

**TITLE 18**

**WATER AND SEWERS<sup>1</sup>**

**CHAPTER**

1. SEWER USE.
2. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
3. STORMWATER ORDINANCE.

**CHAPTER 1**

**SEWER USE**

**SECTION**

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**18-101. Purpose and policy.** This chapter sets forth uniform requirement for direct and indirect contributors into the wastewater collection and treatment system for the City of Lewisburg, Tennessee, hereafter known as the "city" and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977, as amended, hereafter known as "the Act," and the State of Tennessee's General Pretreatment Regulations (40 CFR, part 403), and (Tennessee Code Annotated, §§ 69-3-103 and 69-3-123, et seq.)

The general purpose of this chapter is to provide for efficient, economic, environmentally safe, and legal operation of the city POTW.

The specific purposes of this chapter are the following:

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

- (1) To prevent the introduction of substances into the POTW that will:
  - (a) Interfere with the POTW in any way;
  - (b) Pass through the POTW to the state's waters and cause contravention of standards for those waters or cause violation of the POTW's NPDES permit;
  - (c) Increase the cost or otherwise hamper the disposal of POTW sludge and/or residuals;
  - (d) Endanger municipal employees;
  - (e) Cause air pollution, or groundwater pollution, directly or indirectly;
  - (f) Cause, directly or indirectly, any public nuisance condition.
- (2) To prevent new sources of infiltration and inflow and, as much as possible, eliminate existing sources of infiltration and inflow.
- (3) To assure that new sewers and connections are properly constructed.
- (4) To provide for equitable distribution to all users of the POTW of all costs, associated with sewage transmission, treatment, and residuals disposal, and to provide for the collection of such costs.

This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This chapter shall apply to the City of Lewisburg and to persons outside the city who are, by contract or agreement with the city, users of the City of Lewisburg's Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the superintendent shall administer, implement and enforce the provisions of this chapter. (1985 Code, § 8-201, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

**18-102. Definitions.** Unless otherwise stated in the section where the term is used in this chapter, the meaning of terms used in this chapter shall be as stated below. When not inconsistent with the context, the present tense shall include the future, and words used in the plural shall include the singular and vice versa. Furthermore, a masculine pronoun shall include the feminine.

(1) "Abnormal sewage." Sewage whose concentration of one (1) or more characteristics of normal sewage exceeds the maximum concentrations of the characteristics of normal sewage. (See "normal sewage.")

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

(3) "Ammonia." The result obtained, using an approved laboratory procedure, to determine the quantity of ammonia in a sample, expressed as milligrams of nitrogen per liter.

(4) "Applicant." That person who makes application for any permit. The applicant may be an owner, new or old, or his agent.

(5) "Approval authority." The Division of Water Resources Director or his/her representative(s).

(6) "Approved laboratory procedure." The procedures defined in 40 CFR part 136.

(7) "ASTM," denoting American Society for Testing and Materials. The latest edition of any ASTM specification, when stipulated in this chapter.

(8) "Authorized representative of the industrial user." An authorized representative of the industrial user may be:

(a) If the user is a corporation:

(i) 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

(ii) The manager of one (1) 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.

(b) If the user is a partnership or sole proprietorship: a general partner or proprietor respectively.

(c) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

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

(9) "Best Management Practices (BMPS)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-104(1) and 40 CFR 403.5(a)(1) and (b). BMPS include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(10) "Biochemical Oxygen Demand (BOD)." The result obtained when using an approved laboratory procedure to determine the quantity of oxygen utilized in the aerobic biochemical oxidation of organic matter or in a sample, expressed in milligrams per liter.

(11) "Building drain." That part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the building walls, and conveys it to the building lateral, which begins five feet (5') outside the inner face of the building wall.

(12) "Building sewer." The extension from the building drain to the public sewer.

(13) "City." The City of Lewisburg, Tennessee and/or the Lewisburg Water and Wastewater Department.

(14) "Combined sewer." A sewer receiving both sewage and surface runoff from down spouts, storm sewers and surface or groundwater.

(15) "Chemical Oxygen Demand (COD)." The result obtained when using an approved laboratory procedure to measure the oxygen requirement of that portion of matter, in a sample, that is susceptible to oxidation, by a specific chemical oxidant, expressed in milligrams per liter.

(16) "Color." The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

(17) "Composite sample." The sample resulting from the combination of individual samples of wastewater taken at selected intervals, for a specified time period. The individual samples may have equal volumes or the individual volumes may be proportioned to the flow at the time of sampling.

(18) "Connection charge (tap fee)." The one (1) time application fee to offset the city's expenses to process an application for a connection of a building/street lateral to the public sewer. The fee also covers plan review, permit issuance, street repair cost, and inspection costs. The fee may be scaled to the amount of work involved, or to the size of the public sewer involved.

(19) "Control authority." The Superintendent of the Water and Wastewater Department, City of Lewisburg, or his designated agent.

(20) "Control manhole." A manhole accessible to the control authority in or upstream of the street lateral, such that samples collected from the manhole represent the discharge to the POTW.

(21) "Conventional pollutant." A pollutant that the POTW treatment plant was designed to treat, defined in accordance with the Act.

(22) "Cooling water." The water discharged from any system of condensation, air conditioning, refrigeration, or other sources. It shall contain no polluting substances which would produce COD or suspended solids in excess of five milligrams per liter (5 mg/l), or toxic substances, as limited elsewhere in this chapter.

(23) "County." Marshall County.

(24) "Daily maximum." The arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day.

(25) "Daily maximum limit." 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.

(26) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee. (For reference, see "indirect discharge.")

(27) "Domestic wastes." See "sewage, domestic."

(28) "Dry sewers." The sanitary sewer installed in anticipation of future connection to a POTW but which is not used, in the meantime, for transport of storm or sanitary sewage.

(29) "End of pipe." End of pipe shall mean the control manhole, provided the samples collected from the control manhole are representative of the discharge to the POTW.

(30) "End of pipe concentration." The concentration of a substance in a sample of wastewater at end of pipe.

(31) "End of process concentration." See "National Categorical Pretreatment Standard."

(32) "Easement." An acquired legal right for the specific use of land owned by others.

(33) "U.S. Environmental Protection Agency," "EPA" or "USEPA." The agency of the federal government charged with the administration and enforcement of federal environmental laws, rules, and regulations. Also may be used as a designation for the administrator or other duly authorized official of this agency.

(34) "Floatable oil." Oil, grease, or fat in a physical state such that it will separate by gravity from wastewater by treatment in a wastewater treatment facility.

(35) "Flow rate." The quantity of liquid or waste that flows in a certain period of time.

(36) "Garbage." The solid wastes from the preparation, cooking, and dispensing of food, from the handling, storage, and sale of produce, and from the packaging and canning of food.

(37) "Grab sample." A single sample of wastewater representing the physical, chemical, and biological characteristics of the wastewater at one point and time.

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

(39) "Industrial." Meaning or pertaining to industry, manufacturing, commerce, trade, business, or institution, and is distinguished from domestic or residential.

(40) "Industrial Chemical Survey (ICS)." The survey of industries in the city to determine chemical usage and storage by those industries. (IWS)

(41) "Industrial user." See "user, industrial."

(42) "Industrial wastes." The liquid or liquid-carried solid, liquid and/or gaseous wastes from industrial manufacturing processes, trade, service, utility, or business, as distinct from sanitary sewage.

(43) "Infiltration." Water, other than wastewater, that enters a sewer system (excluding building drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow. Infiltration is inadvertent, that is, not purposely designed or built into the sewer or drain.

(44) "Inflow." Water, other than wastewater, that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, stormwaters, foundation drains, swimming pools, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

(45) "Instantaneous limit." The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

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

(47) "IWS form." The form used by the city to survey industries to perform and update the industrial waste survey.

(48) "Lateral, building." The sewer extension from the building drain to the street lateral or other place of wastewater disposal.

(49) "Lateral, street." The sewer extension from the public sewer to the property line.

(50) "Local hearing authority." The administrative board which is responsible for the administration and enforcement of that program and the provisions of the Act. Also known as the water and sewer board.

(51) "National categorical pretreatment standard" or "categorical standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (B) and (C) of the Act (22 U.S.C. 1347), which applies to a specific category of industrial users. These standards apply at the end of the categorical process ("end of process").

(52) "National Pollutant Discharge Elimination System (NPDES) permit." A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).

(53) "National prohibitive discharge standard," or "prohibitive discharge standard." Any regulation developed under the authority of section 307 (B) of the Act, and 40 CFR, section 403.5.

(54) "Natural outlet." Any outlet, including storm sewers and combined sewer overflows, to state's waters.

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

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

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

(iii) The production of wastewater generating processes of the building, structure, facility or installation 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 integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

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

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

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

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

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

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

(56) "Normal sewage." See "sewage, normal."

(57) "North American Industry Classification System (NAICS)." A classification pursuant to the North American Industry Classification System manual issued by the Executive Office of the President, Office of Management and Budget, 1997, and subsequent revisions. The NAICS codes replace the SIC codes.

(58) "Nuisance." The use or lack of use of the POTW in such a manner so as to endanger life or health, or give offense to the senses, obstruct, or otherwise interfere with the reasonable use or maintenance of the POTW.

(59) "Oil and grease." The result obtained when using an approved laboratory procedure to determine the quantity of fats, wax, grease, and oil, in a sample, expressed in milligrams per liter.

(60) "Other wastes." Garbage (shredded or unshredded), refuse, wood, egg shells, coffee grounds, sawdust, shavings, bark, sand, lime, ashes, and all other discarded matter not normally present in sewage or industrial wastes.

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

(62) "Permit." A temporary revocable written document allowing use of the POTW for specified wastes over a limited period of time, containing sampling locations and reporting frequencies, and requiring other actions as authorized by this chapter.

(63) "Person." Any individual, public or private corporation, political subdivision, federal, state, or local agency or entity, association, trust, estate or any other legal entity whatsoever.

(64) "pH." The logarithm (base 10) of the reciprocal of the weight of hydrogen ions, in gram moles per liter. A pH value of 7.0, the pH scale midpoint, represents neutrality. Values above 7.0 represent alkaline conditions. Values below 7.0 represent acid conditions.

(65) "Pollutant." Any material placed into or onto the state's waters, lands and/or airs, which interferes with the beneficial use of that water, land and/or air by any living thing at any time.

(66) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and/or radiological integrity of the state's waters, lands and/or airs resulting from the introduction of a pollutant into these media.

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

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

(69) "Pretreatment standard" or "national pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Federal Clean Water Act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 400-40-14-.05.

(70) "Prohibitive discharge standard." See "national prohibitive discharge standard."

(71) "Properly shredded garbage." The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, and with no particle having a dimension greater than one-half inch (1/2") in any dimension.

(72) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater, and to treat sludge and residuals derived from such treatment.

(73) "Publicly Owned Treatment Works (POTW)." A treatment works, as defined by section 212 of the Act (33 U.S.C. 1292), which is owned, in this instance, by the City of Lewisburg. This definition includes any sewers and appurtenances that transport wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected directly or indirectly to a facility providing treatment.

(74) "Priority pollutants." The most recently revised or updated list, developed by the EPA, in accordance with the Act.

(75) "Public sewer." A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

(76) "Receiving waters." A natural water course or body of water (usually waters of the state) into which treated or untreated sewage is discharged.

(77) "Roof drain." A drain installed to receive water collecting on the surface of a roof for disposal.

(78) "Scavenger wastes." See "septage."

(79) "Septage." All liquids and solids in and removed from septic tanks, holding tanks, or cesspools.

(80) "Septic tank." A private domestic sewage treatment system consisting of an underground tank (with suitable baffling), constructed in accordance with any and/or all local and state requirements.

(81) "Sewage." A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, and such ground, surface, and stormwater as may be inadvertently present. The admixture of sewage, as defined above, with industrial wastes and other wastes shall also be considered "sewage," within the meaning of this definition.

(82) "Sewage, domestic (domestic wastes)." Liquid wastes from the non-commercial preparation, cooking, and handling of food, liquid wastes containing human excrement and similar matter from the sanitary conveniences in dwellings, commercial buildings, industrial buildings, and institutions, or liquid wastes from clothes washing and/or floor/wall washing. (See sewage, sanitary.)

(83) "Sewage, normal." Sewage, industrial wastes, or other wastes, which show, by analysis, the following characteristics:

(a) BOD (Five (5) day). Twenty-five hundred pounds (2500 lbs.) per million gallons (300 milligrams per liter), or less;

(b) Suspended solids. Twenty-five hundred pounds (2500 lbs.) per million gallons (300 milligrams per liter), or less;

(c) COD. Six thousand six hundred seventy two pounds (6672 lbs.) Per million gallons (800 milligrams per liter), or less;

(d) Total Kjeldahl nitrogen. Three hundred seventy-five pounds (375 lbs.) per million gallons (45 milligrams per liter), or less;

(e) Oil and grease. Eight hundred thirty pounds (830 lbs.) per million gallons (100 milligrams per liter), or less;

(f) Ammonia nitrogen. Twenty-five pounds (25 lbs.) per million gallons (30 milligrams per liter), or less.

In spite of satisfying one (1) or more of these characteristics, if the sewage also contains substances of concern, it may not be considered normal sewage.

(84) "Sewage, sanitary." Liquid wastes from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from stormwater, surface water, industrial, and other wastes. (See "domestic wastes.")

(85) "Sewage treatment plant (water pollution control plant)." See "POTW treatment plant."

(86) "Sewer." A pipe or conduit for carrying or transporting sewage.

(87) "Sewer, combined." A sewer designed to receive and transport both surface runoff and sewage.

(88) "Sewer, sanitary." A sewer which carries sewage, and to which storm, surface, and groundwater are not intentionally admitted.

(89) "Sewer, storm (storm drain)." A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastewater.

(90) "Sewerage system (also POTW)." All facilities for collecting, regulating, pumping, and transporting wastewater to and away from the POTW treatment plant.

(91) "Sewerage surcharge." The demand payment for the use of a public sewer and/or sewage treatment plant for the handling of any sewage, industrial wastes, or other wastes accepted for admission thereto in which the characteristics thereof exceed the maximum values of such characteristics in normal sewage.

(92) "Shall" is mandatory; "may" is permissive.

(93) "Significant industrial user." See "user, significant industrial."

(94) "Significant noncompliance." The following criteria will be used for defining Significant Noncompliance (SNC) for purposes of enforcement (40 CFR 403.8(f)(2)(viii):

(a) Wastewater violations. (i) Chronic violations of wastewater discharge limits, 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 exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in § 18-102.

(ii) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of 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 by § 18-102 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).

(iii) Any other violation of a pretreatment standard or requirement as defined by § 18-102 (daily maximum, long-term average, instantaneous limit, 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.

(iv) Any discharge causing imminent endangerment to human health/welfare or to the environment or resulting in the POTWs use of its emergency authority to halt or prevent such a discharge.

(b) Violations of compliance schedule milestones, failure to start or complete construction, or attain final compliance by ninety (90) days or more after the schedule date.

(c) Failure to accurately report noncompliance.

(d) Failure to provide required reports within thirty (30) days of the due date.

(e) Any other violation or group of violations which the POTW authority considers to be significant.

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

(95) "Slug." Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions. In any event, a discharge which, in concentration of any constituent or in quantity of flow, that exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal use operations shall constitute a slug.

(96) "Standard Industrial Classification (SIC)." A classification pursuant to the Standard Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, and subsequent revisions. These codes were replaced by NAICS codes in 1997, and are no longer used.

(97) "Stormwater." Any flow occurring during or following any form of natural precipitation; also the flow resulting therefrom.

(98) "Substances of concern." Those compounds which the city has determined may be harmful to man or the environment.

(99) "Superintendent." The superintendent of the water and wastewater department of the City of Lewisburg. This definition shall also include his authorized deputy, agent, or representative.

(100) "Suspended Solids (TSS)." The result obtained, using an approved laboratory procedure, to determine the dry weight of solids, in a sample, that either float on the surface of, or are in suspension, or are settleable, and can be removed from the sample by filtration, expressed in milligrams per liter.

(101) "Total Kjeldahl Nitrogen (TKN)." The result obtained, using an approved laboratory procedure, to determine the quantity of ammonia in a sample and released during the acid digestion of organic nitrogen compounds, expressed as milligrams of nitrogen per liter.

(102) "Toxic substances." Any substance, whether gaseous, liquid, or solid, that when discharged to a public sewer in sufficient quantities may be hazardous to POTW operation and maintenance personnel, tend to interfere with any biological sewage treatment process, or to constitute a hazard to recreation in the receiving waters, due to the effluent from a sewage treatment plant or overflow point. Any pollutant or combination of pollutants listed as

toxic in regulations promulgated by the EPA under provisions of CWA 307(A), or other Acts.

(103) "User." Any person who contributes, causes, or permits the contribution of wastewater into the POTW.

(104) "User, industrial." A discharger to the POTW who discharges non-domestic wastewater.

(105) "User, Significant Industrial (SIU)." An industrial user of the city POTW who is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter 1, subchapter N; and any other industrial user that discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(106) "Wastewater." The liquid and water-carried industrial or domestic wastewater from dwellings, commercial establishments, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(107) "Wastewater discharge permit." A permit set forth in § 18-106(2) of this chapter.

(108) "Wastewater, unusual strength or character." See "sewage of unusual strength or character."

