a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and

Standard Industrial Classifications of the operation(s) carried out by such User. This description should include a schematic diagram, which indicates points of discharge to the POTW from the regulated processes;

- b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- d. Type and amount of raw materials processed (average and maximum per day);
- e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.

A4. Time and Duration of Discharges

A5. The Location for Monitoring All Wastes Covered By the Permit

A6. Flow Measurement

Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow the use of the combined wastestream formula as set out in Section 17-217(3) (Tennessee Rule 1200-4-14-.06(5)).

A7. Measurement of Pollutants

- a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated process for Existing Sources;
- b. The results of sampling and analysis identifying the nature, concentration, and/or mass, where required by the Standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process;
- c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported
- d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set forth in Section 17-227(9) of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by

the Superintendent or the applicable Standards to determine compliance with the Standard.

e. Sampling must be performed in accordance with the procedures set forth in Section 17-227(10) of this ordinance.

A8. Any requests for a monitoring waiver (or renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 17-227(4)(B) of this ordinance.

A9. Any request to be covered by a general permit based on Section 17-225(6) of this ordinance.

A10. Any other information as may be deemed necessary by the Superintendent to evaluate the permit application.

B. Incomplete or inaccurate permit applications will not be processed and will be returned to the User for revision.

6. Wastewater Discharge Permitting: General Permits

A. At the discretion of the Superintendent, the Superintendent may use general permits to control Industrial User discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:

A1. Involve the same or substantially similar types of operations;

A2. Discharge the same types of wastes;

A3. Require the same effluent limitations;

A4. Require the same or similar monitoring;

A5. In the opinion of the Superintendent, are more appropriately controlled under a general permit than under an individual wastewater discharge permit.

B. To be covered by the general permit, the Industrial User must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with Section 17-227(4)(B) for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the Superintendent deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the Superintendent has provided written notice to the Industrial User that such a waiver request has been granted in accordance with Section 17-227(4)(B).

- C. The Superintendent will retain a copy of the general permit, documentation to support the POTW's determination that a specific Industrial User meets the criteria in Section 17-225(6)(A)(A1) through (A5) and applicable State regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the general permit.
- D. The Superintendent may not control an Industrial User through a general permit where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for Industrial Users whose limits are based on the Combined Wastestream Formula.

7. Application Signatories and Certifications

- A. All wastewater discharge permit applications, User reports, and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 17-227(13)(A).
- B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Superintendent prior to or together with any reports to be signed by an Authorized Representative.
- C. A facility determined to be a Non-Significant Categorical Industrial User by the Superintendent pursuant to Section 17-215 must annually submit the signed certification statement in Section 17-227(13)(B).

8. Wastewater Discharge Permit Decisions

The Superintendent will evaluate the data furnished by the User and may require additional information. Within forty-five (45) days of receipt of a complete permit application, the Superintendent will determine whether to issue an individual wastewater discharge permit or a general permit. The Superintendent may deny any application for an individual wastewater discharge permit or general permit.

Sec. 17-226. Wastewater Discharge Permit Issuance

1. Wastewater Discharge Permit Duration

An individual wastewater discharge permit or general permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit or general permit may be issued for a period less than five (5) years, at the discretion of the Superintendent. Each individual wastewater discharge permit or general permit will indicate a specific date upon which it will expire.

2. Wastewater Discharge Permit Contents

An individual wastewater discharge permit or general permit shall include such conditions as are deemed necessary by the Superintendent to prevent Pass-Through or Interference, to protect the quality of the water body receiving the treatment plant's effluent, to protect worker health and safety, to facilitate sludge management and disposal, and to protect against damage to the POTW.

A. Individual wastewater discharge permits and general permits must contain:

- A1. A statement that indicates the wastewater discharge permits issuance date, expiration date, and effective date;
- A2. A statement that the wastewater discharge permit is non-transferable without prior notification to the City in accordance with Section 17-226(4) of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- A3. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- A4. Self-monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants, or Best Management Practice, to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;
- A5. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge, in accordance with Section 17-227(4)(B).
- A6. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law;
- A7. Requirements to control Slug Discharge, if determined by the Superintendent to be necessary;
- A8. Any grant of the monitoring waiver by the Superintendent must be included as a condition in the User's permit.

