

## CHAPTER 53: PUBLIC AND PRIVATE SEWERS

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### § 53.01 DEFINITIONS.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACT or THE ACT.** Federal Water Pollution Control, also known as the Clean Water Act, as amended, 33 USC 1251, et. seq.

**ADDITIONAL TREATMENT COST.** That portion of the service charge which is levied on those users whose wastes are greater in strength than the concentration values established as representative of normal sewage or wastewater.

**APPROVAL AUTHORITY.** The Tennessee Department of Environment and Conservation, Division of Water Resources.

**AUTHORIZED or DULY AUTHORIZED REPRESENTATIVE OF THE USER.**

(1) If the User is a corporation:

- (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
- (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and

initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in sections (1) through (3), above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Control Authority.

**BEST MANAGEMENT PRACTICES or BMPs.** Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 53.06 [Tennessee Rule 0400-40-14-05(1)(a)and(2)]. 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.

**BENEFICIAL USE.** Uses of the waters of the state that may be protected against quality degradation uses, including domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic, enjoyment, navigational and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves and other uses, both tangible or intangible as specified by federal or state law.

**BOD (denoting BIOCHEMICAL OXYGEN DEMAND).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

**BUILDING SEWER.** The extension from the building to the public sewer or other place of disposal, also called house connection.

**CATEGORICAL STANDARDS.** Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307 (b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users that appear in 40 CFR Chapter I, Subchapter N, parts 400-471.

**CHLORINE REQUIREMENT.** The amount of chlorine in milligrams per liter, which must be added to sewage to produce a residual chlorine content or to meet the requirements of some other objective in accordance with procedures set forth in 40 CFR 136.

**COMBINED SEWER.** A sewer receiving or intended to receive both wastewater and storm or surface water. ("Intend" is the active verb).

**COMPATIBLE WATER.** Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus any additional pollutants identified in the publicly owned treatment works NPDES permits, for which the publicly owned treatment works is designed to treat such pollutants and in fact does remove such pollutants to a substantial degree.

**CONTROL AUTHORITY.** The Town of Collierville.

**EASEMENT.** An acquired legal right for the specific use of land owned by others.

**ENVIRONMENTAL PROTECTION AGENCY** or **EPA.** Environmental Protection Agency, an agency of the United States or, where appropriate, the term may also be used as a designation for the Administrator or duly authorized official of said agency.

**FLOATABLE OIL.** Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved treatment facility. All wastewater shall be considered free of floatable oil if it is properly pretreated and does not interfere with the collection system.

**GARBAGE.** Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

**GRAB SAMPLE.** A sample, which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and is collected over a period of time not to exceed fifteen (15) minutes. Grab sampling procedure: Where composite sampling is not an appropriate sampling technique, a grab sample(s) shall be taken to obtain influent and effluent operational data. Collection of influent grab samples should precede collection of effluent samples by approximately one detention period. The detention period is to be based on a 24-hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the

previous year. Grab samples will be required, for example, where the parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical or physical interactions which take place after sample collection and affect the results.

**HOLDING TANK WASTE.** Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.

**HYDROGEN CONCENTRATION.** See pH.

**INCOMPATIBLE WASTE.** All pollutants other than compatible as defined within.

**INDIRECT DISCHARGE or DISCHARGE.** The introduction of pollutants into a POTW from any non-domestic source. .

**INDUSTRIAL USER.** A source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of the Act (33 USC 1342).

**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.

**MASS EMISSION RATE.** The weight of material discharged to the community sewer system during a given time interval. Unless otherwise specified, the MASS EMISSION RATE shall mean pounds per day of a particular constituent or combination of constituents.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM or NPDES PERMIT.** A permit issue to a POTW pursuant to Section 402 of the Act (33 USC 1342).

**NATIONAL PRETREATMENT STANDARDS or PRETREATMENT STANDARDS.** Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 USC 1347) which applies to industrial users.

**NATURAL OUTLET.** Any outlet, including storm sewers and combined sewer overflows into a watercourse, pond, ditch, lake or other body of surface or ground water.

**NEW SOURCE.** Any building, structure, facility or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307 (c) of the Act 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 or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

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

- (i) Begun, or caused to begin as part of a continuous onsite construction program:
  - (A) Any placement, assembly, or installation of facilities or equipment; or
  - (B) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- (ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

**PASS THROUGH.** Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation.)

**PERSON.** Any individual, firm, company, association, society, corporation or group.

**pH.** The logarithm of the reciprocal of hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution. Natural water, for example, has a pH value of seven and a hydrogen ion concentration of 10 to the negative seventh power.