(109) "Waters of the state (state's waters)." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. (1985 Code, § 8-202, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

**18-103. Abbreviations.** The following abbreviations shall have the designed meanings:

- |     |                           |                                      |
|-----|---------------------------|--------------------------------------|
| (1) | BMP -                     | Best Management Practice             |
| (2) | BOD or BOD <sup>5</sup> - | Five Day Biochemical Oxygen Demand   |
| (3) | CFR -                     | Code of Federal Regulations          |
| (4) | COD -                     | Chemical Oxygen Demand               |
| (5) | CWA -                     | Clean Water Act                      |
| (6) | EPA -                     | U.S. Environmental Protection Agency |
| (7) | gpd -                     | gallons per day                      |

- (8) IU - Industrial User
- (9) l - liter
- (10) mg - milligrams
- (11) mg/l - milligrams per liter
- (12) NAICS - North American Industry Classification System
- (13) NPDES - National Pollutant Discharge Elimination System
- (14) POTW - Publicly Owned Treatment Works
- (15) RCRA - Resource Conservation and Recovery Act
- (16) SIC - Standard Industrial Classification
- (17) SIU - Significant Industrial User
- (18) SNC - Significant Noncompliance
- (19) SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
- (20) TSS - Total Suspended Solids
- (21) U.S.C. - United States Code

(1985 Code, § 8-203, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

**18-104. Discharge regulations.** All users of the city POTW will comply with all standards and requirements of the Act and standards and requirements promulgated pursuant to the Act. No user shall contribute or cause to be contributed, in any manner or fashion, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical standards, or any other national, state, or local pretreatment standards or requirements. (See 40 CFR part 403.5.)

A user may not introduce into a POTW any pollutant(s) which cause pass through or interference. These general prohibitions and the specific prohibitions in subsection (2) of this rule apply to each user introducing pollutants into a POTW whether or not the user is subject to other national pretreatment standards or any national, state, or local pretreatment requirements.

(1) **General discharge prohibitions.** Without limiting the generality of the foregoing, a user may not contribute the following substances to the POTW:

- (a) Any solids, liquids, or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause a fire or an explosion or be injurious, in any way, to the POTW, or to the operation of the POTW. At no time shall two (2) successive readings on a flame type explosion hazard meter, at the point of discharge into the system (or at any other point in the system) be more than five percent nor any single reading be more than ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. If a Tagliabue (Tag) closed cup flashpoint tester is used, the flash point, at point of discharge, shall not be less than one hundred forty degrees Fahrenheit (40° F). Using the test methods specified in 40 CFR 261.21, prohibited materials include, but are not limited to, gasoline, kerosene, naphtha,

benzene, toluene, xylene, ethers, alcohols, carbides, hydrides, and sulfides, and any other substance which the city, the state or the EPA has determined to be a fire hazard, or hazard to the POTW (40 CFR 403.5(b)(1).

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or otherwise interfere with the operation of the wastewater treatment facilities. Unless explicitly allowable by a written permit, such substances include, but are not limited to, grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair and whole blood from slaughterhouses, hides or fleshing, entrails, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, grass clippings, rags, spent grains, waste paper, wood, plastics, tar asphalt residues, residues from refining or processing fuel or lubricating oil, mud, or glass grinding or polishing wastes (40 CFR 403.5(b)(3).

(c) Any wastewater having a pH less than 5.0 or greater than 10.0 or that will cause corrosive structural damage to the POTW (40 CFR 403.5(b)(2).

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants (including heat), to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to section 307(A) of the Act.

(e) Any noxious or malodorous solids, liquids, or gases which either singly or by interaction with other wastes are sufficient to create a public nuisance or a hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repair and any 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.

(f) Oils and grease. (i) Any commercial, institutional, or industrial wastes containing floatable fats, waxes, grease, or oils, or which become floatable when the wastes cool to the temperature prevailing in the wastewater at the POTW treatment plant, during the winter season; also any commercial, institutional, or industrial wastes containing more than one hundred milligrams per liter (100 mg/l) of emulsified oil or grease; also any substances which will cause the sewage to become substantially more viscous, at any seasonal sewage temperature in the POTW.

(ii) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(g) 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; or pass through.

(h) Any wastewater with objectionable color which is not removed in the treatment process, such as, but not limited to, dye wastes, and vegetable tanning solutions.

(i) Any solid, liquid, vapor, or gas having a temperature higher than sixty-five degrees Celsius (65°C) (150° F); however, such materials shall not cause the POTW treatment plant influent temperature to be greater than forty degrees Celsius (40°C) (104°F). The superintendent reserves the right, in certain instances, to prohibit wastes which have temperatures lower than sixty-five degrees Celsius (65°C) (40 CFR 403.5(b)(5)).

(j) Unusual flow rate or concentration of wastes, constituting slugs, except by industrial wastewater permit.

(k) Any wastewater containing any radioactive wastes except as approved by the superintendent, and in compliance with applicable state and federal regulations.

(l) Any wastewater which causes a hazard to human life or which creates a public nuisance, either by itself or in combination, in any way, with other wastes.

(m) Trucked or hauled pollutants, except at discharge points designated by the superintendent in accordance with § 18-104(3).

(2) Limitations on wastewater strength. No person shall discharge, directly or indirectly, into the POTW, wastewater containing any of the following substances in concentrations exceeding those specified below on either a daily or an instantaneous basis, except by permit. Concentration limits are applicable to wastewater effluent at a point just prior to discharge into the POTW ("end of pipe" concentrations).

TABLE A USER DISCHARGE RESTRICTIONS		
EFFLUENT CONCENTRATION LIMIT - mg/l		
Substance (1)	Allowable Daily Average (2)	Allowable Maximum Instantaneous (3)
Arsenic	1.00	1.50
Cadmium	2.00	3.00
Chromium, Trivalent	3.00	3.00
Chromium, Hexavalent	3.00	3.00
Copper	3.00	4.50

Substance (1)	Allowable Daily Average (2)	Allowable Maximum Instantaneous (3)
Cyanide	0.64	0.96
Lead	1.00	1.50
Mercury	0.02	0.03
Nickel	3.00	4.50
Selenium	1.00	1.50
Silver	1.00	1.50
Zinc	3.00	4.50
Oil and Grease	100.0	150.0
Phenolic, Total	1.00	1.50
Ethylbenzene	2.00	3.00
Naphthalene	0.100	0.150
1,1,1-Trichloroethane	5.00	7.50
Carbon Tetrachloride	0.821	1.20
Chloroform	5.00	7.50
Tetrachloroethylene	5.00	7.50
Trichloroethylene	5.00	7.50
1,2 Transdichloroethylene	0.100	0.150
Methylene Chloride	5.00	7.50
Total Phthalates	5.00	7.50

(i) Except for chromium (hex), all concentrations listed for metallic substances shall be as "total metal," which shall be defined as the value measured in a sample acidified to a pH value of two (2) or less, without prior filtration.

(ii) As determined on a composite sample taken from the user's daily discharge over a typical operational and/or production day.

(iii) As determined on a grab sample taken from the user's discharge at any time during the daily operational and/or production period.

(iv) Other substances which may be limited are: antibiotics, chemical compounds which, upon acidification, alkalization, oxidation or reduction, in the discharge or after admixture with wastewater and its components in the POTW produce toxic, flammable, or explosive compounds; pesticide, including algicide, fungicide, herbicides, insecticide, rodenticide

polyaromatic hydrocarbons; viable pathogenic organisms from industrial processes or hospital procedures.

(b) At no time shall the influent to the POTW contain quantities in excess (mg/l) of those specified below:

TABLE B PLANT PROTECTION CRITERIA		
INFLUENT CONCENTRATION LIMIT - mg/l		
Substance (1)	Allowable Daily Average (2)	Allowable Maximum Instantaneous (3)
Arsenic	0.0669	0.1340
Cadmium	0.010	0.020
Chromium, Hex	0.060	0.120
Chromium, Tri	0.060	0.020
Copper	0.117	0.234
Cyanide	0.0127	0.02
Lead	0.0628	0.126
Mercury	0.0020	0.0040
Nickel	0.254	0.501
Selenium	0.163	0.326
Silver	0.0147	0.030
Zinc	0.606	1.212
Benzene	0.030	0.060
Combined Phthalate Esters	0.015	0.030
Ethylbenzene	0.050	0.100
Naphthalene	0.0034	0.0068
Phenol, Total	0.3125	0.6250
Toluene	0.2143	0.25
1,1,1-Trichloroethane	0.45	0.90
Oil and Grease	25.00	50.00
Carbon Tetrachloride	.0200	.0400
Chloroform	0.3148	0.6296
Tetrachloroethylene	0.1250	0.2500
Trichloroethylene	0.1667	0.322
1,2 Transdichloroethylene	0.0030	0.0060

Substance (1)	Allowable Daily Average (2)	Allowable Maximum Instantaneous (3)
Methylene Chloride	0.1667	0.322
Total Phthalates	0.1537	0.307

(c) To assure that none of the above noted limitations are violated, the superintendent shall issue permits to significant industrial users limiting the discharge of the substances noted above. Each permit shall restrict the discharge from each significant industrial user to a portion of the total allowable influent loading. In determining what portion of the total of each substance that each significant industrial user shall be allowed to discharge the superintendent may consider:

- (i) The quantities of each substance that are uncontrollable because they occur naturally in wastewater;
- (ii) The quantities of each substance that are anthropogenic but are nonetheless uncontrollable;
- (iii) Historical discharge trends;
- (iv) Past pollution control efforts of each significant industrial user as compared to other significant industrial dischargers of the same substance;
- (v) Potential for growth in the POTW service area;
- (vi) Potential for more restrictive regulatory requirements to be placed on the POTW discharge or sludge disposal or sludge reuse method; and
- (vii) Treatability of the substance.

The superintendent shall apply a fifteen percent (15%) safety factor protective of the POTW.

(d) Limitations on wastewater strength or mass discharge contained in this chapter may be supplemented with more stringent limitations when, in the opinion of the superintendent:

- (i) The limitations in this chapter are not sufficient to protect the POTW;
  - (ii) The limitations in this chapter are not sufficient to enable the POTW treatment plant to comply with applicable water quality standards or the effluent limitations specified in the POTW's NPDES permit;
  - (iii) The POTW sludge will be rendered unacceptable for disposal or reuse as the city desires, as a result of discharge of wastewater at the above prescribed concentration limitations;
  - (iv) Municipal employees or the public will be endangered;
- or
- (v) Air pollution and/or groundwater pollution will be caused.

(e) The limitations on wastewater strength or mass discharge shall be evaluated as required by the TDEC. The results of this evaluation shall be reported to the water and wastewater board. This chapter shall then be amended appropriately. Any issued industrial wastewater discharge permits, which have limitations, based directly on any limitations, which were changed, shall be revised and amended, as appropriate.

(f) Except where expressly authorized to do so by an applicable pretreatment standard, no user shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard (40 CFR 403.6(d)).

(g) Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter.

(h) Dilution flow shall be considered to be inflow.

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

(j) The superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement local limits and the requirements of § 18-104(1).

(3) Septic tanker discharge. (a) All septic tanker discharge must be from domestic sources only. Waste from industry will not be accepted.

(b) All septic tankers must discharge only at the POTW, at locations designated by the superintendent, Monday through Friday from 7:00 A.M. to 3:30 P.M. excluding holidays. A septic tanker discharge permit will be completed prior to any discharge.

(c) The superintendent may cause the septage to be tested without notice or stop the discharge of wastes at any time.

(d) A septic tanker discharge form must be completed before each discharge. (1985 Code, § 8-204, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

**18-105. Fees.** It is the purpose of this section to provide for the recovery of costs from users of the city's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the city's schedule of charges and fees to be set by the board.

(1) Charges and fees. The city may adopt charges and fees which may include:

- (a) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;
- (b) Fees for monitoring, inspections and surveillance procedures;
- (c) Fees for reviewing accidental discharge procedures and construction;
- (d) Fees for permit applications;
- (e) Fees for filing appeals;
- (f) Fees for consistent removal by the city of pollutants otherwise subject to federal pretreatment standards;
- (g) Fees for allowing connection of building sewers to the POTW;
- (h) All persons discharging or depositing wastes into the public sewers shall pay a sewer service charge proportional to the liquid volume of waste so deposited, which charge shall be collected as a sewer rent;
- (i) Other fees as the city may deem necessary to carry out the requirements contained herein.

These fees related solely to the matters covered by this chapter and are separate from all other fees chargeable to the city.

(2) Flow calculation. The volume of flow to be used in computing sewer service charges and abnormal sewage surcharges shall be based upon metered water consumption as shown on the records of meter readings maintained by the city water department. In the event that a person discharging wastes into the POTW produces evidence, to the superintendent, demonstrating that a substantial portion of the total amount of metered water does not reach the POTW, then the superintendent shall either establish a percentage of the total metered water to be used as a basis for such computations, or direct the installation of appropriate flow measuring (and totalizing) devices to measure and record the actual amount of flow into the POTW. In the event that a person discharging wastes into the POTW procures all or part of his water supply from unmetered sources, the superintendent shall either direct the installation of water meters on the other sources of water supply, or direct the installation of appropriate flow measuring devices to measure and record the actual amount

of flow into the POTW. Any water meters and/or flow measuring devices installed pursuant to this section shall be of a type and design acceptable to the superintendent and shall be installed, maintained, and periodically tested as required by the owner, at his expense. All such meters and/or flow measuring devices shall be subject to periodic inspection, testing, and reading by the superintendent. Any person discharging wastes into the POTW may install a flow measuring device at his option, of the type, design, installation, and maintenance standards of the superintendent, at the owner's expense.

Any person wishing to use water that will not be discharged into the POTW, such as water used for irrigation, may have separate water meter installed by the department. This water meter will be installed upon request, at the service charge currently in effect. Sewer service charges will not be calculated on this water meter.

(3) Additional charges and fees. The additional charges and fees associated with the operation of the pretreatment program may be assessed by the user, and include:

- (a) Reimbursement of costs of setting up and operating the pretreatment program;
- (b) Issuing permits;
- (c) Monitoring, inspections, and surveillance procedures;
- (d) Costs of equipment and supplies;
- (e) Reviewing accidental discharge procedures;
- (f) Construction inspections;
- (g) Filing appeals;
- (h) Application for consistent removal status as outlined in 40 CFR 403;
- (i) Other reasonable expenses to carry out the program to satisfy the requirements of this chapter, the state, and the federal government.

(4) Septic charge. The charge for dumping septage into the POTW shall be thirty dollars (\$30.00) per one thousand (1,000) gallons with a minimum charge of thirty dollars (\$30.00) for each load dumped. The septic charge is to be paid in advance at the wastewater plant, unless prior charge account arrangements are made. The thirty dollar (\$30.00) charge may be increased by the superintendent as required in order to cover the costs of receiving and treating the septic waste. The manner of determining the volume dumped shall be at the discretion of the superintendent. The person hauling the waste must fill out a septic tanker discharge permit prior to discharge.

(5) Recovery of capital costs. The city may institute an equitable procedure for recovering the costs of any capital improvements of those parts of the POTW which collect, pump, treat, and dispose of wastewater from those discharging wastewater into the POTW.

(6) Fair user charge system. User fees for discharge of wastewater to the POTW shall be based on the fair user charge system approved by the State

of Tennessee for use by the city. The fair user charge fee schedule shall be updated annually to reflect changes in the actual cost of maintaining and operating of the POTW, and the depreciation of facilities and debt amortization. The fair user charge fee schedule shall be based on an equitable distribution of the costs of "Accounting and Collecting" and "Administration and General" to all customers connected to the POTW and to each lot, parcel of land or premises which may now or hereinafter be located within one hundred feet (100') of a sanitary sewer owned by the city; and an equitable distribution of the costs of operating expenses, debt amortization and depreciation to all customers connected to the POTW or occupant or property obtaining water from a source or sources other than through a meter of the city, which water is discharged into the POTW shall install, without cost to the city, a meter or meters to measure the quantity of water received from any such source or sources and shall pay the same rates or rates as provided in this chapter. No meter shall be installed or used for such purpose without the approval of the superintendent.

Whenever a property upon which a fair user charge is hereby imposed uses water for industrial, commercial, or air conditioning purposes, and does not discharge it into the POTW but, through agreement with the POTW, discharges it in some other manner, including discharging it into the city's storm sewer system, quantity of water used and not discharged into the POTW, shall be excluded in determining the sewer service charge of said owner or occupant. However, the quantity of water so used and not discharged into the POTW must be measured by a device or meter approved by the superintendent and installed by the owner or occupant without cost to the POTW. The schedule shall at all times be maintained on file by the superintendent for inspection by the public. (1985 Code, § 8-205, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

**18-106. Administration.** (1) Wastewater discharges--on-site private wastewater disposal facilities. No person shall discharge untreated wastewater from on-site private sewage disposal facilities including, but not limited to, sanitary pit privies, septic tanks, and cess pools to drainage ditches or the surface of the ground. All on-site private wastewater disposal facilities shall be properly operated and maintained by the owner. Any new construction of on-site private wastewater disposal facilities shall be in accordance with state and Marshall County Public Health Department requirements.

(2) Property next to sewer lines. Where a property exists within the city limits which is not within one hundred feet (100') of an existing sewer main, the board may require the property owner to install and/or continue to operate a private sewer system within the rules and regulations of the Marshall County and state health agencies. Said operations of a private system shall be at the expense of the owner.

(3) Force main access, or a gravity sewer access. In the event the Marshall County and/or state health agencies cannot approve a private system,

either proposed or in existence, the board may, upon payment by the owner of all costs, install sanitary sewer to the property line. Where gravity sewer cannot at reasonable costs be made available to a building, the city may provide either a force main access, or a gravity sewer access at the property line for the appropriate fee, and it shall be the owner's responsibility to install equipment to lift building sewage by approved means to such connection provided. It shall be unlawful to discharge, without a state permit, to any natural outlet within the City of Lewisburg, or in any area under the jurisdiction of said city, and/or the POTW any wastewater except as authorized by the superintendent in accordance with the provisions of this chapter.

(4) Wastewater contribution permits and pretreatment requirements.

(a) As a means of determining compliance with this chapter, with applicable NPDES permit conditions, and with applicable state and federal law, each industrial user shall be required to notify the superintendent of any new or existing discharges to the POTW by submitting a completed Industrial Wastewater Survey (IWS) form to the superintendent. The IWS form must be filed every five (5) years or when different chemical processes are put into use. The superintendent may require any user discharging wastewater into the POTW to file wastewater discharge reports and to supplement such reports as the superintendent deems necessary. All information shall be furnished by the user in complete cooperation with the superintendent.