B. Individual wastewater discharge permits and general permits may contain, but need not be limited to, the following conditions:

- B1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- B2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants in to the treatment works;
- B3. Requirements for the development and implementation of spill control plans or other special conditions, including management practices, necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- B4. Requirements for the development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- B5. The unit charge or schedule of User charges and fees for the management of the wastewater discharge to the POTW;
- B6. Requirements for the installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
- B7. A statement that compliance with the individual wastewater discharge permit or general permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit or general permit; and
- B8. Other conditions as deemed appropriate by the Superintendent to ensure compliance with this ordinance, as well as Federal and State laws, rules, and regulations.

3. Wastewater Discharge Permit Modification

- A. The Superintendent may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - A1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or requirements;
 - A2. To address significant alterations or additions to the User's operation, processes, or wastewater discharge volume or character since the time of the individual wastewater discharge permit issuance;
 - A3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

- A4. Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, the receiving waters, or the sludge and biosolids use and disposal requirements;
 - A5. Violation of any terms or conditions of the individual wastewater discharge permit;
 - A6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
 - A7. Revision of or a grant variance from categorical Pretreatment Standards pursuant to Tennessee Rule 1200-4-14-.13;
 - A8. To correct typographical or other certain errors in the individual wastewater discharge permit; or
 - A9. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 17-226(4).
- B. The Superintendent may modify a general permit for good cause, including, but not limited to, the following reasons:
- B1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or requirements;
 - B2. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - B3. To correct typographical or other certain errors in the individual wastewater discharge permit; or
 - B4. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 17-226(4).

4. Wastewater Discharge Permit Transfer

Individual wastewater discharge permits and general permits are issued to a specific User for a specific operation at a specific location. An individual wastewater discharge permit or coverage under a general permit shall not be re-assigned, transferred, or sold to a new owner, new operator, new User, different premises, or a new or changed operation without the prior approval of the Superintendent. Individual wastewater discharge permits or coverage under general permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advanced notice to the Superintendent, and the Superintendent approves the individual wastewater discharge permit or general permit coverage transfer. The notice to the Superintendent must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit or general permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit or coverage under the general permit void as of the date of facility transfer.

5. Wastewater Discharge Permit Revocation

The Superintendent may revoke an individual wastewater discharge permit or coverage under a general permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Superintendent of changed conditions pursuant to Section 17-227(5) of this ordinance;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports and certification statements;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Superintendent timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines and/or penalties;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater discharge survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

M. Violation of any Pretreatment Standard or Requirement, or any terms of the individual wastewater discharge permit or general permit or this ordinance.

6. Wastewater Discharge Permit Re-issuance

A User with an expiring individual wastewater discharge permit or general permit shall apply for individual wastewater discharge permit or general permit re-issuance by submitting a complete permit application, in accordance with Section 17-225(5) of this ordinance, a minimum of ninety (90) days prior to the expiration of the User's existing individual wastewater discharge permit or general permit.

7. Wastewater Discharge Permit Appeals

The Superintendent may provide public notice of the proposed issuance or re-issuance of an individual wastewater discharge permit or general permit. The public notice, if provided, will be published in a newspaper of general circulation within the jurisdiction served by the POTW, or on the Department's website.

- A. A decision by the Superintendent to issue or not to issue an individual wastewater discharge permit or general permit, to re-issue or not to re-issue an individual wastewater discharge permit or general permit, or to revoke an individual wastewater discharge permit or general permit may be appealed by the User by filing a written petition requesting a hearing within thirty (30) days of receipt of such decision.
- B. The effectiveness of the individual wastewater discharge permit or general permit or any such decision by the Superintendent shall not be stayed pending the appeal.
- C. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- D. Each appeal shall be heard by the Local Hearing Authority within sixty (60) days after receipt of the appeal. Decisions of the Local Hearing Authority on such appeals shall be considered final administrative actions for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative individual wastewater discharge permit or general permit decision must do so by filing a complaint with the Chancery Court for Sumner County within sixty (60) days from the date such decision is made.