**POLLUTED WATERS.** Those waters which when discharged to a watercourse cause the deterioration of water quality so as to make the water unsuitable for uses as defined by the regulatory agency.

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

**PRETREATMENT REQUIREMENTS.** Any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an industrial user.

**PROPERLY SHREDED GARBAGE.** The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

**PUBLIC SEWER.** A common sewer controlled by the Town.

**PUBLICLY OWNED TREATMENT WORKS (POTW).** A treatment works which is owned by the Town. This definition includes any sewers that convey wastewater to such a treatment works, but does not include pipes, sewers, or other conveyances that are not connected to a facility providing treatment. The term also includes the Town, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

**REGULATORY AGENCY.** The Tennessee Department of Environment and Conservation or the Memphis/Shelby County Health Department, whichever has jurisdiction.

**SANITARY SEWER.** A sewer which carries sewage or wastewater to which storm, surface and groundwater are not intentionally admitted.

**SERVICE CHARGE.** The assessment levied on all users of public sewer system.

**SEWAGE or WASTEWATER.** A combination of the water carried wastes from residences, business buildings, institutions and industrial establishments, together with any ground water, surface water and storm water that may be present.

**SEWAGE or WASTEWATER TREATMENT PLANT.** An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with **WASTE TREATMENT PLANT** or **WATER POLLUTION CONTROL PLANT**.

**SHALL.** This term is mandatory.

**MAY.** This term is permissive.

**SIGNIFICANT INDUSTRIAL USER or SUI.** Any Industrial/Commercial User of the Town of Collierville Wastewater System or Wastewater Systems connected to the Town of Collierville Wastewater System that is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N. and/or has a discharge flow of 25,000 gallons or more per average work day; and/or has a discharge which is greater than five percent (5%) of the hydraulic flow, and/or organic design capacity of the portion of the Town of Collierville Wastewater System being utilized; and/or has a discharge which contains toxic pollutants or Priority Pollutants as defined pursuant to Section 307 of the Act of Tennessee Statutes and Rules and Regulations; and/or is found by the Town of Collierville, the State of Tennessee or the EPA to have significant impact either singly or in combination with other contributing industries on the wastewater system, the quality of sludge produced the Wastewater System's effluent quality, groundwater in the area, or air emission generated by the Wastewater system.

**SLUDGE or WASTEWATER TREATMENT.** All facilities for collecting, pumping, treating and disposing of sewage.

**SLUG DISCHARGE.** Any discharge at a flow rate or concentration, which could cause a violation of any terms of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, 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.

**STANDARD INDUSTRIAL CLASSIFICATION or SIC.** A classification pursuant to the National Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

**STORM DRAIN/STORM SEWER.** A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

**SUSPENDED SOLIDS.** Total suspended matter that either floats on the surface or, is in suspension in, water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed by 40 CFR 136 and referred to as nonfiltering residue.

**TOWN.** The Town of Collierville, Tennessee.

**TOXIC POLLUTANT.** Any pollutant or combination of pollutants listed as toxic and regulation promulgated by the Administrator of the Environmental Protection Agency under the provisions of 33 USC 1317.

**TWENTY-FOUR HOUR FLOW PROPORTIONAL COMPOSITE SAMPLE.** A sample consisting of several effluent portions collected during a 24-hour period in which the portions of samples are proportionate to the flow and combined to form a representative sample.

**UNPOLLUTED WATER.** Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the POTW.

**USER.** Any person that discharges, causes or permits the discharge of wastewater into a community sewer.

**WATERCOURSE.** A channel or conduit in which a flow of water occurs, either continuously or intermittently.

(B) No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the regulatory agency. When industrial wastes prior to discharge to a watercourse are treated in a manner that is approved by the regulatory agency, no connection to the public sewer shall be required.

(C) Terms for which definitions are not specifically herein provided shall be interpreted as defined in the most recent edition of “Glossary Water and Wastewater Control Engineering” as published by the Water Pollution Control Federation, Washington, D.C., unless the definition is not consistent with 40 CFR 403. (‘83 Code, § 13-201)

### **§ 53.02 USE OF PUBLIC SEWERS REQUIRED.**

(A) It shall be unlawful to discharge to any natural outlet within the Town of Collierville or in any area under the jurisdiction of the Town, any untreated sewage or other polluted waters where suitable public collection and/or treatment have been provided in accordance with subsequent provisions of this code.