(b) The superintendent shall, from time to time, notify each industrial user of applicable pretreatment standards, and of other applicable requirements under section 204(B) and section 405 of the Clean Water Act, and subtitles C and D of RCRA.

(c) No significant industrial user shall discharge wastewater to the POTW without having a valid wastewater discharge permit, issued by the superintendent. Significant industrial users shall comply fully with the terms and conditions of their permits in addition to the provisions of this chapter. Violation of a permit term or condition is deemed a violation of this chapter. All significant industrial users proposing to connect to or to discharge to the POTW shall obtain a wastewater discharge permit before connecting to or discharging to the POTW. Existing significant industrial users shall make application for a wastewater discharge permit within thirty (30) days after the effective date of the ordinance comprising this chapter, and shall obtain such a permit within ninety (90) days after making application. The superintendent may issue wastewater discharge permits to other industrial users of the POTW.

(d) The city does not have the authority to issue permits for the discharge of any wastewater to a storm sewer.

(e) Industrial users required to obtain a wastewater discharge permit shall complete the application shall be accompanied by a fee, as

set forth in § 18-105(1). In support of any application, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:

- (i) Name, address, and location (if different from the address);
  - (ii) NAICS code of both the industry and any categorical processes;
  - (iii) Wastewater constituents and characteristics including but not limited to those mentioned in § 18-104 of this chapter and which are limited in the appropriate categorical standard, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with 40 CFR part 136;
  - (iv) Time and duration of the discharge;
  - (v) Average daily peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
  - (vi) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances;
  - (vii) Description of activities, facilities, and plan processes on the premises, including all materials which are or could be discharged to the POTW;
  - (viii) Each product produced by type, amount, process or processes, and rate of production;
  - (ix) Type and amount of raw materials processed (average and maximum per day);
  - (x) Number and type of employees, and hours of operation, and proposed or actual hours of operation of the pretreatment system;
  - (xi) The nature and concentration of any pollutants in the discharge which are limited by any county, state, or federal standards, and a statement whether or not the standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the user to meet all applicable standards;
  - (xii) Any other information as may be deemed by the superintendent to be necessary to evaluate the permit application.
- (f) If additional pretreatment, BMPs, and/or O&M will be required to meet the standards, then the industrial user shall provide the shortest schedule to accomplish such additional treatment, BMPs, and/or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

(i) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation, and beginning routine operation).

(ii) No increment referred to in (i) above shall exceed nine (9) months, nor shall the total compliance period exceed eighteen (18) months.

(iii) No later than fourteen (14) calendar days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the superintendent.

(g) The superintendent will evaluate the data furnished by the industrial user and may require additional information. Within sixty (60) days of receipt of a complete permit application, the superintendent will determine whether to issue an individual wastewater discharge permit. After evaluation and acceptance of the data furnished, the superintendent may issue a wastewater discharge permit subject to terms and conditions provided herein. The superintendent may deny any application for an individual wastewater discharge permit.

(h) Wastewater discharge permits may be modified by the superintendent, upon thirty (30) days' notice to the permittee, for just cause. Just cause shall include, but not be limited to:

(i) Promulgation of an applicable national categorical pretreatment standard;

(ii) Revision of or a grant of a variance from such categorical standards pursuant to 40 CFR 403.13;

(iii) Changes in general discharge prohibitions and local limits;

(iv) Changes in processes used by the permittee, or changes in discharge volume or character;

(v) Changes in design or capability of any part of the POTW;

- (vi) Discovery that the permitted discharge causes or contributes to pass through or interference; and
- (vii) The need to add to or revise BMP requirements.
- (i) Wastewater discharge permits shall be expressly subject to all the provisions of this chapter, and all other applicable regulations, user charges and fees established by the water and wastewater board. Permits may contain the following:
  - (i) Limits on the average and maximum rate and time of discharge, or requirements or flow regulation and equalization, or BMPs required to meet permit requirements.
  - (ii) Limits on the average and maximum wastewater constituents and characteristics, including concentration or mass discharge limits.
  - (iii) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.
  - (iv) Requirements for installation and maintenance (in safe condition) of inspection and sampling facilities.
  - (v) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
  - (vi) Compliance schedules.
  - (vii) Requirements for submission of technical reports or discharge reports.
  - (viii) Requirements for maintaining and retaining plant records relating to wastewater discharge, as specified by the city, and affording the superintendent access thereto.
  - (ix) Requirements for notification of the city of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.
  - (x) Requirements for the notification of the city of any change in the manufacturing and/or pretreatment process used by the permittee.
  - (xi) Requirements for notification of excessive, accidental, or slug discharges. Significant industrial users are required to notify the superintendent immediately of any changes at its facility affecting the potential for a slug discharge. Requirements to control slug discharge, if determined by the superintendent to be necessary.
  - (xii) Other conditions as deemed appropriate by the city to ensure compliance with this chapter, and state and federal laws, rules, and regulations.
- (j) Permits shall be issued for a specified time period of from one (1) to five (5) years.

(k) The user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification, by the superintendent, during the term of the permit, as limitations or requirements, as identified in § 18-104, or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of the change. Any changes or new conditions in the reissued permit shall include a reasonable time schedule for compliance.

(l) Wastewater discharge permits are issued to a specific user for a specific operation, or discharge at a specific location. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation.

(m) Wastewater discharge permits may be revoked for the following reasons: falsifying records and/or self-monitoring reports, tampering with monitoring equipment, refusing to allow the superintendent timely access to the industrial premises, failure to meet effluent limitations, failure to pay penalties, failure to pay user charges, and failure to meet compliance schedules.

(5) Reporting requirements for permittee. (a) Baseline monitoring report. Reporting requirements for industrial users upon effective date of categorical pretreatment standard baseline report. Within one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or one hundred eighty (180) days after the final administrative decision made upon a category determination submission under 400-40-14-06(1)(d), whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the control authority a report which contains the information listed in subsections (4)(a)(i) and (vii) of this section. At least ninety (90) days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the control authority a report which contains the information listed in subsections (4)(a)(i) and (v) of this section. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in subsections (iv) and (v) of this section:

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

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

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

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

(A) Regulated process streams; and

(B) Other streams as necessary to allow use of the combined wastestream formula of 400-40-14-.06(5). (See part (v)(D) of this subsection.) The control authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(v) Measurement of pollutants. (A) The user shall identify the pretreatment standards applicable to each regulated process;

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

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

(D) Samples should be taken immediately downstream from pretreatment facilities if such exists or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula of 400-40-14-.06(5) in order to evaluate compliance with the pretreatment standards. Where an alternative concentration or mass limit has been calculated in

accordance with 400-40-14-.06(5) this adjusted limit along with supporting data shall be submitted to the control authority;

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

(F) The control authority 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;

(G) The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

(vi) Certification. (A) A statement, reviewed by an authorized representative of the industrial user (as defined in § 18-102(8)) and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements; and

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

(B) Where the industrial user's categorical pretreatment standard has been modified by a removal allowance (400-40-14-.07), the combined wastestream formula (400-40-14-.06(5)), and/or a fundamentally different factors variance (400-40-14-.13) at the time the user submits

the report required by subsection (4) of this rule, the information required by subsections (5)(a)(vi) and (vii) of this section shall pertain to the modified limits.

(C) If the categorical pretreatment standard is modified by a removal allowance (400-40-14-.07), the combined wastestream formula (400-40-14-.06(5)), and/or a fundamentally different factors variance (400-40-14-.13) after the user submits the report required by subsection (2) of this rule, any necessary amendments to the information requested by subsections (5)(a)(vi) and (vii) of this section shall be submitted by the user to the control authority within sixty (60) days after the modified limit is approved.

(6) Ninety (90) day compliance report. Report 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 industrial user subject to pretreatment standards and requirements shall submit to the control authority a report containing the information described in subsections (2)(d) and (f) of this rule. For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in 400-40-14-.06(3), this report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

(7) Periodic compliance reports. (a) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the superintendent, before the fifteenth (15th) of the month in March and September, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards 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 (BMP) or pollution prevention alternative, the user must submit documentation required by the superintendent or the pretreatment standard necessary to determine the compliance status of the user. The superintendent may agree to alter the months during which the above reports are to be submitted, however, no fewer than two (2) reports shall be submitted per year.

(b) The superintendent may impose mass limitations on users, which are using dilution to meet applicable pretreatment standards or

requirements, or, in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by § 18-106 shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of discharge sampling and analysis, including the flow, and the nature and concentration, or production and mass, where requested by the superintendent, of pollutants contained therein, which are limited by the applicable pretreatment standard. All analyses shall be performed in accordance with 40 CFR part 136.

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

(i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).

(A) No increment referred to in subsection (i) of this section shall exceed nine (9) months.

(B) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the control authority.

(ii) The industrial user shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user

discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user.

(A) An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.

(B) All notifications must take place within one hundred eighty (180) days of the effective date of the ordinance comprising this chapter. Industrial users who commence discharging after the effective date of the ordinance comprising this chapter shall provide the notification no later than one hundred eighty (180) days after the discharge of the listed or characteristic hazardous waste. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d), and (e).

(iii) Dischargers are exempt from the requirements of paragraph one of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one (1) time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations. In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(iv) Notice of potential problems, including slug loading. All categorical and non-categorical industrial users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined by 400-40-14-.05(2), by the industrial user.

(v) Notification of changed discharge. All industrial users shall promptly notify the control authority (and the POTW if the POTW is not the control authority) in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification.

(vi) Other reports. The superintendent may impose reporting requirements equivalent to the requirements imposed by § 18-106 for users not subject to pretreatment standards.

(8) Slug loads and monitoring stations. (a) No person shall cause the discharge of slugs to the POTW. Each person discharging, into the POTW, greater than one hundred thousand (100,000) gallons per day or greater than five percent (5%) of the average daily flow in the POTW, whichever is the lesser, may be required to install and maintain, on his property and at his expense, a suitable storage and flow control facility to insure equalization of flow over a twenty-four (24) hour period. The facility shall have a capacity for at least fifty percent (50%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which would be directed by the superintendent. A wastewater discharge permit may be issued solely for flow equalization.

(i) All significant industrial users, and other industrial users whose industrial waste discharge has caused or may cause interference or pass-through may be required to install and maintain a suitable monitoring station, on their premises at their expense, to facilitate the observation, sampling, and measurement of their industrial wastewater discharge.

(ii) If there is more than one (1) street lateral serving an industrial user, the superintendent may require the installation of a control manhole on each lateral.

(iii) The superintendent may require that such monitoring station(s) include equipment for the continuous measurement and recording of wastewater flow rate and for the sampling of the wastewater. Such station(s) shall be accessible and safely located, and the industrial user shall allow immediate access, without prior notice, to the station by the superintendent, or his designated representative.

(iv) Preliminary treatment, and flow equalization facilities, or monitoring stations, if provided for any wastewater,

shall be constructed and maintained continuously clean, safe, and operational by the owner at his expense. Construction of new or upgraded facilities shall not commence until written approval of the superintendent has been obtained.

(b) The superintendent shall evaluate whether each SIU 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:

(i) Description of discharge practices, including nonroutine batch discharges;

(ii) Description of stored chemicals;

(iii) Procedures for immediately notifying the superintendent of any accidental or slug discharge, as required by § 18-106(8)(a) of this chapter; and

(iv) 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 runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(9) Vandalism, tampering with measuring devices. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with, prevent access, or render inaccurate, or cause or permit the malicious willful, or negligent breaking, damaging, destroying, uncovering, defacing, tampering with, preventing access, or rendering inaccurate to:

(a) Any structure, appurtenance, or equipment which is a part of the city POTW; or

(b) Any measuring, sampling, and/or testing device or mechanism installed.

(c) Violators will be subject to a civil penalty of at least one thousand dollars (\$1,000.00) and up to twenty-five thousand dollars (\$25,000.00) per violation.

(10) Sampling and analysis. All measurements tests, and analyses of the characteristics of waters and wastes required in any section of this chapter shall be carried out in accordance with 40 CFR 403.12(b), (d), (g)(3), and (h). Such samples shall be taken at the approved monitoring station described in § 18-106(8), if such a station exists. If an approved monitoring station is not

available, then samples shall be taken from another location on the industrial sewer lateral before discharge to the public sewer. Unless specifically requested otherwise, or unless specifically not allowed in federal regulation, samples shall be gathered as composite samples made up of individual samples taken not less than once per hour for the period of time equal to the duration of industrial wastewater discharge during daily operations (including any cleanup shift).

(a) Except as indicated in subsections (i) and (ii) below, the user must collect wastewater samples using twenty-four (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 twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organic and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(i) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(ii) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in § 18-106(5)(a) (40 CFR 403.12(b) and (d)), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the superintendent may authorize a lower minimum. For the reports required by § 18-106(5) (40 CFR 403.12(e) and 403.12(h)), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements.

(b) 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.

(c) All categorical industries will be monitored at the end of each process where applicable (40 CFR 403.6). The use of the combined waste steam formula (40 CFR 403.6.e) is discouraged whenever it is possible to collect samples at the end of process. All industries, including categorical industries, are subject to the pretreatment limits of this chapter at the point their effluent enters the collection system (end of pipe).

(d) If any permitted industry monitors any pollutants more frequently than required by this permit, using test procedures prescribed in 40 CFR part 136 or amendments thereto, or otherwise approved by EPA or as specified by the permit issued to the industry, the results of such monitoring shall be included in any calculation of actual daily maximum or monthly average pollutant discharge and results shall be reported in the report submitted to the city.

(e) If the results of the permitted industry wastewater analysis indicates that a violation of this permit has occurred, the permittee must inform the city of the violation within twenty-four (24) hours, and repeat the sampling and pollutant analysis within thirty (30) days of the first violation.

(f) If the city performed the sampling and analysis in lieu of the industrial user, the city will perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis. (See 40 CFR 403.12(g)(2).)

(11) Accidental discharges. Each user shall provide for protection from accidental discharges of prohibited materials or of materials in volume or concentration exceeding limitations of this chapter or of an industrial wastewater discharge permit when required by the superintendent, detailed plans and procedures to provide for this protection shall be submitted to the superintendent, for approval. This plan shall be called a Spill Prevention plan. Users shall immediately (within eight (8) hours) notify the superintendent of the discharge of wastes in violation of this chapter or any permit. Such discharges may result from:

- (a) Breakdown of pretreatment equipment;
- (b) Accidents caused by mechanical failure, or negligence;
- (c) Other causes.

Where possible, such immediate notification shall allow the superintendent to initiate appropriate countermeasure action at the POTW. The user shall prepare a detailed written statement, which describes the causes of the discharge and the measures being taken to prevent future occurrences, within five (5) days of the occurrence, and the superintendent shall receive a copy of such report no later than the seventh calendar day following the occurrence. Analytical results and their interpretation may be appended to the report at a date not exceeding forty-five (45) calendar days after the occurrence.

(12) Posting notices. In order that the industrial user's employees be informed of the city requirements, a notice shall be permanently posted on appropriate bulletin boards within the user's facility advising employees of the city requirements and whom to call in case of an accidental discharge in violation of this chapter.

(13) Sample splitting. When so requested in advance by an industrial user, and when taking a sample of industrial wastewater, the city representative(s) shall gather sufficient volume of sample so that the sample can be split into two (2) nearly equal volumes, each of size adequate for the anticipated analytical protocols. One (1) of the volumes shall be given to the industry whose wastewater was sampled, and the other shall be retained by the city for its own analysis.

(14) Access to information. (a) When requested, the superintendent shall make available, to the public, for inspection and/or copying, information and data on industrial users obtained from reports, questionnaires, permit applications, permit and monitoring programs, and inspections, unless the industrial user specifically requests, and is able to demonstrate to the satisfaction of the superintendent, that such information, if made public, would divulge processes or methods of production entitled to protection as trade secrets of the user. Wastewater constituents and characteristics, and reports of accidental discharges shall not be recognized as confidential.

(b) Confidential information shall not be made available for inspection and/or copying by the public but shall be disclosed, upon written request, to governmental agencies, for uses related to this chapter, or the NPDES permit. The superintendent shall provide written notice to the industrial user of any disclosure of confidential information to another governmental agency.

(15) Access to property. The superintendent and other authorized representatives of the city, EPA, state, and/or county health department, bearing proper credentials and identification, shall be permitted to enter upon all non-residential properties at all reasonable times for the purpose of inspection, observation, sampling, flow measurement, and testing to ascertain a user's compliance with applicable provisions of federal and state law governing use of the Lewisburg POTW, and with the provisions of this chapter. Inspections of residential properties shall be performed in proper observance of the resident's civil rights. Such representative(s) shall have the right to set up, on the user's property or property rented/leased by the user, such devices as are necessary to conduct sampling or flow measurement. Guard dogs shall be under proper control of the user while the representatives are on the user's property or property rented/leased by the user. Such representative(s) shall, additionally, have access to and may copy any records the user is required to maintain under this chapter. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall

make necessary arrangements so that upon presentation of suitable identification, inspecting personnel will be permitted to enter, without delay, for the purpose of performing the specific responsibilities.

(16) Access to easements. The superintendent, and other authorized representatives of the city, EPA, state, and/or county health department bearing proper credentials and identification, shall be permitted to enter all private premises through which the city holds an easement for the purpose of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the city public sewer system lying within the easement. All entry and subsequent work on the easement shall be done in accordance with the terms of the easement pertaining to the private premises involved.

(17) Liability of property owner. During the performance, on private premises, of inspections, sampling, or other similar operations referred to in this chapter, the inspectors shall observe all applicable safety rules established by the owner or occupant of the premises. The owner and/or occupant shall be held harmless for personal injury or death of the inspector and the loss of or damage to the inspector's supplies and/or equipment; and the inspector shall indemnify the owner and/or occupant against loss or damage to property of the owner or occupant by the inspector and against liability claims asserted against the owner or occupant for personal injury or death of the inspector or for loss of or damage to the inspector's supplies or equipment arising from inspection and sampling operations, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.