8. Regulation of Waste Received From Other Jurisdictions

- A. If another municipality, utility district, or User located within another municipality or utility district, contributes wastewater to the POTW, the Superintendent shall enter into an inter-agency agreement with the contributing municipality or utility district.

- B. Prior to entering into an agreement required by paragraph A, above, the Superintendent shall request the following information from the contributing municipality or utility district:
 - B1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality or utility district;
 - B2. An inventory of all Users located within the contributing municipality or utility district that are discharging to the POTW; and
 - B3. Such other information as the Superintendent may deem necessary.

- C. An inter-agency agreement, as required by paragraph A, above, shall contain the following conditions:
 - C1. A requirement for the contributing municipality or utility district to adopt a sewer use ordinance or policy which is at least as stringent as this ordinance; and local limits, including Baseline Monitoring Reports, which are at least as stringent as those set out in Section 17-219 of this ordinance. The requirement shall specify that such ordinance or policy and limits must be revised as necessary to reflect changes made to the City's ordinance of local limits.
 - C2. A requirement for the contributing municipality or utility district to submit a revised User inventory on at least an annual basis;
 - C3. A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit or general permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality or utility district; which of these activities will be conducted by the Superintendent; and which of these activities will be conducted jointly by the contributing municipality or utility district and the Superintendent;
 - C4. A requirement for the contributing municipality or utility district to provide the Superintendent with access to all information that the contributing municipality or utility district obtains as part of its pretreatment activities;
 - C5. Limits on the nature, quality, and volume of the contributing municipality's or utility district's wastewater at the point where it discharges to the POTW;
 - C6. Requirements for monitoring the contributing municipality's or utility district's discharge;
 - C7. Provisions ensuring that the Superintendent has access to the facilities of Users located within the contributing municipality's or utility district's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent; and

- C8. A provision that specifies the remedies available for breach of the terms of the inter-agency agreement.

Sec. 17-227. Reporting Requirements

1. Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under Tennessee Rule 1200-4-14-.06(1)(d), which ever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to the commencement of their discharge, New Sources, and sources that became Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Superintendent a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below:
- B1. All information required in Section 17-225(5)(A)(A1), Section 17-225(5)(A)(A2), Section 17-225(5)(A)(A3), and Section 17-225(5)(A)(A6) of this ordinance.
- B2. Measurement of Pollutants
- a. The User shall provide the information required in Section 17-225(5)(A)(A7)(a) through (d) of this ordinance.
- b. The User shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this paragraph.
- c. Samples should be collected 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 in Tennessee Rule 1200-4-14-.06(5) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with Tennessee Rule 1200-4-14-.06(5); this adjusted limit along with the supporting data shall be submitted to the Control Authority.
- d. Sampling and analysis shall be performed in accordance with Section 17-227(9) of this ordinance.

- e. 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.
- f. The baseline report shall indicate the time, date, and place of sampling, as well as the methods of analysis; and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

B3. Compliance Certification

A statement, reviewed by the User's Authorized Representative (as defined in Section 17-215) and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or pretreatment is required to meet the Pretreatment Standards and Requirements.

B4. Compliance Schedule

If additional pretreatment and/or additional operation and maintenance will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or additional operation and maintenance must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set forth in Section 17-227(2) of this ordinance.

B5. Signature and Report Certification

All baseline monitoring reports must be certified in accordance with Section 17-227(13)(A) of this ordinance and signed by an Authorized Representative as defined in Section 17-215 of this ordinance.

2. Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 17-227(1)(B)(B4) of this ordinance:

- A. The schedule shall contain progress increments in the forms of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standard. Such events can include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operations;

- B. No increment referred to above shall exceed nine (9) months;
- C. The User shall submit a progress report to the Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance. The progress report shall include, as a minimum, whether or not it complied with the increment progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.

3. Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW; any User subject to such Pretreatment Standards and Requirements shall submitted to the Superintendent a report containing the information described in Section 17-225(5)(A)(A6), Section 17-225(5)(A)(A7), and Section 17-227(1)(B)(B1) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 17-217 of this ordinance, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 17-227(13)(A) of this ordinance. All sampling must be done in accordance with Section 17-227(10) of this ordinance.

4. Periodic Compliance Reports

- A. All significant Industrial Users must, at a frequency determined by the Superintendent but in no case less than twice per year (June and December, or on dates specified), submit reports indicating the nature of the discharge, concentration of pollutants in the discharge which are limited by Pretreatment Standards, and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by the Superintendent or the Pretreatment Standard necessary to determine the compliance status of the User.
- B. The Superintendent may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any

increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:

- B1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
- B2. The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five (5) years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.
- B3. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one (1) sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
- B4. The request for a monitoring waiver must be signed in accordance with Section 17-215 of this ordinance, and include the certification statement in Section 17-227(13)(A) of this ordinance.
- B5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136, with the lowest minimum detection level for that pollutant, was used in the analysis.
- B6. Any grant of the monitoring waiver by the Superintendent must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Superintendent for three (3) years after the expiration of the waiver.
- B7. Upon approval of the monitoring waiver and revision of the User's permit by the Superintendent, the Industrial User must certify on each report with the statement in Section 17-227(13)(C) below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
- B8. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately:
 - a. Comply with the monitoring requirements of Section 17-227(4) of this ordinance, or other more frequent monitoring requirements imposed by the Superintendent; and
 - b. Notify the Superintendent.

B9. This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

C. All periodic compliance reports must be signed and certified in accordance with Section 17-227(13)(A) of this ordinance.

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

E. If a User subject to the reporting requirements in this Section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Superintendent, using the procedures prescribed in Section 17-227(10) of this ordinance, the results of this monitoring shall be included in the report.

5. Reports of Changed Conditions

Each User must notify the Superintendent of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

A. The Superintendent may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 17-225(5) of this ordinance.

B. The Superintendent may issue an individual wastewater discharge permit or general permit under Section 17-226(6) of this ordinance; or modify an existing individual wastewater discharge permit or general permit under Section 17-226(3) of this ordinance in response to changed conditions or anticipated changed conditions.

6. Reports of Potential Problems

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

B. Within five (5) days following such discharge, the User shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future

occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

- C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Significant Industrial Users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a Slug Discharge.

7. Reports from Un-permitted Users

All Users not required to obtain an individual wastewater discharge permit or general permit shall provide appropriate reports to the Superintendent as the Superintendent may require.

8. Notice of Violation – Repeat Sampling and Reporting

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 sampling to the Superintendent within thirty (30) days after becoming aware of the violation. Re-sampling by the Industrial User is not required if the City performs sampling at the User's facility at least one per month, or if the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User.

9. Analytical Requirements

All pollutant analysis, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that 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 Superintendent or other parties approved by the EPA.

10. Sample Collection

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

- A. Except as indicated in paragraph B and C, below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Superintendent. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & 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 City, as appropriate. In addition, grab samples may be required to demonstrate compliance with Instantaneous Limits.
- B. Samples for oil & grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 17-227(1) and Section 17-227(3) of this ordinance [Tennessee Rule 1200-4-14-,12(2) and (4)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil & grease, sulfide, and volatile organic compounds for facilities for which historical sampling data does not exist; for facilities for which historical sampling data is available, the Superintendent may authorize a lower minimum. For the reports required by Section 17-227(4) [Tennessee Rule 1200-4-14-,12(5) and (8)], the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

11. Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage pre-paid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

12. Recordkeeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such

requirements, and documentation associated with Best Management Practices established under Section 17-219(3) of this ordinance. Records shall include the date, exact place, and method, time of sampling, the name of the person taking the samples, the date the analysis was performed, who performed the analysis, the analytical techniques or methods used, and the results of such analysis. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Superintendent.