(B) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(C) The owner, occupant or lessee of all houses, buildings or other properties used for human occupancy, employment, recreation or other purposes situated within the Town and abutting on any street, alley, right-of-way or Easement in which there is now located or may in the future be located a public sanitary or Combined Sewer of the Town is required at his or her expense to install suitable sanitary facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this code within 90 days after date of official notice to do so by the regulatory agency.

(D) Any person wishing to demolish a building or remove the sanitary sewer service from any point into their property shall comply with the requirements of the Building Code as adopted by the Town of Collierville and enforced by the Division of Building Code and Code Compliance.

### **§ 53.03 PRIVATE SEWAGE DISPOSAL.**

(A) Where a public sanitary sewer is not available under the provisions of § 53.02, the sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter, unless it would be uneconomical to do so because the expected time between the date of the availability of a public sanitary sewer that is presently planned.

(B) Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the regulatory agency. The application for such permit shall be made on a form furnished to the applicant, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the regulatory agency. A permit and inspection fee as designated agency shall be paid at the time the application is filed.

(C) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the regulatory agency. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the regulatory agency when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the regulatory agency.

(D) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the regulatory agency. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(E) At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with the code and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material as required by the regulatory agency.

(F) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Town. The removal of a septic from private sewage disposal facilities shall be performed by individuals licensed to perform such work.

(G) Nothing in this code shall prevent any industry from applying to the Tennessee Division of Water Pollution Control for a permit to properly discharge their treated wastewater directly to a stream.

#### **§ 53.04 BUILDING SEWERS, CONNECTIONS AND DEVELOPMENT FEES.**

(A) Building Sewers and Connection. No person shall uncover, make any connection with openings into, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Control Authority. One copy of the permit shall at all times be available for inspection at the site of the work.

(B) (1) Sewer development charges and sewer connection fees.

(a) Sewer development charges.

1. There are established, in accordance with the provisions hereof, sewer development charges to defray part of the construction costs of sewer outfalls and treatment, which charges shall be payable as set forth herein by the developer or owner of the subdivision or developer or owner of industrial, commercial or residential sites. Such sewer development charges shall be payable upon the execution of the relevant development agreement with the Town.

2. Sewer development charges shall apply to all subdivisions, land development, new buildings, and any redevelopment of land or buildings served by the Town's sanitary sewer system, whether the facility served requires modification of or enlargement of the existing sewers or

construction of new facilities and whether or not the facility is within or without the corporate limits of the Town.

3. From time to time the Board of Mayor and Aldermen of the Town shall establish by resolution for a designated fiscal year of the Town, the sewer development charge to be paid in accordance herewith.

(b) Sewer connection fees.

1. No permit to connect to the public sanitary sewer system shall be granted unless the applicant shall first pay to the Public Services Department of the Town a sanitary sewer connection fee, as established from time to time by the Board of Mayor and Aldermen by resolution for a designated fiscal year of the Town, based upon the following classifications:

a. For each residential single-family subdivision lot if a sewer main is already in place, such fees as established as aforesaid by the Board of Mayor and Aldermen plus the actual cost incurred by the Town to install a sewer tap;

b. For each residential single-family subdivision lot if a sewer main is being laid (such as new development), such fees as established as aforesaid by the Board of Mayor and Aldermen;

c. For each industrial, commercial and multi-dwelling (residential or commercial), such fees as established as aforesaid by the Board of Mayor and Aldermen; provided, however, that there shall be excluded from the calculation of such fee, if based on acreage of land, that acreage of land which lies in an area designated, at the time the fee is due, as flood way by the federal government.

(2) (a) If there is no sewer available at a property line of an owner who wishes to develop such property, the owner shall be responsible for extending a sewer to such property upon terms as shall be acceptable to the Town. Such terms shall be set forth in a development agreement between the Town and such owner.

(b) Sewer development charges as provided for herein shall not apply to existing municipalities or utility districts wishing to tie into the Town

sewer system, but the sewer development charges shall be negotiated in such instances taking into consideration sewer fees and sewer use fees to be paid to the Town and amounts necessary to defray part of the Town's sewer construction costs. Agreements generated under this article and section shall be for a specific period of time and shall be reviewed annually.