(18) Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section.

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 § 18-104(2)(j).

Such records shall include for all samples:

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

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of three (3) years all records of monitoring activities and results (whether or not such monitoring activities are required by this section) and all records relative to any BMP requirements, and shall make such records available for inspection and copying by the pretreatment supervisor, Director of the Division of Water Resources, Tennessee Department of Environment and Conservation or the Environmental

Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or the POTW or when requested by the pretreatment coordinator, the approval authority, or the Environmental Protection Agency. (1985 Code, § 8-206, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

**18-107. Building sewers and connections. (1) Building sewer permit.**

There shall be two (2) classes of building sewer permits:

- (a) For residential and commercial service; and
- (b) For service to establishments producing industrial wastes.

In either case, the customer or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information such as grease traps needed by restaurants dining halls or any other type of eating establishments, considered pertinent in the judgment of the superintendent.

A permit and inspection fee as currently in effect for a residential or commercial building sewer permit and for an industrial building sewer permit shall be paid to the city at the time the application is filed. Applicants for industrial building sewer permits shall provide a description of the constituents of the waste and shall provide a laboratory analysis of the actual waste if the facility is operated, or of a similar waste if the applicant's facility is not operated and has another facility in operation with a similar waste.

(2) Connections. All costs and expense incident to the installation and connection of the building sewer shall be borne by the customer. The customer shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

A separate and independent building sewer shall be provided for every building; except where a building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(3) Installation. Old building sewers may be used in connection with new buildings only when they are found, on examination and tests by the superintendent, to meet all requirements of this chapter.

- (a) New building sewers shall be at least four inches (4") in diameter. Larger building sewers may be used as necessary in order to carry the flow anticipated. New four-inch (4") building sewers shall be laid on a grade of at least one percent (1.0%). Larger new building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') per second. Slope and alignment of all new building sewers shall be neat and regular. Pipe materials as specified below shall be used. Pipe shall conform to the appropriate ASTM specification and

shall be laid in conformation with the appropriate ASTM specification of the W.P.C.F. Manual of Practice, No. 9.

(b) New building sewers shall be constructed only of (1) poly-vinyl-chloride pipe (SDR21) with rubber compression or solvent weld joints; (2) ductile iron pipes with push-on joints; or (3) cast-iron soil pipe with single gasket sealed joints. Under no circumstances will cement mortar joints be acceptable. Each new connection to the public sewer must be made at a wye, or service line stubbed out, or in the absence of any other provision, by means of inserting a tee cut into the existing sewer approved by the city. No connection may be made by breaking into an existing sewer and inserting the service line. In addition, the inserting of a service line into an existing or new building sewer is strictly prohibited.

(c) The new building sewer may be brought into the building below the basement floor when gravity flow from the building to the public sewer at a grade of one percent (1%) or more is possible. Where basement or floor levels are lower than the adjacent manholes at the point of connection to the public sewer customers shall not be connected by gravity flow. Pumps for basement service or floor levels lower than the adjacent manholes shall be used in order to avoid possible flooding of basements in case of sewer line surcharge. The cost of the pump shall be borne by the customer. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastes carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the customer.

Clean outs shall be installed on building sewers within five feet (5') of the outside wall of the structure and in one hundred foot (100') intervals thereafter.

(d) No person shall make connection of roof down spouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the public sewer.

If during periodic system inspections the city locates a point of entry of inflow in an owner's building sewer, the owner shall repair the defect(s) at his own expenses and furthermore notify the city upon completion so that an inspection can be made to determine the water tightness of the repair.

The connection of the new building sewer into the public sewer shall conform to the rules and regulations the city may establish and the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice, No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(e) The applicant for the new building sewer permit shall notify the superintendent when building sewer is ready for inspection and connection to the public sewer. All connections shall be made under the supervision of the superintendent or his representative before acceptance. An inspection shall be conducted while the line is uncovered.

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

This subsection of the chapter shall also include the replacement of an existing building sewer.

(4) Grease traps. Grease, oil, and sand interceptors shall be provided, when, in the opinion of the superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease, flammable substances, sand, or other harmful substances; except that such interceptors shall not be required for private living quarters or living units. All interceptors shall be of type and capacity approved by the superintendent and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner, at his expense.

If, in the opinion of the superintendent, the grease trap is found to be deficient, or no grease trap exists, a new grease trap shall be installed at the owner's expense. Plans, specifications and any other pertinent information shall be submitted for approval prior to replacing the existing grease trap. The operator of a food sector establishment must keep and maintain at the food sector establishment a record of all grease interceptor inspections and maintenance carried out, recording the date of inspection, the date of cleaning or maintenance, the type and quantity of material removed from the grease interceptor and the disposal location. The inspection and maintenance record must be retained for a period of two (2) years and must be available for inspection by the superintendent.

(a) Exemptions. Food service operations that do not generate grease or solids may not require a grease trap or interceptor. These operations include, but are not limited to, the following:

- Bakeries (no deep frying);
- Coffee shops;
- Juice bars;
- Delicatessens;
- Fish shops;
- Meat sales;
- Fruit and vegetable markets;
- Sandwich bars.

Any other operations not listed that believe they do not generate wastewater containing grease or solids, may request an exemption by contacting the superintendent.

(b) All grease traps and interceptors must be designed using standard engineering principles for sedimentation and floatation in gravity separators. Baffles and good inlet design are required to deflect the flow across the surface areas of the units and sufficient grease and solids storage capacity is required. Grease traps and interceptors shall be rated for the designed flow-through rate of the unit in gallons/minute.

Grease traps and interceptors shall be sized according to the sum of the surge flow rates from all the plumbing fixtures connected to the grease trap or interceptor.

The following fixtures in the kitchens, food preparation areas or clean-up areas must be connected to the grease trap(s) or interceptor:

- All sinks (hand basins optional);
- Wash down hoods;
- Floor drains;
- Chinese cookers;
- Floor drains under garbage compactors (food waste only);
- Any other fixture that accepts wastewater that contains grease or solids;
- Dishwashers and garbage grinders shall not be connected to the interceptor;

The size of the interceptor or trap shall be determined from the sum of the surge flow rates from the fixtures units connected to the grease trap or interceptor but no smaller than fifty (50) gpm.

Use the following tables for surge flow rates:

FIXTURE UNIT SURGE FLOW RATE	
Hand Sink	7.5
Restaurant Kitchen Sink	15
Single Compartment Scullery Sink	20
Double Compartment Scullery Sink	25
Triple Compartment Sink	30
Two Single Compartment Sinks	25
Two Double Compartment Sinks	30
Floor Drain	5

Calculate the sum of the surge flow rates from all fixtures connected to a grease trap or interceptor using the tables above. Design or select a pre-

manufactured trap or interceptor rated to handle the total surge flow. The sum of the surge flow rates of fixtures discharging to a grease trap or interceptor shall not exceed the designed flow rate of the unit. More than one (1) grease trap or interceptor may be used in any operation to accommodate the flows. Grease traps and interceptors should be located outside whenever possible. If there is not space available outside, then the units should be located as close to the service door as possible. Outside units shall be situated so that storm water run-off cannot enter the grease interceptor.

(c) Servicing and maintenance is essential for the efficient operation of grease traps and interceptors. Servicing frequency is site-specific and is dependent on the amount of oil and grease and suspended solids generated at each operation and the size of the grease trap or interceptor. The volumes of greases and solids in grease traps and interceptors must not exceed the designed grease and solids storage capacity of the unit. A minimum of twelve (12) minutes of detention time is required for a properly operating grease trap. (1985 Code, § 8-207, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

**18-108. Enforcement.** Whenever the superintendent has reason to believe that a violation of any provision of the pretreatment program of the pretreatment agency or orders of the local hearing authority issued pursuant thereto has occurred, is occurring, or is about to occur, the superintendent will cause one (1) or more of the following enforcement responses to be served:

(1) Administrative remedies. (a) Notice of violation. Whenever the superintendent finds that any user has violated or is violating this chapter, or Lewisburg Wastewater Discharge Permit, order, prohibition, limitation, or requirement permitted by this chapter, the superintendent may serve upon such person a written notice stating the nature of the violation. Within thirty (30) calendar days of the date of the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof shall be submitted to the superintendent, by the user. The correction and prevention plan shall include specific actions. Submission of this plan in no way relieves the user of liability for any violations caused by the user before or after receipt of the notice of violation.

(b) Administrative or compliance order. When the superintendent finds that a user has violated or continues to violate this chapter or a permit or order issued thereunder, he may issue an order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless the violation is corrected and that there is no reoccurrence of the violation. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation

of pretreatment technology, additional self-monitoring, and management practices.

The user may, within thirty (30) days of receipt of such order, petition the superintendent to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the superintendent by registered mail. The superintendent may:

- (i) Reject any frivolous petitions;
- (ii) Modify or suspend the order;
- (iii) Request additional information from the user; or
- (iv) Order the petitioner to show cause in accordance with

this section.

(c) Administrative penalties. Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter, or permits and orders issued hereunder, shall be penalized in an amount of at least one thousand dollars (\$1,000.00) and not to exceed ten thousand dollars (\$10,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.

The user may, within thirty (30) calendar days of notification of such penalty, petition the superintendent to modify or suspend the penalty. Such petition shall be in written form and shall be transmitted to the superintendent by registered mail. The superintendent may:

- (i) Reject any frivolous petitions;
- (ii) Modify or suspend the fine;
- (iii) Request additional information from the user; or
- (iv) Order the petitioner to show cause in accordance with

this section.

(d) Cease and desist orders. When the superintendent finds that a user has violated or continues to violate this chapter or any permit or order issued hereunder, the superintendent may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

- (i) Comply forthwith;
- (ii) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge.

The user may, within thirty (30) days of receipt of such order, petition the superintendent to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the superintendent by registered mail. The superintendent may:

- (i) Reject any frivolous petitions;
- (ii) Modify or suspend the order;
- (iii) Request additional information from the user; or

(iv) Order the petitioner to show cause in accordance with this section.

(e) Termination of permit. Any user who violates the following conditions of this chapter or a wastewater discharge permit or order, or any applicable or state and federal law, is subject to permit termination:

- (i) Violation of permit conditions;
- (ii) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (iii) Failure to report significant changes in operations or wastewater constituents and characteristics;

(iv) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.

(v) Non-compliance industrial users will be notified, by registered mail, of the proposed termination of their wastewater permit.

(vi) The user may, within thirty (30) calendar days of receipt of such notification, petition the superintendent to permit continued use of the POTW by the user. Such petition shall be in written form and shall be transmitted to the superintendent by registered mail. The superintendent may:

- (A) Reject any frivolous petitions;
- (B) Request additional information from the user;

or

- (C) Order the petitioner to show cause in accordance with this section;
- (D) Reinstate permit;

(2) Water supply severance. Whenever a user has violated or continues to violate the provisions of this chapter or an order or permit issued hereunder, water service to the user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

(a) The user may, within thirty (30) days of severance, petition the superintendent to reconnect water supply service. Such petition shall be in written form and shall be transmitted to the superintendent by registered mail. The superintendent may:

- (i) Reject any frivolous petitions;
- (ii) Reconnect the water supply;
- (iii) Request additional information from the user; or
- (iv) Order the petitioner to show cause in accordance with this section.

(3) Show cause hearing. The superintendent may order any user appealing administrative remedies for violations of this chapter to show cause, before the water and wastewater board why an enforcement action, initiated by the superintendent, should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the board regarding the

violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) calendar days before the hearing. Service may be made on any principal or executive officer of a user's establishment or to any partner in a user's establishment.

The water and wastewater board may itself conduct the hearing and take evidence, or may designate any of its members or any officer or employee of the water and wastewater department to:

(a) Issue, in the name of the water and wastewater board notices of hearings requesting the attendance and testimony of witnesses, and the production of evidence relevant to any matter involved in such hearings;

(b) Take the evidence;

(c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the board for action thereon.

After the board has reviewed the evidence, it may order the user to comply with the superintendent's order or penalty, modify the superintendent's order or penalty or vacate the superintendent's order or penalty.

(4) Judicial remedies. (a) Civil penalties. Any person who violates any of the provisions of or who fails to perform any duty imposed by this chapter, or any order or determination of the superintendent promulgated under this chapter, or the terms of any permit issued hereunder, shall be liable to the city for a civil penalty of at least one thousand dollars (\$1,000.00) and not to exceed ten thousand dollars (\$10,000.00) for each such violation, to be assessed after a hearing held in conformance with the procedures set forth in this section. Each violation shall be separate and distinct violation, and in the case of continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the city attorney at the request of the superintendent in the name of the city in any court of competent jurisdiction. In addition to the above described penalty and damages, the superintendent may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses. Such civil penalty may be released or compromised by the superintendent before the matter has been referred to the city attorney, and where such matter has been referred to the city attorney, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the city attorney, with the consent of the superintendent.

(b) Court orders. In addition to the power to assess penalties as set forth in this section, the superintendent shall have the power, following the hearing held in conformance with the procedures set forth in this section, to seek an order:

(i) Suspending, revoking, or modifying the violator's wastewater discharge permit;

(ii) Enjoining the violator from continuing the violation.

Any such order shall be sought in an action brought by the city attorney at the request of the superintendent in the name of the city, in any court of competent jurisdiction. The superintendent shall petition the court to impose, assess, and recover such sums imposed according to this section. In determining amount of 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, 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.

(c) Criminal penalties. Any person who willfully violates any provision of this chapter or any final determination or order of the superintendent made in accordance with this section shall, in addition, be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of at least one thousand dollars (\$1,000.00) and not more than twenty-five thousand dollars (\$25,000.00) in accordance with the procedures set in Tennessee Code Annotated, § 69-3-15(c)(b)(c). Each offense shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

Any user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of at least one thousand dollars (\$1,000.00) and not more than twenty-five thousand dollars (\$25,000.00) in accordance with the procedures set in Tennessee Code Annotated, § 69-3-15(c)(b)(c). No prosecution, under this section, shall be instituted until after final disposition of a show cause hearing, if any, was instituted.

(d) Injunctive relief. Whenever a user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the superintendent, through counsel may petition the court, in the name of the city, for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains the violation

of, or compels the compliance with any order or determination thereunder by the superintendent.

(e) Damages. Any person violating any of the provisions of this chapter shall, in addition, be civilly liable to the city for any expense, loss, or damage occasioned to the city by reason of such violation.

(f) Summary abatement. Notwithstanding any inconsistent provisions of this chapter, whenever the superintendent finds, after investigation, that any user is causing, engaging in, or maintaining a condition or activity which, in his judgment, presents an imminent danger to the public health, safety, or welfare, or to the environment, or is likely to result in irreparable damage to the POTW or the environment, and it therefore appears to be prejudicial to the public interest to delay action until notice and an opportunity for a hearing can be provided, the superintendent may, without prior hearing, order such user by notice, in writing wherever practicable or in such other form as practices are intended to be proscribed, to discontinue, abate, or alleviate such condition or activity; or where the giving of notice is impracticable, or in the event of a user's failure to comply voluntarily with an emergency order, the superintendent may take all appropriate action to abate the violating condition, including but not limited to, judicial relief as provided in Tennessee Code Annotated, § 69-3-127, or contract with a qualified person or persons to carry out the emergency measures. As promptly as possible thereafter, not to exceed thirty (30) calendar days, the superintendent shall provide the user an opportunity to be heard, in accordance with the provisions of this chapter. Any hearing or rehearing brought before the local hearing authority shall be conducted in accordance with Tennessee Code Annotated, § 69-3-124.

Any such order shall become final and not subject to review unless the person or persons named therein request by written petition a hearing before the local hearing authority as provided in this section, no later than thirty (30) days after the date such order is served in accordance with Tennessee Code Annotated, § 69-3-123.

The superintendent, acting upon the belief that an emergency exists, shall be indemnified against any personal liability that may arise in the performance of his duties to protect the public health, safety, or welfare, or to preserve the POTW.

(5) Enforcement response plan. The enforcement response plan describes how the POTW will investigate instances of noncompliance. It describes the types of escalated enforcement actions that the POTW will take in response to all anticipated types of industrial user violations and the time periods within which to initiate and follow up these actions.

Terms and abbreviations used in the Enforcement Response Plan	
AO	Administrative Order
Civil	Civil litigation against the industrial user seeking litigation equitable relief, monetary penalties and actual damages
Criminal	Pursuing punitive measures against an individual prosecution and/or organization through a court of law.
Penalty	Monetary penalty assessed by control authority officials.
I	Inspector
IU	Industrial User
Meeting	Informal compliance meeting with the IU to resolve recurring noncompliance.
NOV	Notice of Violation
PC	Pretreatment Coordinator
S	Superintendent
SV	Significant Violation
Show Cause	Formal meeting requiring the IU to appear and demonstrate why the control authority should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective and compliance schedules.