13. Certification Statements

A. Certification of Permit Applications, User Reports, and Initial Monitoring Waivers.

The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 17-225(7) of this ordinance; Users submitting baseline monitoring reports under Section 17-227(1) of this ordinance; Users submitting reports on compliance with categorical Pretreatment Standard deadlines in Section 17-227(3) of this ordinance; Users submitting periodic compliance reports required by Section 17-227(4)(A) through (C) of this ordinance; and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 17-227(4)(B)(B4) of this ordinance. The following certification statement must be signed by an Authorized Representative as defined in Section 17-215 of this ordinance:

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

B. Annual Certification for Non-Significant Categorical Industrial Users.

A facility determined to be a Non-Significant Categorical Industrial User by the Superintendent pursuant to Section 17-215 and Section 17-225(7)(C) of this ordinance must annually submit the following certification statement signed in accordance with the signatory requirements in Section 17-215 of this ordinance. This certification must accompany an alternative report required by the Superintendent.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standards under 40 CFR ____ [specify applicable National Pretreatment Standard Part(s)], I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

- a. The facility described as _____ [insert facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 17-215;
- b. The facility complied with all applicable Pretreatment Standards and Requirements during this reporting period; and
- c. The facility never discharged more than one hundred (100) gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

C. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 17-227(4)(B) of this ordinance must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard Part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since the filing of the last periodic report under Section 17-17-227(4)(A).

Sec. 17-228. Compliance Monitoring

1. Right of Entry: Inspection and Sampling

The Superintendent shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual or general wastewater discharge permit or order issued hereunder. Users shall allow the Superintendent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Superintendent shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Superintendent shall have the right to set-up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

- C. The Superintendent may require the User to install monitoring equipment as necessary. All monitoring equipment required shall be installed and maintained in accordance with the Superintendent's requirements and all local construction standards and specifications. All monitoring equipment shall be installed in such a location to provide ample room for sampling and sample preparation. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least quarterly to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be born by the User.
- E. Unreasonable delays in allowing the Superintendent access to the User's premises shall be a violation of this ordinance.

2. Search Warrants

If the Superintendent has been refused access to a building, structure, property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, the Superintendent may seek issuance of a search warrant from the Chancery Court of Sumner County, Tennessee.

Sec. 17-229. Confidential Information

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual or general wastewater discharge permits, monitoring programs, and from the Superintendent's inspection and sampling activities, shall be available to the public 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 other methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, 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 immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents, characteristics, and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

Sec. 17-230. Publication of Users In Significant Non-Compliance

The Superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of Users which, at any time during the previous twelve (12) months, were in Significant Non-Compliance with applicable Pretreatment Standards and Requirements. The term Significant Non-Compliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (3), (4), or (7) of this Section) and shall mean:

1. Chronic violations of wastewater discharge limits, as defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceeded (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 17-216 through 17-221 of this ordinance;
2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of the wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement, including Instantaneous Limits, as defined in Section 17-216 through 17-221 of this ordinance multiplied by the applicable criteria (1.4 for BOD, TSS, Oil & Grease and 1.2 for all other pollutants except pH);
3. Any other violation of a Pretreatment Standard or Requirement as defined in Sections 17-216 through 17-221 of this ordinance (Daily Maximum, long-term average, Instantaneous Limits, or narrative standard) that the Superintendent determines has caused, alone or in combination with other discharges, Interference or Pass-Through, including endangering the health of POTW personnel or the general public;
4. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge;
5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or general permit or enforcement order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide, within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report non-compliance;

8. Any other violation(s), 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.

Sec. 17-231. Administrative Enforcement Remedies

1. Notification of Violation

When the Superintendent finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, a general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may serve upon that User a written Notice of Violation. Within fifteen (15) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Superintendent. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in the Section shall limit the authority of the Superintendent to take any action, including emergency actions or other enforcement actions, without first issuing a Notice of Violation.