(c) Whenever the Town enters into an agreement with a developer or owner relative to the extension of a sewer to his or her proposed development, a reasonable time limit shall be indicated in the agreement for the completion of said project.

(C) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owners shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. All construction on the owner's property shall conform to the Town of Collierville Plumbing Code.

(D) A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot, and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

(E) Existing building sewers may be used in connection with new buildings only when they are found, on examination and testing by the Control Authority, to meet all requirements of this code.

(F) The size, slope, alignment materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Town of Collierville Building and Plumbing Code and other applicable rules and regulations of the Town.

(G) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building gradient is too shallow to emit gravity flow to the public sewer sanitary sewage carried by such building gradient shall be lifted by an approved pumping system and discharged to the building sewer. The installation and operational expenses of this system shall be borne solely by the property owner.

(H) No person(s) shall make connection of roof downspouts, foundation drains, area-way drains or other sources of surface runoff or groundwater to a

building sewer which in turn is connected directly or indirectly to a public sanitary sewer unless connection is approved by the Control Authority for purposes of disposal of polluted surface drainage.

(I) The connection of the building sewer into the public sewer shall conform to the requirements of the Town of Collierville Building and Plumbing Code and other applicable rules and regulations of the Town. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Control Authority before installation. The Control Authority shall have the right to inspect the work at any stage of construction, and in the event the covers of all building sewer manholes, inspection chambers, cleanouts and the like shall be watertight and shall be capable of withstanding without damage or displacement to any traffic load to which they may be subjected.

(J) The applicant for the building sewer permit shall notify the Control Authority before performing those portions of the work to be done underground, and when the building sewer is ready for final inspection and connection to the public sewer. The connection and testing shall be made under supervision of the Control Authority.

(K) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town. The posting of a bond of appropriate value may be required to safeguard the interest of the Town as regards damage to public property.

## **§ 53.05 WASTEWATER DISCHARGE PERMITS**

### **A. Wastewater Survey**

When requested by the Control Authority, all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The Control Authority is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of the ordinance.

### **B. Wastewater Discharge Permit Requirement**

1. It shall be unlawful for any Significant Industrial User to discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Control Authority. Any violation of the terms and

conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in §53-10. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State and local law.

2. The Control Authority may require other industrial users, including liquid waste haulers, grease traps, and oil/water separators to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.

**C. Wastewater Discharge Permitting Existing Connections**

Any Significant Industrial User, which discharges industrial waste into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the Town for a wastewater discharge permit in accordance with Section F herein, and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Control Authority, or in the case, a valid permit exists and does not violate any part of this ordinance, shall not have to re-apply until the permit expiration date.

**D. Wastewater Discharge Permitting New Connections**

Any Significant Industrial User proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit must be filed at least sixty (60) days prior to the date upon which any discharge will begin. The application must be accompanied by the appropriate fee, and because of the review process required, such fee shall be nonrefundable regardless of the determination regarding issuance of a permit.

**E. Wastewater Discharge Permitting Extra Jurisdictional Industrial Users**

1. Any existing Significant Industrial User located beyond the Collierville limits and discharging in the Collierville sewer system shall submit a wastewater discharge permit application, in accordance with Section F below, within ninety (90) days of the effective date of this ordinance, or in the case, a valid permit exists and does not violate any part of this ordinance, shall not have to re-apply until the permit expiration date. New Significant Industrial Users located beyond the Collierville municipal limits shall submit such applications to the Control Authority at least sixty (60) days prior to any proposed discharge into the POTW.

2. Alternately, the Control Authority may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment program requirements against said industrial user.

#### **F. Wastewater Discharge Permit Application Contents**

In order to be considered for a wastewater discharge permit, all industrial users required to have a wastewater discharge permit must submit the information required as follows. The Control Authority shall approve a form to be used as a permit application. In addition, the following information may be requested.

1. Description of activities, facilities, and plant process on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
2. Number and type of employees, hours of operation, and proposed or actual hours of operation of the industry.
3. Each product produced by type, amount, process, and rate of production.
4. Type and amount of raw materials processed (average and maximum per day).
5. The site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location and elevation, and all points of discharge.
6. Time and duration of the discharge.
7. The amount, storage and disposal of any hazardous waste on site, or generated by the industry.
8. Any BMPs
9. Any other information as may be deemed necessary by the Control Authority to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision.

#### **G. Application Signatories and Certification**

All wastewater discharge permit applications and industrial user reports submitted to the Town must contain the following certification statement and be signed by an authorized representative of the industrial user.