UNAUTHORIZED DISCHARGES (No Permit)				
	Noncompliance	Nature of Violation	Enforcement Responses	Personnel
1	Un-permitted IU Discharge	IU unaware of requirement; no harm to POTW/ environment	-Phone calls; NOV with application form	I, PC
		IU unaware of requirement; harm to POTW	-AO with Penalty -Civil Action	PC S

	Noncompliance	Nature of Violation	Enforcement Responses	Personnel
		Failure to apply, continues after notice by the POTW	-Civil action	S
2	Non-permitted discharge (failure to renew)	IU has not submitted application within 10 days of due date	-Phone call: NOV	PC

DISCHARGE LIMIT VIOLATION				
	Noncompliance	Nature of Violation	Enforcement Responses	Personnel
1	Exceeding local or federal standard non-conventional pollutant limit	Isolated, not significant	Phone call; NOV	I, PC
		Isolated, significant (no harm)	AO to develop spill prevention plan	PC
		Isolated, harm to POTW or environment	-Show cause order -Civil action	PC, S
		Recurring; significant (harm)	-AO with penalty -Show cause order -Civil action -Terminate service	PC PC, S S S

MONITORING AND REPORTING VIOLATIONS				
	Noncompliance	Nature of Violation	Enforcement Responses	Personnel
1	Reporting violation	Report is improperly signed or certified	Phone call or NOV	I, PC
		Isolated, not significant (e.g., 5 days late)	Phone call; NOV	I, PC
		Significant (e.g., report 30 days or more late)	-NOV with penalty AO to submit with penalty	PC PC

	Noncompliance	Nature of Violation	Enforcement Responses	Personnel
		Reports are always late or no reports at all	-AO with penalty -Show cause order -Civil action	PC PC, S S
		Failure to report spill or changed discharge (no harm)	NOV	I, PC
		Failure to report spill or changed discharge (results in harm)	-AO with penalty -Civil action	PC S
		Failure to report BMPs	-Phone call; NOV	I, PC
		Repeated failure to report spills	-Show cause order -Terminate service	PC, S S
		Falsification	-Criminal investigation -Terminate service	S S
2	Failure to monitor correctly	Failure to monitor all pollutants as required by permit	-NOV or AO	I, PC
		Recurring failure failure to monitor	-AO with penalty -Civil action	PC S
3	Improper sampling	Evidence of intent	-Criminal investigation -Terminate service	S S
4	Failure to install monitoring equipment	Delay of less than 30 days	NOV	I, PC
		Delay of 30 days or more	AO to install; with fine for each additional day	PC
		Recurring violation of AO	-Civil action -Criminal investigation -Terminate service -Show cause order	PC S S S

	Noncompliance	Nature of Violation	Enforcement Responses	Personnel
5	Compliance schedules (in permit)	Missed milestone by less than 30 days, or will not affect final milestone	NOV	I
		Missed milestone by more than 30 days, or will affect final milestone (good cause for delay)	AO	PC
		Missed milestone by more than 30 days, (no good cause for delay)	-AO with penalty -Show cause order -Civil action -Terminate service	PC PC, S S S
		Recurring violation or violation of schedule in AO	-Civil action -Criminal investigation -Terminate service	S S S

## OTHER PERMIT VIOLATIONS

	Noncompliance	Nature of Violation	Enforcement Responses	Personnel
1	Waste streams are diluted in lieu of treatment	Initial violation	NOV	I
		Recurring	-AO with penalty -Show cause order -Terminate service	PC PC, S S
2	Failure to mitigate non-compliance or halt production	Does not result in harm	NOV	I
		Does result in harm	-AO with penalty -Civil action	PC S
3	Failure to operate and maintain pre-treatment facility	See No. 2 above		

	Noncompliance	Nature of Violation	Enforcement Responses	Personnel
1	Entry denial	Entry denied or consent withdrawn. Copies or records denied	Obtain warrant and return to IU	I, PC
2	Illegal discharge	No harm to POTW or environment	-AO	PC
		Discharges causes harm to POTW or environment	-AO with penalty -Civil action -Criminal investigation	PC S S
		Recurring, violation of AO	Terminate service	S
3	Improper sampling	Unintentional sampling at incorrect location	NOV	I, PC
		Unintentionally using incorrect sample type	NOV	I, PC
		Unintentionally using incorrect collection techniques	NOV	I, PC
		Monitoring facility not properly maintained	NOV	I, PC
4	Inadequate record keeping	Inspector finds files incomplete to missing (no evidence of intent)	NOV	I, PC
		Recurring	AO with penalty	PC
5	Failure to report additional monitoring	Inspection finds additional files	NOV	I, PC
		Recurring	AO with penalty	PC

## TIME FRAMES FOR RESPONSES

- (a) All violations will be identified and documented within five (5) days of receiving compliance information.

(b) Initial enforcement responses (invoking contact with the industrial user and requesting information on corrective or preventive action(s)) will occur within fifteen (15) days of violation detection.

(c) Follow up actions for continuing of reoccurring violations will be taken within sixty (60) days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.

(d) Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.

(e) All violations meeting the criteria for significant noncompliance will be addressed with an enforceable order within thirty (30) days of the identification of significant compliance.

(6) **Significant noncompliance.** The following criteria will be used for defining Significant Noncompliance (SNC) for purposes of enforcement (40 CFR 403.8f(2)(vii)):

(a) Wastewater violations. (i) Chronic violations. As defined in § 18-102(94)(a)(i);

(ii) Technical Review Criteria (TRC) violations. As defined in § 18-102(94)(a)(ii).

(iii) Any other violation of a pretreatment standard or requirement as defined by § 18-102 (daily maximum, long-term average, instantaneous limit, 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.

(iv) Any discharge causing imminent endangerment to human health/welfare or to the environment or resulting in the POTW's use of its emergency authority to halt or prevent such a discharge.

(b) Violations of compliance schedule milestones, failure to start or complete construction or attain final compliance by ninety (90) days or more after the schedule date.

(c) Failure to accurately report noncompliance.

(d) Failure to provide required reports within thirty (30) days of the due date.

(e) Any other violation or group of violations which the POTW authority considers to be significant. (1985 Code, § 8-208, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

**18-109. Waste subject to surcharge.** (1) **Unacceptable wastes.** Waters or wastes that are otherwise acceptable for discharge to sanitary sewers, but which have a BOD<sup>5</sup> in excess of 300 mg/l, a COD in excess of 800 per mg/l, a suspended solids content in excess of 300 mg/l, an oil and grease content, in excess of 100 mg/l, or any other compatible pollutant specified in this chapter

shall be subject to a surcharge based on the actual considerations as compared to normal sanitary sewage, such surcharge being necessary to compensate the city for the extra costs of treating such wastes.

(2) Surcharge. All persons discharging or depositing wastes with concentrations in excess of the pollutant concentrations in normal sewage shall pay a surcharge(s). The surcharge(s) shall be based on total monthly flow and the analytical results on not less than three (3) twenty-four (24) hour composite samples collected at the control manhole at unannounced, but approximately equal intervals during the preceding month. These samples will be collected and analyzed by the city, or a laboratory of the city's choice according to procedures set forth in 40 CFR part 136 for the pollutants found to be above the surcharge limit. Surcharge(s) will remain in effect until said discharger is able to provide data that demonstrates compliance with the permit and/or this chapter for one month. All sampling and analyses fees are to be paid by the discharger. The waste stream and all permitted pollutants will be sampled and analyzed by the city, at intervals no less than two (2) times per year. All samples shall be collected and analyses shall be made by competent operating personnel at the wastewater treatment plant or other persons designated by the city in accordance with 40 CFR part 136. The total sewer service charge, is comprised of two (2) parts, as follows:

$$T_{sc} = N_c + C_s$$

Where;  $T_{sc}$  = Total sewer charge  
 $N_c$  = Charge for normal wastewater  
 $C_s$  = Surcharge for wastewater exceeding the strength of "normal wastewater" expressed in dollars per billing period.  
 $C_s = [(B_c \times B) + (S_c \times S) + (P_c \times P)] V_u$

Effective on the date of the revision of this chapter  $B_c$ ,  $S_c$ , and  $P_c = \$1.00$

Where:  $C_s$  = Surcharge for wastewater exceeding the strength of "normal wastewater" expressed in dollars per billing period.  
 $B_c$  = O&M cost for treatment of a unit of  $BOD^5$  or COD expressed in dollars  
 $B$  = Concentration of  $BOD^5$  or COD (using the one in greatest violation) from a user above the base level of 2.50 for  $BOD$  (or 6.67 for COD) lbs/1000 gallons expressed in pounds per 1000 gallons.

$$\text{Formula: } \frac{(\text{Results mg/l} - \text{Limit mg/l})}{\text{Limit mg/l}}$$

Sc = O&M costs for treatment of a unit of suspended solids expressed in dollars per pound.

S = Concentration of suspended solids from a user above the base level of 2.50 lbs/1000 gallons expressed in pounds per 1000 gallons.

PC = O&M cost for treatment of a unit of any conventional pollutant which the publicly owned treatment works is committed to treat by virtue of an NPDES permit or other regulatory requirement expressed in dollars per pound.

P = Concentration of any pollutant from a user above base level. Base levels for pollutants subject to surcharges will be established by the superintendent.

Vu = Volume contribution of a user per billing period. (Expressed in thousands of gallons).

Only conventional pollutants such as BOD<sup>5</sup>, COD, TSS, TKN, and ammonia may be assessed a surcharge. All other pollutants such as metals and organic chemicals may be assessed a penalty. Conventional pollutants that are over ten (10) times greater than permit limits may also be assessed a penalty. Testing of BOD<sup>5</sup> and COD may be required, but only the test causing the greatest violations of the two (2) test results will be used in the surcharge calculations.

The values of parameters used to determine user charges may vary from time to time. Therefore, the superintendent is authorized to modify any parameter or value as often as necessary. Review of all parameters and values shall be undertaken whenever necessary. Notes: If any difference terms in the equation above is negative, then that portion of the equation shall not be used, that is, the difference shall be set to zero when it is negative. All averages are arithmetic averages determined from available data during the billing period.

(3) Flow calculation. Flow calculation shall be based on procedures set forth in § 18-105(2). (1985 Code, § 8-209, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

**18-110. Penalty; costs.** (1) Civil penalties. Any user who is found to have violated an order of the board or who willfully or negligently failed to comply with any provision of this chapter, and orders, rules, regulations and permits issued hereunder, shall be assessed a civil penalty of at least one thousand dollars (\$1,000.00) for each offense in accordance with the procedures set in Tennessee Code Annotated, §§ 69-3-125 and 69-3-126 and CFR 403.8f1.vi.

Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover damages, reasonable attorneys' fees, court costs, appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations and permits issued hereunder.

Unless otherwise stipulated by the superintendent or the water and wastewater board, civil penalties will start at one thousand dollars (\$1,000.00) per violation for the first month. Industries with violations continuing for over two (2) months must be reviewed by the board for further action.

(2) Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished by penalty of at least one thousand dollars (\$1,000.00) and not more than twenty-five thousand dollars (\$25,000.00), in accordance with the procedures as set out in Tennessee Code Annotated, § 69-3-115(c)(b)(d).

(3) Public nuisance. Any building sewer, tap, line, holding tank, or mechanism through which wastewater is routed into the POTW allowing the discharge of any wastewater into the POTW containing a pollutant, causing interference with the POTW, containing any toxic pollutant, containing any prohibited substance described in § 18-104, or containing any combination of the foregoing, as set forth and defined in this chapter, it is hereby declared a public nuisance. The judicial remedy or remedies for abating public nuisances shall be cumulative to all other administrative and judicial remedies set forth in this chapter. (1985 Code, § 8-210, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

**18-111. Water and wastewater (sewer) rates.** (1) The water and wastewater (sewer) rates by:

		Old Rate	New Rate	Amount
Inside City Water	6%	Inside City	Inside City	Increased
First 2,000 Gals (Minimum)		\$16.59	\$17.59	\$1.00
Next 10,000 Gals/1,000		\$ 3.69	\$3.91	\$0.22
Next 88,000 Gals/1,000		\$ 3.64	\$3.91*	\$0.27
Next 400,000 Gals/1,000		\$ 3.54	\$3.91*	\$0.37
Next 500,000 Gals/1,000		\$3.39	\$3.91*	\$0.52
<b>Inside City Sewer</b>	<b>16%</b>			
First 2,000 Gals (Minimum)		\$19.47	\$22.59	\$3.12
All over 2,000 Gals/1,000		\$ 6.49	\$ 7.53	\$1.04

	6%	Old Rate Outside City	New Rate Outside City	Amount Increased
<b>Outside City Water</b>				
First 2,000 Gals (Minimum)		\$20.38	\$21.60	\$1.22
Next 10,000 Gals/1,000		\$ 5.50	\$ 5.83*	\$0.33
Next 88,000 Gals/1,000		\$ 5.38	\$ 5.83*	\$0.45
Next 400,000 Gals/1,000		\$ 5.20	\$ 5.83*	\$0.63
Next 500,000 Gals/1,000		\$ 4.98	\$ 5.83*	\$0.85

Utility District	6%			
For Resale to Customer		\$ 2.65	\$ 2.81**	\$0.16**

	16%			
<b>Outside City Sewer</b>				
First 2,000 Gals (Minimum)		\$23.79	\$27.60	\$3.81
All over 2,000 Gals/1,000		\$ 8.44	\$ 9.79	\$1.35

\*Quantity discounts have been removed by state recommendation.

(a) The above rates shall be effective October 1, 2017.

(b) This ordinance amends prior ordinances regarding water and wastewater (sewer) rates.

(c) \*\*Utility district rate subject to be approved by Lewisburg Water Board, Fairview Utility and Marshall Co. Public Utility Board.

(2) The water and wastewater (sewer) rates be: (year two)

	6%	Old Rate Inside City	New Rate Inside City	Amount Increased
<b>Inside City Water</b>				
First 2,000 Gals (Minimum)		\$17.59	\$18.65	\$1.06
All additional 1,000 Gals		\$ 3.91	\$4.14	\$0.23

	16%			
<b>Inside City Sewer</b>				
First 2,000 Gals (Minimum)		\$22.59	\$26.20	\$3.61
All over 2,000 Gals/1,000		\$ 7.53	\$ 8.73	\$1.20

	6%	Old Rate Outside City	New Rate Outside City	Amount Increased
<b>Outside City Water</b>				
First 2,000 Gals (Minimum)		\$21.60	\$22.90	\$1.30
Next 10,000 Gals/1,000		\$ 5.83	\$ 6.18	\$0.35

Utility District	6%			
For Resale to Customer		\$ 2.81	\$ 2.98**	\$0.17**

<b>Outside City Sewer</b>				
First 2,000 Gals (Minimum)		\$27.60	\$32.02	\$4.42
All over 2,000 Gals/1,000		\$ 9.79	\$11.36	\$1.57

(a) The above rates shall be effective October 1, 2018.

(b) This ordinance amends prior ordinances regarding water and wastewater (sewer) rates.

(c) \*\* Utility district rate subject to be approved by Lewisburg Water Board, Fairview Utility and Marshall Co. Public Utility Board. (Ord. #99-06, Sept. 1999, as amended by Ord. #01-06, Sept. 2001, and Ord. #04-03, Sept. 2004, and replaced by Ord. #12-11, Dec. 2012, Ord. #13-07, Nov. 2013, Ord. #15-08, Oct. 2015, and Ord. #17-04, July 2017)

**18-112. Miscellaneous.** (1) Delinquent payments. If there shall be any payments which are due to the city, or any department thereof, pursuant to any chapter or section of this chapter, which shall remain due and unpaid, in whole or in part, for a period of twenty (20) calendar days from the date of billing by the city, the same shall constitute a default, and there shall be added to the entire amount of the original bill, a penalty equal to twenty percent (20%) of the original bill, and interest shall accrue on the unpaid balance, at the rate of two percent (2%) per month, retroactive to the date of the original billing.

Where charges are delinquent for a period of ninety (90) days, the city attorney is authorized to seek recovery of charges, including punitive damages, in a court of competent jurisdiction.

(2) Performance bonds. The superintendent may decline to reissue a permit to any user which has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder unless such user first files with it a satisfactory bond, payable to the POTW, 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 reissue a permit to any user which has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

(4) Informant rewards. The superintendent is authorized to pay up to five hundred dollars (\$500.00) for information leading to the discovery of noncompliance by a user. In the event that the information provided results in an administrative fine or civil penalty levied against the user, the superintendent is authorized to disperse up to ten percent (10%) of the collected fine or penalty to the informant. However a single reward payment may not exceed ten thousand dollars (\$10,000.00).

(5) Public notification. The superintendent shall provide public notification, in the daily newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of industrial users which were significantly in violation of local or federal pretreatment standards or requirements since the last such notice. The frequency of such notices shall be at least once per year. For the purposes of this section, a significant violation shall be a violation:

(a) Which remains uncorrected forty-five (45) calendar days after notification of noncompliance.

(b) Which is a part of a pattern of noncompliance over the past twelve (12) month period.

(c) Which involves a failure to accurately report noncompliance.

(d) Which resulted in the superintendent exercising his emergency authority to halt or prevent any discharge which presents an imminent danger to persons or property.

(e) Which is a violation as defined in § 18-108.

(6) Conflicts. The provisions of any local law in conflict with any provision of this chapter are hereby repealed.

(7) Severability. Each provision of this chapter is severable from the others, so that if any provision is held to be illegal or invalid for any reason whatsoever, such illegal or invalid provision shall be severed from this chapter, which shall nonetheless remain in full force and effect.

(8) Signatory requirements for industrial user reports. The reports required by this chapter shall include the certification statement as set forth in subsection (9) below, and shall be signed as follows:

(a) By a responsible corporate officer, if the industrial user submitting the reports required is a corporation. For the purpose of this subsection, a responsible corporate officer means:

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

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

(b) By a general partner or proprietor if the industrial user submitting the reports required is a partnership or sole proprietorship respectively.

(c) By a duly authorized representative of the individual designated in subsections (a) or (b) of this section if:

(i) The authorization is made in writing by the individual described in subsection (a) or (b) of this section;

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(iii) The written authorization is submitted to the control authority.

(d) If an authorization under subsection (8)(c) of this section 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 authorization satisfying the requirements of subsection (8)(c) of this section must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

(9) Certification statement. 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. (1985 Code, § 8-211, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

## CHAPTER 2

### CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.<sup>1</sup>

#### SECTION

- 18-201. Definitions.
- 18-202. Standards.
- 18-203. Construction, operation, and supervision.
- 18-204. Statement required.
- 18-205. Inspections required.
- 18-206. Right of entry for inspections.
- 18-207. Correction of existing violations.
- 18-208. Use of protective devices.
- 18-209. Unpotable water to be labeled.
- 18-210. Mortuaries.
- 18-211. Provision applicable.
- 18-212. Violations.
- 18-213. Severability clause.