2. Consent Orders

The Superintendent may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for non-compliance. Such documents shall include specific action to be taken by the User to correct the non-compliance within a time period specified in the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 17-231(4) and (5) of this ordinance, and shall be judicially enforceable.

3. Show Cause Hearing

The Superintendent may order a User which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, a general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the date, time, and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any Authorized Representative of the User, as defined in Section 17-215 and required by Section 17-225(7)(A) of this ordinance. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

4. Compliance Orders

When the Superintendent finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, a general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may issue an order to the User responsible for the discharge directing that the User come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the non-compliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or prerequisite for, taking any other action against the User.

5. Cease and Desist Orders

When the Superintendent finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, a general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Superintendent may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventative action as may be needed to properly address continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or prerequisite for, taking any other action against the User.

6. Administrative Penalties

- A. When the Superintendent finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, a general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may issue to such user an administrative penalty in an amount not to exceed ten thousand dollars (\$10,000.00) per violation. Such penalties shall be assessed on a per-violation, per-day basis, where each day on which non-compliance occurs or continues to occur shall be deemed a distinct and separate violation. In the case of monthly or long-term average discharge limits, penalties shall be assessed for each day during the period of violation.
- B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.

C. Users desiring to dispute such penalties must file a written request for the Superintendent to reconsider the penalty along with full payment of the penalty amount within thirty (30) days of being notified of the penalty. Where a request has merit, the Superintendent may request the Local Hearing Authority convene a hearing on the matter. In the event the User's appeal is successful, the penalty payment, together with any interest accruing thereto, shall be returned to the User. The Superintendent may add the costs associated with preparing administrative enforcement actions, such as notices and orders, to the penalty.

D. Issuance of an administrative penalty shall not be a bar against, or prerequisite for, taking any other action against the User.

E. Penalty Schedule for Violations

A penalty schedule for violations shall be maintained by the Superintendent as part of the Enforcement Response Plan.

F. All damages, penalties, and/or fees assessed and collected under the provisions of this ordinance shall be placed in a special fund and allocated and appropriated for the administration of the pretreatment program.

7. Emergency Suspension

The Superintendent may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonable appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Superintendent may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream or endangerment to any individuals. The Superintendent may allow the User to re-commence its discharge when the User has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the proceedings in Section 17-231(8) of this ordinance are initiated against the User.

B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the

Superintendent prior to the date of any show cause or termination hearing under Section 17-231(3) or 17-231(8) of this ordinance.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

8. Termination of Discharge

In addition to the provisions in Section 17-226(5) of this ordinance, any User who violates the following conditions is subject to discharge termination:

- A. Violation of individual wastewater discharge permit or general permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operation or wastewater volume, constituents, and characteristics prior to discharge
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards in Sections 17-216 through 17-221 of this ordinance.

Such User will be notified of the proposed termination of its discharge and will be offered an opportunity to show cause under Section 17-231(3) of this ordinance why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar against, or prerequisite for, taking any other action against the User.

Sec. 17-232. Judicial Enforcement Remedies

1 Injunctive Relief

When the Superintendent finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, a general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may petition the Chancery Court through the City Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, the general permit, order, or other requirement imposed by this ordinance on activities of the User. The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or prerequisite for, taking any other action against the User.

2. Civil Penalties

- A. A User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, a general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, shall be liable to the City for a maximum civil penalty of ten thousand dollars (\$10,000.00) per day, per violation. In the case of monthly or other long-term average discharge limits, penalties shall accrue for each day during the period of violation.
- B. The Superintendent may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- D. Filing a suit for civil penalties not be a bar against, or prerequisite for, taking any other action against the User.

3. Criminal Prosecution

- A. A User who willfully or negligently violates any provision of this ordinance, an individual wastewater discharge permit, a general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than one (1) year, or both.
- B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least one thousand dollars (\$1,000.00) or subject to imprisonment for not more than one (1) year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained pursuant to this ordinance, individual wastewater discharge permit, general permit, or order issued hereunder, 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 one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than one (1) year, or both.

- D. In the event of a second conviction, a User shall be punished by a fine of not more than three thousand dollars (\$3,000.00) per violation, per day, or imprisonment for not more than three (3) years, or both.

Sec. 17-233. Supplemental Enforcement Actions

1. Penalties for Late Reports

A penalty of one hundred dollars (\$100.00) may be assessed to any User for each day that a report required by this ordinance, a permit, or order issued hereunder is late, beginning five (5) days after the date the report is due, higher penalties may also be assessed where reports are for than 30-45 days late. Actions taken by the Superintendent to collect late reporting penalties shall not limit the Superintendent's authority to initiate other enforcement actions that may include penalties for late reporting violations.

2. Performance Bonds

The Superintendent may decline to issue or re-issue an individual wastewater discharge permit or a general permit to any User who has failed to comply with any provision of this ordinance, a previous individual wastewater discharge permit, general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Superintendent to be necessary to achieve consistent compliance.

3. Liability Insurance

The Superintendent may decline to issue or re-issue an individual wastewater discharge permit or a general permit to any User who has failed to comply with any provision of this ordinance, a previous individual wastewater discharge permit, general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

4. Water Supply Severance

Whenever a User has violated or continues to violate any provision of this ordinance, an individual or general wastewater discharge permit, an order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Water service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply.

5. Public Nuisances

A violation of any provision of this ordinance, an individual or general wastewater discharge permit, an order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the

Superintendent. Any person(s) creating a public nuisance shall be subject to the provisions of Gallatin Municipal Code Chapter 10 governing such nuisances, including reimbursing the City for any costs incurred in abating, remedying, or removing said nuisance.

Sec. 17-234. Remedies Non-Exclusive

The remedies provided for in this ordinance are not exclusive. The Superintendent may take any, all, or any combination of these enforcement actions against a non-compliant User. Enforcement of pretreatment violations will generally be in accordance with the City's Enforcement Response Plan. However, the Superintendent may take other action against any User when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any non-compliant User.

Sec. 17-235. Affirmative Defenses to Discharge Violations

1. Upset

- A. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary non-compliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for non-compliance with categorical Pretreatment Standards if the requirements of paragraph C, below, are met.
- C. A User who wishes to establish the affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - C1. An upset occurred and the User can identify the cause(s) of the upset;
 - C2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - C3. The User has submitted the following information to the Superintendent within twenty-four (24) hours of becoming aware of the upset; if this information is provided orally, a written submission must be provided within five (5) days:
 - a. A description of the indirect discharge and cause of non-compliance;

- b. The period of non-compliance, including exact dates and times or, of not corrected, the anticipated time the non-compliance is expected to continue; and
 - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.
- D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for non-compliance with categorical Pretreatment Standards.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

2. Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for non-compliance with the general prohibitions in Section 17-216(1) of this ordinance or the specific prohibitions in Sections 17-216(2)(C) through 17-216(2)(G) and Sections 17-216(2)(I) through 17-216(P) of this ordinance if it can prove it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass-Through or Interference and that either:

- A. A local limit exists for each pollutant discharged and the User was in compliance with each local limit directly prior to, and during, the Pass-Through or Interference; or
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

3. Bypass

A. For the purposes of this Section,

- A1. Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.
- A2. Severe property damage means substantial physical damage to property, damage to treatment facilities which causes them to become inoperable, or

substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it is also for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs C and D of this Section.

C. Bypass Notifications

C1. If a User knows in advance of the need for a bypass, it shall submit prior notice to the Superintendent, at least ten (10) days before the date of the bypass, if possible.

C2. A User shall submit oral notice to the Superintendent of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent re-occurrence of the bypass. The Superintendent may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. Bypass

D1. Bypass is prohibited, and the Superintendent may take any enforcement action against a User for bypass, unless

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- c. The User submitted notices as required under paragraph C of this Section.

D2. The Superintendent may approve an anticipated bypass, after considering its adverse effects, if the Superintendent determines that it will meet the three conditions in paragraph D1 of this Section.