**18-201. Definitions.** The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water supply." The waterworks system which furnishes water to Lewisburg for general use and which is recognized as the public water system by the Tennessee Department of Environment and Conservation.

(2) "Cross connection." Any physical arrangement whereby the public water system is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices through which, or because of which, backflow could occur are considered to be cross connections.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

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<sup>1</sup>Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

(5) "Interconnection." Any system of piping or other arrangement whereby the public water system is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water system.

(6) "Person." Any individual, corporation, company, association, partnership, state, municipality, utility district, water cooperative, or federal agency.

(7) "Superintendent." That person in charge of the operation of the Lewisburg Water System or the authorized representative of that person. (1985 Code, § 8-301)

**18-202. Standards.** The Lewisburg Public Water System is to comply with Tennessee Code Annotated, §§ 618-121-701 through 618-121-720 as well as the Rules and Regulations for Public Water Systems, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. Installation criteria for backflow prevention devices are to be provided by the superintendent. (1985 Code, § 8-302)

**18-203. Construction, operation, and supervision.** No person shall cause a cross-connection, auxiliary intake, bypass, or interconnection to be made, or allow one to exist for any purpose whatsoever unless the construction and operation of same has been approved by the Tennessee Department of Environment and Conservation, and the operation of such cross-connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the superintendent of the Lewisburg Public Water System. (1985 Code, § 8-303)

**18-204. Statement required.** Any person whose premises are supplied with water from the public water system and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (1985 Code, § 8-304)

**18-205. Inspections required.** It superintendent shall inspect all properties served by the public water system where cross connections with the public water system are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established

by the superintendent in accordance with guidelines acceptable to Tennessee Department of Environment and Conservation. (1985 Code, § 8-305)

**18-206. Right of entry for inspections.** The superintendent of the waterworks or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the public system or systems therein for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. Guard dogs shall be under proper control of the user while the representatives are on the user's property or property rented/leased by the user. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements so that upon presentation of suitable identification, inspecting personnel will be permitted to enter, without delay, for the purpose of performing their specific responsibilities. (1985 Code, § 8-306)

**18-207. Correction of existing violations.** Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the superintendent. The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 618-121-711, within a reasonable time and within the time limits set by the Lewisburg Public Water System, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the superintendent shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water system from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the superintendent of the water system shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water system from the on-site piping system unless the hazard(s) is corrected immediately. (1985 Code, § 8-307)

**18-208. Use of protective devices.** Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation.
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the superintendent or his designated representative, that the water use and protective features of the plumbing are such as to pose no threat to the safety or potability of the water.
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.
- (4) That there is a likelihood that protective measures may be subverted, altered, or disconnected.

Then the superintendent, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein.

The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Environment and Conservation as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent prior to installation and shall comply with the criteria set forth by the Tennessee Department of Environment and Conservation. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the Lewisburg Public Water System shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the superintendent shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, and to keep any protective device working properly. The expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the superintendent. The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering a protective device or the installation thereof so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the

customer has corrected or eliminated such conditions or defects to the satisfaction of the superintendent. (1985 Code, § 8-308)

**18-209. Unpotable water to be labeled.** The potable water system made available to premises served by the public water system shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE  
FOR DRINKING

Minimum acceptable sign shall have black letters at least one-inch high located on a red background. (1985 Code, § 8-309)

**18-210. Mortuaries.** All mortuaries utilizing the Lewisburg public water supply in the preparation of bodies must have a properly installed reduced pressure backflow preventer for the protection of the public water supply. All water which is used in the preparation room must pass through a reduced pressure backflow preventer. The backflow prevention device used must be of an approved type. (1985 Code, § 8-310)

**18-211. Provision applicable.** Requirements contained herein shall apply to all premises served by the Lewisburg Public Water System regardless of political subdivision boundaries, and are hereby made a part of the conditions required to be met for the Lewisburg Public Water System to provide water service to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, relative to boundaries of any political subdivision. (1985 Code, § 8-311)

**18-212. Violations.** Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefore, shall be fined not less than ten dollars (\$10) nor more than fifty dollars (\$50), and each day of continued violation after conviction shall constitute a separate offense.

The superintendent shall also discontinue the public water system to any premises within which there is found to be a cross-connection, auxiliary intake, bypass or inter-connection. Water service shall not be restored until such cross-connection, auxiliary intake, bypass, or inter-connection has been discontinued. (1985 Code, § 8-312)

**18-213. Severability clause.** Should any part(s) of this chapter be declared invalid for any reason, no other part(s), of this chapter shall be affected thereby. (1985 Code, § 8-313)

### CHAPTER 3

### STORMWATER ORDINANCE

#### SECTION

- 18-301. General provisions.
- 18-302. Definitions.
- 18-303. Land disturbance permits.
- 18-304. Stormwater system design and management standards.
- 18-305. Post construction.
- 18-306. Existing locations and developments.
- 18-307. Illicit discharges.
- 18-308. Hot spots.
- 18-309. General prohibitions.
- 18-310. Enforcement.
- 18-311. Penalties.
- 18-312. Appeals.
- 18-313. Fee schedule.

**18-301. General provisions.** (1) Purpose. It is the purpose of this ordinance to:

(a) Protect, maintain, and enhance the environment of the City of Lewisburg and the public health, safety and the general welfare of the citizens of the city, by controlling discharges of pollutants to the city's stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the city.

(b) Enable the City of Lewisburg to comply with the National Pollution Discharge Elimination System (NPDES) permit and applicable regulations, 40 CFR § 122.26 for stormwater discharges.

(c) Allow the City of Lewisburg to exercise the powers granted in Tennessee Code Annotated, § 68-221-1105, which provides that, among other powers municipalities have with respect to stormwater facilities, is the power by ordinance to:

(i) Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the municipality, whether or not owned and operated by the municipality;

(ii) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;

(iii) Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;

(iv) Review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments;

(v) Issue permits for stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities;

(vi) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;

(vii) Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and

(viii) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private.

(2) Administering entity. The City of Lewisburg Stormwater Department shall administer the provisions of this ordinance.

(3) Right of entry. The City of Lewisburg Stormwater Department, and its designees, shall have the lawful right of entry onto any piece of property within the City of Lewisburg for the purpose of determining compliance with the provisions of this ordinance. Determining compliance with the provisions of this ordinance may include inspection of construction, commercial, or industrial facilities, inspection of post construction stormwater controls or other stormwater control structures, investigation of stormwater related complaints, investigation of potential illicit discharges, or any other reasonable purpose that is deemed necessary for the enforcement of this ordinance. Right of entry shall not include entry into any buildings on a property without the notification of the building's owner or occupants.

(4) Right to correct violations. It is imperative to the stormwater system and to the quality of the receiving streams that illicit discharges, unacceptable non-stormwater discharges, and other stormwater quality violations be eliminated in a timely manner. If after ample notice from the stormwater department, a violation has not been corrected by the owner of the property or facility from which the violation is originating, then the stormwater department may take the necessary measures to have the violation eliminated. All costs associated with the elimination of the violation will be billed back to the owner of the violating property or facility. These costs shall include direct and indirect costs associated with the corrective work. (as added by Ord. #03-09, May 2004, as replaced by Ord. #09-10, Nov. 2009, Ord. #11-06, Sept. 2011, and Ord. #15-02, Feb. 2015)

**18-302. Definitions.** For the purpose of this chapter, the following definitions shall apply: Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

(1) "As built plans" means drawings depicting conditions as they were actually constructed.

(2) "Best Management Practices" or "BMPs" are physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by the City of Lewisburg, and that have been incorporated by reference into this ordinance as if fully set out therein.

(3) "Channel" means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

(4) "Chronic violator" means any person that repeats violations of the stormwater management ordinance at least three (3) times in a one (1) year period. The violations do not have to appear on the same project but do have to be of a similar nature.

(5) "Community water" means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the City of Lewisburg.

(6) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(7) "Design storm event" means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility.

(8) "Discharge" means dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

(9) "Easement" means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality or other legal entity has in the land of another.

(10) "Erosion" means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.

(11) "Erosion and sediment control plan" means a written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

(12) "Governing body" means the Lewisburg Board of Mayor and Aldermen.

(13) "Hot spot" (priority area) means an area where land use or activities have the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

(14) "Illicit connections" means illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.

(15) "Illicit discharge" means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under § 18-303(3).

(16) "Land disturbing activity" means any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, redevelopment, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

(17) "Maintenance" means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.

(18) "Maintenance agreement" means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

(19) "Municipal Separate Storm Sewer System" or "MS4" (Municipal Separate Stormwater System) means the conveyances owned or operated by the municipality for the collection and transportation of stormwater, including the roads and streets and their drainage system, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.

(20) "National Pollutant Discharge Elimination System permit" or "NPDES permit" means a permit issued pursuant to 33 U.S.C. 1342.

(21) "Off-site facility" means a structural BMP located outside the subject property boundary described in the permit application for land development activity.

(22) "On-site facility" means a structural BMP located within the subject property boundary described in the permit application for land development activity.

(23) "Peak-flow" means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

(24) "Person" means any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(25) "Priority area" means "hot spot" as defined in subsection (11) of this section.

(26) "Runoff" means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate stormwater system.

(27) "Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

(28) "Sedimentation" means soil particles suspended in stormwater that can settle in stream beds and disrupt the natural flow of the stream.

(29) "Soils report" means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

(30) "Stabilization" means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

(31) "Stormwater" means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.

(32) "Stormwater management" means the programs to maintain quality and quantity of stormwater runoff to pre-development levels.

(33) "Stormwater management facilities" means the drainage structures, conduits, ditches combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.

(34) "Stormwater management plan" means the set of drawing and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.

(35) "Stormwater runoff" means flow on the surface of the ground, resulting from precipitation.

(36) "Stormwater utility" means the stormwater utility created by ordinance of the city to administer the stormwater management ordinance, and other stormwater rules and regulations adopted by the municipality.

(37) "Structural BMPs" means devices that are constructed to provide control of stormwater runoff.

(38) "Surface water" includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.

(39) "TDEC" means the Tennessee Department of Environment and Conservation, Division of Water Pollution Control.

(40) "Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

(41) "Watershed" means all the land area that contributes runoff to a particular point along a waterway. (as added by Ord. #03-09, May 2004, as replaced by Ord. #09-10, Nov. 2009, Ord. #11-06, Sept. 2011, and Ord. #15-02, Feb. 2015)

**18-303. Land disturbance permits. (1) When required.**

(a) Every person will be required to obtain a land disturbance permit from the City of Lewisburg in the following cases:

(i) Land disturbing activity disturbs one (1) or more acres (acre = forty-three thousand five hundred sixty (43,560) sq. ft.) of land;

(ii) Land disturbing activity of less than one (1) acre of land if such activity is part of a larger common plan of development that affects one (1) or more acre of land, such as a lot in a subdivision;

(iii) Land disturbing activity of less than one (1) acre of land, if the activity requires a building permit to be completed (unless otherwise determined by the stormwater department);

(iv) Land disturbing activity of less than one (1) acre of land, if in the discretion of the stormwater department such activity poses a potential threat to the MS4 or waters of the state.

Anyone that is planning to conduct land disturbing activity of less than one (1) acre shall contact the stormwater department to determine whether or not a permit will be required for the specific project.

(2) Building permit. No building permit shall be issued until the applicant has obtained a land disturbance permit where the same is required by this ordinance.

(3) Exemptions. The following activities are exempt from the permit requirement:

(a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

(b) Existing nursery and agricultural operations conducted as a permitted main or accessory use.

(c) Any logging or agricultural activity that is consistent with an approved farm conservation plan or a timber management plan prepared or approved by state or federal agency.

(4) Application for a land disturbance permit. (a) Each application shall include the following:

(i) Name of applicant; the applicant shall be the owner of the property on which the project is located. The permit may be issued to a designated agent of the property owner, but the

designated agent must submit a statement from the property owner stating that the department may issue permits to the agent on the owner's behalf;

(ii) Business or residence address of applicant;

(iii) Name, address and telephone number of the owner of the property of record in the office of the assessor of property;

(iv) Address and legal description of subject property including the tax reference number and parcel number of the subject property;

(v) Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan;

(vi) A statement indicating the nature, extent and purpose of the land disturbing activity including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity;

(vii) Where the property includes a sinkhole, the applicant shall obtain from the Tennessee Department of Environment and Conservation appropriate permits;

(viii) The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property. However, the inclusion of those permits in the application shall not foreclose the City of Lewisburg from imposing additional development requirements and conditions, commensurate with this ordinance, on the development of property covered by those permits.

(b) Each application shall be accompanied by:

(i) A sediment and erosion control plan as described in § 18-304(4).

(ii) A stormwater management plan as described in § 18-304(3), providing for stormwater management during the land disturbing activity and after the activity has been completed. Small residential permits will not require a stormwater management plan.

(iii) Each application for a land disturbance permit shall be accompanied by payment of land disturbance permit and other stormwater management fees, which shall be set by resolution or ordinance.

(5) Review and approval of application. (a) The City of Lewisburg Stormwater Department will review each application for a land disturbance permit to determine its conformance with the provisions of this ordinance. Within thirty (30) days after receiving an application, the City of Lewisburg shall provide one (1) of the following responses in writing:

- (i) Approval of the permit application;
- (ii) Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance, and issue the permit subject to these conditions; or
- (iii) Denial of the permit application, indicating the reason(s) for the denial.

(b) If the City of Lewisburg has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the stormwater department, within seven (7) days of receipt of the conditional approval. However, the applicant shall be allowed to proceed with his land disturbing activity so long as it conforms to conditions established by the stormwater department.

(c) No development plans will be released until the land disturbance permit has been approved.

(6) Permit duration. Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within one hundred eighty (180) calendar days of issuance. The work authorized by such permit shall not be suspended or abandoned at any time after the work is commenced but shall be carried through to completion. A suspension of work for one hundred eighty (180) calendar days, without prior notification and approval, shall result in the nullification of the permit and potential forfeiture of bonds. The permittee is still responsible for stabilization of any land disturbance activities if the permit is nullified due to extended suspension of work. Once the permit is nullified, the permittee will be required to submit a new application to be able to complete the project, and may be subject to additional permit application fees.

(7) Pre-construction conference. A pre-construction conference will be mandatory for all priority construction activities. Priority construction activities will include the following:

- (a) Construction activities discharging directly into, or immediately upstream of, waters the state recognizes as impaired (for siltation) or high quality;
- (b) Construction activities that will result in the disturbance of five (5) acres or more of property;
- (c) All non-residential construction activities;
- (d) Any other construction activities that the stormwater department deems should be considered a priority construction activity.

The stormwater department may, at its discretion, require a pre-construction conference for any construction activity, regardless of whether or not the activity is classified as a priority construction activity.

(8) Notice of construction. The applicant must notify the City of Lewisburg Stormwater Department ten (10) working days in advance of the commencement of construction. Regular inspections of the stormwater

management system construction shall be conducted by the stormwater department. All inspections shall be documented and written reports prepared that contain the following information:

- (a) The date and location of the inspection;
- (b) Whether construction is in compliance with the approved stormwater management plan;
- (c) Variations from the approved construction specifications;
- (d) Any violations that exist.

Copies of the inspection reports will be maintained at the Lewisburg Stormwater Department.

(9) Performance bonds. (a) The City of Lewisburg may, at its discretion, require the submittal of a performance security or performance bond prior to issuance of a permit in order to ensure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance security or performance bond shall be the total estimated construction cost of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs, e.g., for damages or enforcement. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment or rejection by the stormwater department. Alternatively the City of Lewisburg shall have the right to calculate the cost of construction estimates.

(b) The performance security or performance bond shall be released in full only upon submission of as-built plans and written certification by a registered professional engineer licensed to practice in Tennessee that the structural BMP has been installed in accordance with the approved plan and other applicable provisions of this ordinance. The City of Lewisburg will make a final inspection of the structural BMP to ensure that it is in compliance with the approved plan and the provisions of this ordinance. Provisions for a partial pro-rata release of the performance security or performance bond based on the completion of various development stages can be made at the discretion of the stormwater department. (as added by Ord. #03-09, May 2004, as replaced by Ord. #09-10, Nov. 2009, Ord. #11-06, Sept. 2011, and Ord. #15-02, Feb. 2015)

**18-304. Stormwater system design and management standards.**

(1) Stormwater design and BMP manual. (a) Adoption. The City of Lewisburg adopts as its stormwater design and Best Management Practices (BMP) manual the following publications, which are incorporated by reference in this ordinance as if fully set out herein:

(i) TDEC Sediment and Erosion Control Manual, latest edition.

(ii) TN Permanent Stormwater Management and Design Guidance Manual, latest edition.

(b) These manuals include a list of acceptable BMPs including the specific design performance criteria and operation and maintenance requirements for each stormwater practice. The manuals may be updated and expanded from time to time, at the discretion of the governing body of the municipality, upon the recommendation of the stormwater department, based on improvements in engineering, science, monitory and local maintenance experience. Stormwater facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.

(2) General performance criteria for stormwater management. Unless judged by the stormwater department to be exempt, the following performance criteria shall be addressed for stormwater management at all sites that require a land disturbance permit:

(a) Site design standards for all new and redevelopment require, in combination or alone, management measures that are designed, built and maintained to infiltrate, evapotranspire, harvest and/or use, at a minimum, the first inch of every rainfall event preceded by seventy-two (72) hours of no measurable precipitation. This first inch of rainfall must be one hundred percent (100%) managed with no discharge to surface waters.

(i) Limitations to the application of runoff reduction requirements include, but are not limited to:

(A) Where a potential for introducing pollutants into the groundwater exists, unless pretreatment is provided;

(B) Where pre-existing soil contamination is present in areas subject to contact with infiltrated runoff;

(C) Presence of sinkholes or other karst features.

(ii) Pre-development infiltrative capacity of soils at the site must be taken into account in selection of runoff reduction management measures.

(iii) Incentive standards for re-developed sites: a ten percent (10%) reduction in the volume of rainfall to be managed for any of the following types of development. Such credits are additive such that a maximum reduction of fifty percent (50%) of the standard in the paragraph above is possible for a project that meets all five (5) criteria:

(A) Redevelopment;

(B) Brownfield redevelopment;

(C) High density (>7 units per acre);

(D) Vertical density, (Floor to Area Ratio (FAR) of 2 or >18 units per acre); and

(E) Mixed use and transit oriented development (within one half (1/2) mile of transit).

(iv) For projects that cannot meet one hundred percent (100%) of the runoff reduction requirement unless subject to the incentive standards, the remainder of the stipulated amount of rainfall must be treated prior to discharge with a technology documented to remove eighty percent (80%) total suspended solids (TSS) unless an alternative provided under this ordinance is approved. The treatment technology must be designed, installed and maintained to continue to meet this performance standard.

(v) For projects that cannot meet one hundred percent (100%) of the runoff reduction requirements, the City of Lewisburg may allow runoff reduction measures to be implemented at another location within the same USGS twelve (12) digit Hydrologic Unit Code (HUC) as the original project. Off-site mitigation must be a minimum of one and one half (1 1/2) times the amount of water not managed on site. The off-site mitigation location (or alternative location outside the twelve (12) digit HUC) and runoff reduction measures must be approved by the city. Mitigation can be used for retrofit or redevelopment projects, but should be avoided in areas of new development.

(vi) For projects that cannot meet one hundred percent (100%) of the runoff reduction and pollutant removal standards, and cannot provide for off-site mitigation, the City of Lewisburg may allow the owner to make payment in a public stormwater project fund established by the city. Payment into the public stormwater fund must be at one and one half (1 1/2) times the estimated cost of on-site runoff reduction controls.

(b) To protect stream channels from the degradation, specific channel protection criteria shall be provided as prescribed in the BMP manual.

(c) Stormwater discharges from "hot spots" may require the application of specific structural BMPs and pollution prevention practices. In addition, stormwater from a hot spot land use may not be infiltrated unless some type of pretreatment is implemented.

(d) Prior to or during the site design process, applicants for land disturbance permits shall consult with the stormwater department to determine if they are subject to additional stormwater design requirements.

(e) The permanent hydrologic data for each sub-area including total land area, appropriate runoff co-efficient, time of concentrations as

calculated using the SCS-TR-55 method or approved equal, total runoff for the two (2), five (5), twenty-five (25), and one hundred (100) year storm events for each area using the SCS-TR-55 method for drainage areas greater than one hundred (100) acres or rational method for drainage areas up to one hundred (100) acres. Nashville, Tennessee intensity-duration-frequency curves shall be used for runoff calculations if local data is not available.

(f) Hydraulic capacity of existing and proposed stormwater conveyance structures and channels located on the site and off-site (two (2) structures downstream) using Mannings Formula. Each structure or channel shall be capable of passing the referenced event without surcharge:

(i) Twenty-five (25) year design storm - residential areas, minor street culverts.

(ii) Fifty (50) year design storm - major drainage channels (existing "blue-line" or intermittent streams), collector and minor arterial street culverts.

(iii) One hundred (100) year design storm - major arterial street culverts

Each drainage structure and/or channel shall be designed to not cause flooding of any structure during the one hundred (100) year event.

(g) Erosion control calculations for slopes having a grade of twenty percent (20%) or greater and a length longer than twenty feet (20') for the applicable design storm event.

(h) Net pre-construction and post construction runoff exiting the site resulting from the two (2), five (5), twenty-five (25), and one hundred (100) year storm events using the SCS-TR-55 method for drainage areas greater than one hundred (100) acres or rational method for drainage areas up to one hundred (100) acres. Runoff velocities shall also be determined.

(i) Detention pond inflow/outflow calculations for the two (2), five (5), twenty-five (25), and one hundred (100) year storm events. Detention calculations shall include stage-storage calculations, elevation-discharge calculations, inflow hydrograph development, routing calculations, and discharge calculations. A one foot (1') minimum freeboard shall be maintained for each design storm event in the detention basin design. The design shall ensure post-development discharge rates do not exceed pre-development discharge rates for the two (2), five (5), and twenty-five (25) year storm events. The maximum design storm for which detention is required is the twenty-five (25) year storm. The design shall ensure that the post-development discharge for the one-hundred (100) year design storm can be managed safely by the detention facility, incorporating spillways as necessary, but not necessarily equaling pre-development discharge rates.

(j) If sediment escapes the construction site, off-site accumulations of sediment that have not reached a stream must be removed at a frequency sufficient to minimize off-site impacts (e.g., fugitive sediment that has escaped the construction site and has collected in street must be removed so that it is not subsequently washed into storm sewers and streams by the next rain and/or so that it does not pose a safety hazard to users of public streets). Sediment that has reached a stream shall be reported to the stormwater department as soon as it is discovered. No attempts to remove sediment from a stream shall be made without prior approval. Appropriate arrangements will need to be made to enter private property for the purpose of removing sediment accumulations.

(k) Sediment should be removed from sediment traps, silt fences, sedimentation ponds, and other sediment controls as necessary, and must be removed when design capacity has been reduced by fifty percent (50%).

(l) Off-site material storage areas (including overburden and stockpiles of dirt) used solely by the permitted project are considered a part of the project and shall be addressed in the stormwater management plan.

(m) Pre-construction vegetative ground cover shall not be destroyed, removed, or disturbed more than ten (10) calendar days prior to grading or earth moving unless the area is seeded and/or mulched or other temporary cover is installed.

(n) Clearing and grubbing must be held to a minimum necessary for grading and equipment operation.

(o) Erosion and sediment control measures must be in place and functional before earth moving operations begin, and must be constructed and maintained throughout the construction period. Temporary measures that may hamper construction activity may be removed at the beginning of the work day, but must be replaced at the end of the work day.

(p) All criteria and requirements of the Tennessee General Permit for Stormwater Discharges from Construction Activities not specifically addressed in this ordinance shall be required by this ordinance. If a requirement of this ordinance conflicts with a requirement of the Tennessee General Permit, the more stringent of the two (2) requirements shall apply.

(3) Stormwater management plan requirements. The stormwater management plan shall include sufficient information to allow the stormwater department to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. To

accomplish this goal the stormwater management plan shall include the following:

(a) Topographic base map: A one inch equals one hundred feet (1" = 100') topographic base map of the site. Topography shall extend a minimum of one hundred feet (100') beyond the limits of the proposed development, if specifically required. Base map shall indicate:

(i) Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size elevation, etc., of nearest upstream and downstream drainage structures;

(ii) Current land use including all existing structures, location of utilities, roads, and easements;

(iii) All other existing significant natural and artificial features;

(iv) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading;

(v) Proposed structural BMPs;

(vi) A written description of the site plan and justification of proposed changes in natural conditions may also be required.

(b) Calculations. Hydrologic and hydraulic design calculations for pre-development and post-development for the design storms specified in the design criteria of this ordinance. These calculations must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this ordinance and the guidelines of the BMP manual. Such calculations shall include:

(i) A description of the design storm frequency, duration, and intensity where applicable;

(ii) Time of concentration;

(iii) Soil curve numbers or runoff coefficients including assumed soil moisture conditions;

(iv) Peak runoff rates and total runoff volumes for each watershed area;

(v) Infiltration rates, where applicable;

(vi) Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;

(vii) Flow velocities;

(viii) Data on the increase in rate and volume of runoff for the design storms referenced in the design criteria of this ordinance; and

(ix) Documentation of sources for all computation methods and field test results.

(c) Soils information. If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.

(d) Maintenance and repair plan. The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. A permanent elevation benchmark shall be identified in the plans to assist in the periodic inspection of the facility.

(e) Landscaping plan. The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. Where it is required by the BMP, this plan must be prepared by a registered landscape architect licensed in Tennessee.

(f) Maintenance easements. The applicant must ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed. These easements must be binding on the current property owner and all subsequent owners of the property and must be properly recorded in the land record.

(g) Maintenance agreement. (i) The owner of property to be served by an on-site stormwater management facility must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners.

(ii) The maintenance agreement shall: (A) Assign responsibility for the maintenance and repair of the stormwater facility to the owner of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation. For this reason, the facility shall be located on one (1) property and not on multiple lots.

(B) It shall also grant permission to the city to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly

maintained. Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter and other debris, the cutting of grass, grass cuttings and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owner shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the BMP manual.

(C) Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the stormwater department.

(D) Provide that if the property is not maintained or repaired within the prescribed schedule, the stormwater department shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the City of Lewisburg cost of performing the maintenance shall be a lien against the property.

(h) The municipality shall have the discretion to accept the dedication of any existing or future stormwater management facility, provided such facility meets the requirements of this ordinance, and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any stormwater facility accepted by the municipality must also meet the municipality's construction standards and any other standards and specifications that apply to the particular stormwater facility in question.

(i) Sediment and erosion control plans. The applicant must prepare a sediment and erosion control plan for all construction activities that complies with subsection (4) below.

(4) Sediment and erosion control plan requirements. The sediment and erosion control plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. The plan shall also conform to the requirements found in the BMP manual, and shall include at least the following:

(a) Project description. Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.

(b) A topographic map with contour intervals of five feet (5') or less showing present conditions and proposed contours resulting from land disturbing activity.

(c) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.

(d) A general description of existing land cover. Individual trees and shrubs do not need to be identified.

(e) Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.

(f) Approximate limits of proposed clearing grading and filling.

(g) Approximate flows of existing stormwater leaving any portion of the site.

(h) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.

(i) Location, size and layout of proposed stormwater and sedimentation control improvements.

(j) Proposed drainage network.

(k) Proposed drain tile or waterway sizes.

(l) Approximate flows leaving site after construction and incorporating water runoff mitigation measure. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration, sheeting into buffers, etc. are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.

(m) The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural BMPs.

(n) Specific remediation measures to prevent erosion and sedimentation runoff. Plans shall include detailed drawing of all control measures used; stabilization measures including vegetation and

non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.

(o) Specific details for: the construction of rock pads, wash down pads, and settling basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the stormwater department. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom or shovel to the satisfaction of the stormwater department. Failure to remove the sediment, soil or debris shall be deemed a violation of this ordinance.

(p) Proposed structures; location (to the extent possible) and identification of any proposed additional buildings, structures or development on the site.

(q) A description of on-site measures to be taken to recharge surface water into the groundwater system through infiltration.

(r) The erosion control plan shall identify water quality buffer zones that must be established adjacent to all streams, including intermittent streams. The water quality buffer zone shall consist of a setback from the top of the water body's bank of undisturbed vegetation, including trees, shrubs and herbaceous vegetation; enhanced or restored vegetation; or the re-establishment of native vegetation bordering streams, ponds, wetlands, springs, reservoirs or lakes, which exists or is established to protect those water bodies. The goal of the water quality buffer is to preserve undisturbed vegetation that is native to the streamside habitat in the area of the project. Buffer width will be determined based on the size of the drainage area. Streams or other waters with drainage areas of less than one (1) square mile will require a minimum buffer width of thirty feet (30'). Streams or other waters with drainage areas greater than one (1) square mile will require a minimum buffer width of sixty feet (60'). In addition, streams or other waters that are listed by TDEC as impaired or high quality will require a minimum buffer width of sixty feet (60'), regardless of the size of the drainage area. Water quality buffer zones are not sedimentation control measures and shall not be relied on as such. Any construction that must take place within the buffer zone, such as a utility or roadway crossing, must be approved in writing by the stormwater department prior to commencement of the project. Approval of construction within the buffer zone will be extremely limited to those uses that are commonly necessary within these areas and that are not extremely intrusive to the area, such as utilities, roadways, footpaths, etc.

In subdivision developments, buffer zones shall be designated as open space and shall not be considered a part of any individual residential lots. The buffer zone may be dedicated to the City of

Lewisburg, if the developer so chooses. For non-subdivision developments, such as commercial developments, a drainage easement shall be established for the buffer zone. The easement will stipulate that no disturbance can take place without applying for and receiving written approval from the stormwater department.

(5) Changes to the stormwater management plan and/or erosion and sedimentation control plan. Any significant changes to the stormwater management plan and/or erosion and sedimentation control plan after approval of the same shall require resubmittal of plans to the stormwater department for subsequent approval. Work shall not continue on any portion of the plan requiring modification or on areas of the plan that are dependent upon the modifications until the modifications have been approved. Work that is not related to the modifications being made may continue during the re-approval process. Any work performed that is not in strict accordance with the approved plans is performed at the contractor's risk. It shall not be assumed that changes to the plans will automatically be approved even if they have already been constructed.

Significant plan changes do not include the location of temporary sedimentation controls. Adjustment to the exact location of temporary sedimentation controls, to better comply with the intent of the erosion and sedimentation control plan, does not require prior approval or resubmittal of plans. Significant changes include, but are not limited to, those that would change the runoff calculations, those that would require changes to the permanent stormwater structures or controls, and those that would require additional permanent stormwater structures or controls. (as added by Ord. #03-09, May 2004, and replaced by Ord. #09-10, Nov. 2009, Ord. #10-19, Jan. 2011, Ord. #11-06, Sept. 2011, and Ord. #15-02, Feb. 2015)

**18-305. Post construction.** (1) As built plans. All applicants are required to submit actual as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Tennessee. A final inspection by the stormwater department is required before any performance security or performance bond will be released. The stormwater department shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMPs have been made and accepted by the stormwater department.

(2) Landscaping and stabilization requirements. (a) Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be revegetated according

to a schedule approved by the stormwater department. The following criteria shall apply to revegetation effort:

(i) Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.

(ii) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.

(iii) Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.

(iv) Approved sedimentation controls must be maintained until stabilization efforts have been completed (seeding and mulching, sodding, paving, or gravelling). Where sedimentation controls are in the way of stabilization efforts, they may be removed, but they must be reinstalled at the end of the day if the stabilization efforts are not completed by the end of the day. Where a bond is issued for stabilization efforts, sedimentation controls must be maintained until the stabilization efforts are completed.

(b) In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

(3) Inspection of stormwater management facilities. Periodic inspections of facilities shall be performed as provided for in § 18-304(3)(g)(ii)(B).

(4) Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least five (5) years. These records shall be made available to the stormwater department during inspection of the facility and at other reasonable times upon request.

(5) Failure to meet or maintain design or maintenance standards. If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this ordinance, the City of Lewisburg,

after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the City of Lewisburg shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the stormwater department may take necessary corrective action. The cost of any action by the City of Lewisburg under this section shall be charged to the responsible party. (as added by Ord. #03-09, May 2004, as replaced by Ord. #09-10, Nov. 2009, Ord. #11-06, Sept. 2011, and Ord. #15-02, Feb. 2015)

**18-306. Existing locations and developments.** (1) Requirements for all existing locations and developments. The following requirements shall apply to all locations and development at which land disturbing activities have occurred previous to the enactment of this ordinance:

(a) Denuded areas must be vegetated or covered under the standards and guidelines specified in the BMP manual and on a schedule acceptable to the stormwater department.

(b) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.

(c) Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.

(d) Trash, junk, rubbish, etc. shall be cleared from drainage ways.

(e) Stormwater runoff shall be controlled to the extent reasonable to prevent pollution of local waters. Such control measures may include, but are not limited to, the following:

(i) Ponds:

- (A) Detention pond;
- (B) Extended detention pond;
- (C) Wet pond;
- (D) Alternative storage measures.

(ii) Constructed wetlands.

(iii) Infiltration systems:

- (A) Infiltration/percolation trench;
- (B) Infiltration basin;
- (C) Drainage (recharge) well;
- (D) Porous pavement.

(iv) Filtering systems:

- (A) Catch basin inserts/media filter;
- (B) Sand filter;
- (C) Filter/absorption bed;

- (D) Filter and buffer strips.
- (v) Open channel:
  - (A) Swale.

(2) Requirements for existing problem locations. The City of Lewisburg shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problems affecting such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance.

(3) Inspection of existing facilities. The City of Lewisburg may, to the extent authorized by state and federal law, establish inspection programs to verify that all stormwater management facilities, including those built before as well as after the adoption of this ordinance, are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspection; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the municipality's NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

(4) Corrections of problems subject to appeal. Corrective measures imposed by the stormwater utility under this section are subject to appeal under § 18-312 of this ordinance. (as added by Ord. #03-09, May 2004, as replaced by Ord. #09-10, Nov. 2009, Ord. #11-06, Sept. 2011, and Ord. #15-02, Feb. 2015)

**18-307. Illicit discharges.** (1) Scope. This section shall apply to all water generated on developed or undeveloped land entering the municipality's separate storm sewer system.

(2) Prohibition of illicit discharges. No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

- (a) Uncontaminated discharges from the following sources:
  - (i) Water line flushing or other potable water sources;
  - (ii) Landscape irrigation or lawn watering with potable water;
  - (iii) Diverted stream flows;
  - (iv) Rising groundwater;

- (v) Groundwater infiltration to storm drains;
- (vi) Pumped groundwater;
- (vii) Foundation or footing drains;
- (viii) Crawl space pumps;
- (ix) Air conditioning condensation;
- (x) Springs;
- (xi) Non-commercial washing of vehicles;
- (xii) Natural riparian habitat or wet-land flows;
- (xiii) Swimming pools (if dechlorinated to less than one (1) PPM chlorine);
- (xiv) Fire fighting activities; and
- (xv) Any other uncontaminated water source.

(b) Discharges specified in writing by the stormwater department as being necessary to protect public health and safety.

(c) Dye testing is an allowable discharge if the stormwater department has so specified in writing.