Sec. 17-236. Establishment of Local Hearing Authority

A Local Hearing Authority is created, with the powers and jurisdiction as granted and set out herein and in T.C.A. 69-3-123 through 69-3-129 as now exists and may hereafter be amended.

1. The Local Hearing Authority shall consist of five (5) members, all to be residents of Sumner County, Tennessee. The members shall be appointed by the Mayor and confirmed by a majority vote of the City Council. Each member shall be appointed for a two (2) year term, and shall serve until their successor is appointed. Each member shall serve without compensation. Four (4) members shall be required for a quorum to conduct business, but a lesser number of members may adjourn the meeting from day to day in the absence of a quorum. All decisions shall be by a majority vote of those present. Meetings shall be held at the call of the chairperson or Mayor, by written notice, as required by law. The members shall elect from the members a chairperson annually.
2. The five (5) members shall consist of the following:
 - A. One (1) member to be from a major industry;
 - B. One (1) member to be experienced in utilities;
 - C. One (1) member to be experienced in finance;
 - D. Two (2) members to be private citizens.
3. In the event of a conflict of interest involving any member, the Mayor shall appoint a temporary replacement for the matter.

Sec. 17-237. Pretreatment Charges and Fees

The City may adopt reasonable charges and fees for the reimbursement of costs associated with the setting-up and operation of the City's Pretreatment Program, these may include:

1. Fees for wastewater discharge permit applications, including the cost of processing such applications;
2. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
3. Fees for reviewing and responding to accidental discharge procedures and construction;
4. Fees for filing appeals;
5. Fees to recover administrative and legal costs (not covered in Section 17-234(2)) associated with the enforcement activity taken by the Superintendent to address IU non-compliance;

6. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other charges, fees, fines, and penalties chargeable by the City.

The schedule of fees for the purposes of this ordinance is as follows:

- 1. **Annual Program Maintenance Fee:** **\$3,500.00**
- 2. **Permit Application Fee:** **\$250.00**
- 3. **Special Sampling and Analysis Fees:**

Unscheduled or demand samples shall be assessed an amount of twice the laboratory invoiced amount to recover the costs of sampling and analysis.

4. **Surcharges:**

The Superintendent may assess a surcharge for compatible pollutants; these surcharges may be assessed as follows:

- A. Biochemical Oxygen Demand \$0.30 per pound
In excess of 1,200 mg/L
- B. Chemical Oxygen Demand \$0.30 per pound
In excess of 2,400 mg/L
- C. Total Suspended Solids \$0.30 per pound
In excess of 1,200 mg/L

- 5. **Waste Hauler Permit Fees:** \$10.00 per 1,000 gallons

These fees relate solely to the matters covered by this ordinance and are separate from all other penalties or fees chargeable by the City. All fees collected under Section 17-237 of this ordinance shall be placed in a special fund and allocated and appropriated for the administration of the pretreatment program.

Sec. 17-238. Severability

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Sec. 17-239. Effective Date

This ordinance shall be in full force and effect immediately following its final passage, as provided by law, the public welfare requiring it.

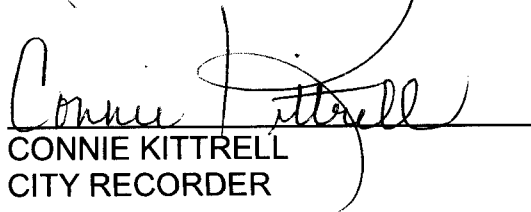
PASSED FIRST READING: October 4, 2011.

PASSED SECOND READING: October 18, 2011.



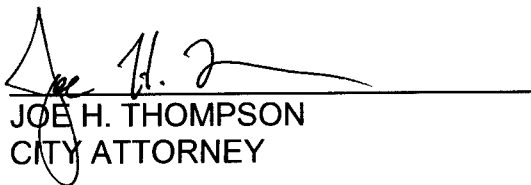
MAYOR JO ANN GRAVES

ATTEST:



CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:



JOE H. THOMPSON
CITY ATTORNEY