(3) Prohibition of illicit connections. (a) The construction, use, maintenance or continued existence of illicit connections to the separate municipal storm sewer system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(4) Reduction of stormwater pollutants by the use of best management practices. Any person responsible for a property or premises which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

(5) Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into stormwater, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the stormwater department in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the stormwater department within three

(3) business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least five (5) years. (as added by Ord. #03-09, May 2004, as replaced by Ord. #09-10, Nov. 2009, Ord. #11-06, Sept. 2011, and Ord. #15-02, Feb. 2015)

**18-308. Hot spots.** Hot spots are those areas where land use or activities have the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater. It shall be a violation of this ordinance for hot spots to contaminate stormwater runoff in any manner that would violate any water quality standards existing within this ordinance or within any state and/or federal documents or regulations. Hot spots may include industrial facilities, certain commercial facilities, large commercial parking areas, and other facilities designated by the stormwater department as having the potential to contaminate stormwater runoff from their ongoing activities. Certain hot spots will be regulated by the Lewisburg Stormwater Department as follows:

(1) **Industrial and commercial properties.** All industrial and commercial properties within Lewisburg shall be prohibited from introducing contaminants into the stormwater system or into waters of the state. To achieve compliance with this requirement, industrial and commercial properties must comply with all applicable local, state, and federal stormwater permitting requirements. For industrial activities this means compliance with the Tennessee Multi Sector Industrial Permit and all of its provisions, including the development and maintenance of a site specific Stormwater Pollution Prevention Plan (SWPPP) and all monitoring requirements. If the industrial activity is eligible for the no-exposure certification rather than permit coverage, due to not having any industrial activities exposed to stormwater, then that certification must be obtained and kept current.

(2) **Auto repair and supply shop requirements.** (a) Written management plan. Auto repair shops, auto supply shops, and other auto related facilities that use or collect oils or other automobile fluids shall prepare a written plan outlining the best management practices that will be utilized to minimize impacts from their establishment to the quality or quantity of waters discharged to the Lewisburg MS4. The written plan shall be submitted to the stormwater department within ninety (90) days of notification by the department of the necessity of the plan. The plan shall be maintained on file at the establishment.

At a minimum, the plan shall address the following topics:

- (i) Methods used to minimize the amount of liquids and greases placed in dumpsters or compactors;
- (ii) Methods used to keep rain water out of dumpsters;

(iii) Methods used to keep leaks and other wastewaters from dumpsters and compactors from entering the storm sewer system;

(iv) Procedures used to contain all automotive fluids prior to use or disposal;

(v) Schedule for inspection of dumpsters, compactors, and oil/fluid storage areas for leaks or stains and inspection of dumpster and compactor area for litter;

(vi) Provisions for the immediate replacement of leaking dumpsters, compactors, or fluid storage containers;

(vii) Details of contracts or arrangements with outside vendors who collect waste oils or other fluids for disposal. Details shall include the name of the vendor, the final disposal or treatment location for the fluids, the method of disposal or treatment of the fluids, and the frequency of pick-up from the facility.

(b) Best management plan implementation. Within one hundred eighty (180) days of the completion of the written plan, all best management practices required to eliminate impacts to the stormwater system shall be in place and fully implemented.

(c) Training. Within sixty (60) days of the completion of the written plan, all employees shall be trained on the requirements of the plan and the proper procedures for complying with the plan. Training shall be repeated at least annually or any time significant changes are made to the plan. Training records that indicate the topics covered and the individuals who were trained shall be maintained at the facility as a part of the written plan.

(d) Sanitary sewer connections. New or additional sanitary sewer connections that are needed to comply with the requirements of this ordinance shall be installed under the approval and direction of the Lewisburg Water and Sewer Department.

(3) Restaurant and grocery store requirements. (a) Written management plan. Restaurants, grocery stores, and other food preparation facilities shall prepare a written plan outlining the best management practices that will be utilized to minimize impacts from their establishment to the quality or quantity of waters discharged to the Lewisburg MS4. For existing facilities, the written plan shall be submitted to the stormwater department within ninety (90) days of notification by the department of the necessity of the plan. For new facilities, the plan shall be submitted to the stormwater department as part of the initial stormwater management plan. The plan shall be maintained on file at the establishment.

At a minimum, the plan shall address the following topics:

- (i) Methods used to minimize the amount of liquid placed in dumpsters or compactors;
- (ii) Methods used to keep rain water out of dumpsters;
- (iii) Methods used to keep leaks and other wastewaters from dumpsters and compactors from entering the storm sewer system;
- (iv) Procedure used to make sure all waste is contained in dumpsters and compactors;
- (v) Schedule for inspection of dumpsters and compactors for leaks or stains and inspection of dumpster and compactor area for litter;
- (vi) Provisions for the immediate replacement of leaking dumpsters and compactors;
- (vii) Methods used to keep all washwaters from equipment cleaning areas from entering the storm sewer system.

(b) Best management plan implementation. Within one hundred (180) days of the completion of the written plan, all best management practices required to eliminate impacts to the stormwater system shall be in place and fully implemented.

(c) Training. Within sixty (60) days of the completion of the written plan, all employees shall be trained on the requirements of the plan and the proper procedures for complying with the plan. Training shall be repeated at least annually or any time significant changes are made to the plan. Training records that indicate the topics covered and the individuals who were trained shall be maintained at the facility as a part of the written plan.

(d) Sanitary sewer connections. New or additional sanitary sewer connections that are needed to comply with the requirements of this ordinance shall be installed under the approval and direction of the Lewisburg Water and Sewer Department. (as added by Ord. #03-09, May 2004, as replaced by Ord. #09-10, Nov. 2009, Ord. #11-06, Sept. 2011, and Ord. #15-02, Feb. 2015)

**18-309. General prohibitions.** (1) Blockage of watercourses or drains.

It shall be unlawful for any person to dump refuse or solid waste of any nature (including grass clippings, leaves, brush, garbage, scrap, or any other refuse) into a stream, ditch, storm sewer, or any other drain within the city or to place such refuse or solid waste or cause such refuse or solid waste to be placed in a manner in which it is likely to enter into any stream, ditch, storm sewer, or other drain either by natural or other means. It shall further be unlawful for any person to cause or allow any obstruction of any nature whatsoever (landscaping, driveways, fill, etc.) of any watercourse or flow of water either by natural or manmade means. It shall be unlawful to block a watercourse or drain

by constructing a fence over the drain in any manner that restricts flow or that can catch debris, thus restricting flow.

(2) Dumping. It shall be unlawful for any person to dump any liquid waste into any stream, ditch, storm sewer, or any other drain or in any location where it is likely to enter any stream, ditch, storm sewer, or other drain either by natural or other means. Liquid waste may include automotive fluids, wash waters, cleaning fluids, solvents, or any other liquids that could be toxic or otherwise detrimental to the receiving stream or storm sewer system.

(3) Alteration of watercourses of drains. It shall be unlawful for any person to cause, permit, or allow the alteration of any stream, ditch, storm sewer or any other drain without written approval from the stormwater department and the acquisition of any state permits that may be necessary for the performance of the alterations. Alterations may include, but are not limited to, a change in direction of flow, the addition of a structure such as a culvert or a bridge, or a change in size of a channel or pipe.

(4) Unpermitted discharge. It shall be unlawful for any person to discharge stormwater to any stream, ditch, storm sewer or any other storm drain within the city without first obtaining the required state permit coverage as described below:

(a) Construction sites that disturb one (1) acre of land or more or are part of a larger common plan of development must apply for coverage under the Tennessee General Permit for Stormwater Discharges from Construction Activity.

(b) Industrial facilities must apply for coverage under the Tennessee Stormwater Multi-Sector General Permit for Industrial Activities or the Certificate of No Exposure, if applicable.

(5) Contamination of stormwater. It shall be unlawful for any industrial, commercial, or residential properties, including but not limited to restaurants, auto repair shops, auto supply shops, and large commercial parking areas, to contaminate stormwater runoff. All numerical or visual effluent limitations set by state permits or regulations shall apply under the provisions of this ordinance.

(6) Construction site waste. It shall be unlawful for construction site operators to discard waste, including building materials, concrete truck washout, chemicals, litter, sanitary waste, or any other potential pollutants in a manner that may cause adverse impacts to water quality. This requirement applies to all construction site operators, regardless of whether or not the site was required to obtain a land disturbance permit for the construction activity. (as added by Ord. #03-09, May 2004, as replaced by Ord. #09-10, Nov. 2009, Ord. #11-06, Sept. 2011, and Ord. #15-02, Feb. 2015)

**18-310. Enforcement.** (1) Enforcement authority. The stormwater coordinator or his designees shall have the authority to issue notices of violation and citations, and to impose the civil penalties provided in this section.

(2) **Notification of violation.** (a) Written notice of violation. Whenever the stormwater coordinator finds that any permittee or any other person discharging stormwater has violated or is violating this ordinance or a permit or order issued hereunder, the coordinator may serve upon such person written notice of the violation. Within a time specified in the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the coordinator. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(b) Show cause hearing. The coordinator may order any person who violates this ordinance or permit or order issued hereunder, to show cause why proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this 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

(c) Administrative order. When the coordinator finds that any person has violated or continues to violate this ordinance or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures, devices, be installed or procedures implemented and properly operated. Orders may also contain such requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practice.

(d) Stop work orders. When the coordinator finds that any person has violated or continues to violate this ordinance or any permit or order issued hereunder, the director may issue an order to stop all work on the project until all such violations have been corrected and the coordinator has approved the corrections, thus allowing work to proceed on the project. (as added by Ord. #03-09, May 2004, as replaced by Ord. #09-10, Nov. 2009, Ord. #11-06, Sept. 2011, and Ord. #15-02, Feb. 2015)

**18-311. Penalties.** (1) **Violations.** Any person who shall commit any act declared unlawful under this ordinance, who violates any provision of this ordinance, who violates the provisions of any permit issued pursuant to this ordinance, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the City of Lewisburg shall be guilty of a civil offense.

(2) **Penalties.** Under the authority provided in Tennessee Code Annotated, § 68-221-1106, the municipality declares that any person violating

the provisions of this ordinance may be assessed a civil penalty by the City of Lewisburg of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.

(3) Measuring civil penalties. In assessing a civil penalty, the stormwater coordinator will follow the provisions of the Enforcement Response Plan (ERP) and will utilize the scoring system outlined in the ERP to set the dollar amount of the penalty. As outlined in the ERP, the coordinator may consider the following factors when determining the amount of the penalty:

- (a) The harm done to the public health or the environment;
- (b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
- (c) The economic benefit gained by the violator;
- (d) The amount of effort put forth by the violator to remedy this violation;
- (e) Any unusual or extraordinary enforcement costs incurred by the municipality;
- (f) The amount of penalty established by ordinance or resolution for specific categories of violations; and
- (g) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(4) Recovery of damages and costs. In addition to the civil penalty in subsection (2) above, the municipality may recover:

- (a) All damages proximately caused by the violator to the municipality, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this ordinance, or any other actual damages caused by the violation.
- (b) The costs of the municipality's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this ordinance.

(5) Other remedies. The municipality may bring legal action to enjoin the continuing violation of this ordinance, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

(6) Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted.

(7) Chronic violators. The stormwater department must enforce at a higher level against chronic violators. This higher level of enforcement shall include increased penalty amounts and more frequent inspections, as specified in the enforcement response plan. The department shall also have the ability to enforce other disincentives against chronic violators, such as the refusal to issue additional permits when the violator has unresolved enforcement issues with the department. (as added by Ord. #03-09, May 2004, as replaced by Ord. #09-10, Nov. 2009, Ord. #11-06, Sept. 2011, and Ord. #15-02, Feb. 2015)

**18-312. Appeals.** Pursuant to Tennessee Code Annotated, § 68-221-1106(d), any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this ordinance may appeal said penalty or damage assessment to the stormwater board of appeals.

(1) Stormwater board of appeals. The stormwater board of appeals shall consist of three (3) members, to be recommended by the stormwater coordinator and appointed by the governing body. Each member must be a resident of the City of Lewisburg. Each member shall be appointed to a term of three (3) years, with the first terms to be staggered as follows: one (1) member appointed to a one (1) year term, one (1) member appointed to a two (2) year term, and one (1) member appointed to a three (3) year term. The stormwater board of appeals shall meet as needed. Members of the board may serve additional terms as appointed by the governing body.

The stormwater board of appeals is hereby authorized to hear and decide appeals of any order, decision or ruling of the stormwater coordinator or his designee issued pursuant to these regulations. Following the hearing on an application for appeal, the stormwater board of appeals may affirm, reverse, modify, or remand for more information, the order, decision or ruling of the stormwater coordinator or his designee. In no event shall the stormwater board of appeals issue a decision that in any way conflicts or contradicts these regulations or any other federal, state, or local laws or regulations relating to stormwater, wastewater, zoning, or planning. The stormwater board of appeals may not modify the amount of civil penalties as set by the enforcement response plan.

(2) Appeals to be in writing. The appeal shall be in writing and filed with the municipal recorder or clerk within fifteen (15) days after civil penalty and/or damage assessment is served in any manner authorized by law.

(3) Public hearing. Upon receipt of an appeal, the stormwater board of appeals shall hold a public hearing within thirty (30) days. Ten (10) days' prior notice of the time, date, and location of said hearing shall be published in a daily newspaper of general circulation. Ten (10) days' notice by registered mail shall also be provided to the aggrieved party, such notice to be sent to the address provided by the aggrieved party at the time of appeal. The decision of the municipality's stormwater board of appeals shall be final.

(4) Appealing decisions of the municipality's stormwater board of appeals. Any alleged violator may appeal a decision of the municipality's governing body pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8. (as added by Ord. #11-06, Sept. 2011, and replaced by Ord. #15-02, Feb. 2015)

**18-313. Fee schedule.** (1) Permit review and inspection fees. A fee shall be assessed for each land disturbance permit as set forth in the following table:

DISTURBED ACREAGE	FROM		TO
0.01 -- 0.99	\$25		\$25
1.00 -- 5.00	\$25		\$125
5.00 -- 10.00	\$125		\$250
10.00 -- 20.00	\$250		\$500
20.00 -- 30.00	\$500		\$750
30.00 -- 100.00	\$1,000		
>100.00	\$1,200		

The review and inspection fees are based on acreage to be disturbed during the construction of the project. If a proposed acreage of disturbance is not provided, the fee will be based on the total project acreage.

(2) Stormwater user's fee. The governing body shall have the authority to impose, by resolution, on each and every developed property in the city a stormwater user's fee. Prior to establishing or amending user's fees, the municipality shall advertise its intent to do so by publishing notice in a newspaper of general circulation in the city at least thirty (30) days in advance of the meeting of the municipality's governing body which shall consider the adoption of the fee or its amendment.

If the governing body chooses to impose a stormwater user's fee, it shall be based on the establishment of an Equivalent Residential Unit (ERU). The ERU shall be the average square footage of a detached single-family residential property. The city board shall have the discretion to determine the source of the data from which the ERU is established.

(a) Property classifications. For purposes of determining the stormwater user's fee, all properties in the city are classified into one (1) of the following classes:

- (i) Single-family residential property;
- (ii) Other developed property;

(b) Single-family residential fee. The municipality's governing body finds that the intensity of development of most parcels of real property in the municipality classified as single-family residential is similar and that it would be excessively and unnecessarily expensive to determine precisely the square footage of the improvements (such as buildings, structures, and other impervious areas) on each such parcel. Therefore, all single-family residential properties in the city shall be charged a flat stormwater management fee, equal the base rate, regardless of the size of the parcel or the improvements.

(c) Other developed property fee. The fee for other developed property (non-single-family residential property) in the municipality shall be set by dividing the total square footage of impervious area of the property by one (1) ERU and then multiplying that factor by the base rate for one (1) ERU. The impervious surface area for other developed property is the square footage for the buildings and other improvements on the property. The minimum stormwater management fee for other developed property shall equal the base rate for single-family residential property.

(d) Base rate. The governing body of the municipality shall establish the base rate for one (1) ERU. The base rate shall be calculated to insure adequate revenues to fund the costs of stormwater management and to provide for the operation, maintenance, and capital improvements of the stormwater system in the city. The base rate will be calculated by dividing the necessary annual revenues for funding the program by the total number of ERUs, as determined by the department, and then dividing by twelve (12) months to make the base rate a monthly value.

(e) Adjustments to stormwater user's fee. The department shall have the right on its own initiative to adjust upward or downward the stormwater user's fee with respect to any property, based on the approximate percentage on any significant variation in the volume or rate of stormwater, or any significant variation in the quality of stormwater, emanating from the property, compared to other similar properties. In making determinations of the similarity of property, the department shall take into consideration the location, geography, size, use, impervious area, stormwater facilities on the property, and any other factors that have a bearing on the variation. Under no circumstances shall a stormwater fee be adjusted to the point that it is below the base rate for one (1) ERU unless the person requesting the adjustment can demonstrate that they do not discharge any stormwater to the MS4 system, in which case the stormwater fee shall be waived.

(f) Property owner to pay stormwater user's fee. For each property for which a stormwater fee is assessed, the stormwater fee shall be paid by the owner of the property. This person shall be designated as the user of the stormwater system.

(g) Stormwater user's fee payment. Payment of the stormwater user's fee shall be made in person or by mail along with the bill to which it is attached. The due date of the stormwater fee shall be as indicated on the bill. The municipality shall be entitled to recover legal fees incurred in collecting delinquent stormwater fees.

(h) Appeal of fees. Any person who disagrees with the calculation of the stormwater user's fee, as provided in this ordinance, or who seeks a stormwater user's fee adjustment based upon stormwater management practices, may appeal such fee determination to the stormwater coordinator. The appeal shall be filed in writing and shall

state the grounds for the appeal. The coordinator may request additional information from the appealing party. Based upon the information provided by the department and the appealing party, the coordinator shall make a final calculation of the stormwater user's fee. The coordinator shall notify the appealing party, in writing, of its decision. (as added by Ord. #11-06, Sept. 2011, and replaced by Ord. #15-02, Feb. 2015)