“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 fines and imprisonment for knowing violations.”

#### **H. Wastewater Discharge Permit Decisions**

The Control Authority will evaluate the data furnished by the industrial user and may require additional information. Within sixty (60) days of receipt of a completed wastewater discharge permit application, the Control Authority will determine whether or not to issue a wastewater discharge permit. The Control Authority may deny any application for a wastewater discharge permit.

#### **I. Wastewater Discharge Permit Duration**

Wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Control Authority. Each wastewater discharge permit will indicate a specific date upon which it will expire.

#### **J. Wastewater Discharge Permit Contents**

Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Control Authority to prevent pass-through, interference, protect the quality of the water body receiving the treatment plant’s effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.

1. Wastewater discharge permits must contain the following conditions:
  - a. Statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years.
  - b. Statement that the wastewater discharge permit is nontransferable without prior notification and approval from the Control Authority,

and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.

- c. Effluent limits, including Best Management Practices, applicable to the user based on applicable standards in Federal, State and local law.
- d. Self-monitoring, sampling, reporting, and notification, requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
- e. Statements of applicable civil, administrative, and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- f. Requirements to control Slug Discharge and immediate Notification to the Control Authority of changes at the facility affecting the potential to slug discharge.
- g. Statement prohibiting dilution as a substitute for treatment.
- h. Statement requiring all Industrial Users to promptly notify the Control Authority in advance of any substantial change in the volume or the character of the pollutants in their discharge, including the listed or hazardous wastes for which the Industrial User submitted under Tennessee Rule 0400-40-14-.12(16).
- i. Statement on User's record keeping requirements. All Users subject to reporting requirements of the ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices. Records for all samples shall include the date, exact place, method of sampling, time of sample, who performed the analyses, the analytical techniques or methods used, and the results of such analyses. These records shall remain available for a period of at least three (3) years. The period shall be automatically extended for the duration of any litigation concerning the User or the Control authority, or where the User has been specifically notified of a longer retention period by the Control Authority or the Approval Authority.

- j. Statement that if sampling performed by an User indicates a violation, the User shall notify the Control Authority within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation.
  - k. Statement for all Significant Industrial Users requiring periodic compliance reports. The reports must be submitted to the Control Authority at least once every six months on the dates in the permit. The report shall follow Tennessee Rule 0400-40-14-.12(8).
  - l. Reporting requirements for Industrial Users upon effective date of categorical pretreatment standard – base line report per Tennessee Rule 0400-40-14-.12(2).
  - m. Requirement for Industrial User to notify the Control Authority, EPA Regional Waste Management Division, and the State hazardous waste authorities in writing of any discharge of a substance, which, if otherwise disposed of, would be a hazardous waste under Tennessee Rule 0400-12-01. This includes the reporting requirements in section 53.06 (P).
  - n. A copy of the Town’s “Enforcement Response Plan” and statement giving the Control Authority the legal authority to enforce the “Enforcement Response Plan.”
2. Wastewater discharge permits may contain, but need not be limited to, the following:
    - a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulations and equalization.
    - b. Limits on the instantaneous, daily and monthly average, and/or maximum concentration, mass or other measure of identified wastewater pollutants or properties.
    - c. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
    - d. Development and implementation of spill control plans, total toxic organics control plans, or other special conditions including

management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges.

- e. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
- f. The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW.
- g. Requirements for installation and maintenance of inspection and sampling facilities and equipment.
- h. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit.
- h. Categorical Industrial Users and Significant Industrial Users will submit documentation to show compliance with BMPs. These documents shall be retained for at least three years.
- i. Requirement for a compliance schedule for meeting categorical pretreatment standards following Tennessee Rule 0400-40-14-.12(3).
- j. Requirement for a report on compliance with categorical pretreatment standard deadline (90 days) following Tennessee Rule 0400-40-14-.12(4).
- k. Requirement for periodic reports on continued compliance for any Industrial User subject to a categorical pretreatment standard following Tennessee Rule 0400-40-14-.12(5).
- l. Other conditions as deemed appropriate by the Control Authority to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

#### **K. Wastewater Discharge Permit Sampling**

The Control Authority will specify the frequency, number, and type of samples required in the discharge permit.

Sample monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. Failure to keep

monitoring or flow measurement facilities in good working order shall not be grounds to claim that the sample results are unrepresentative of the discharge.

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

1. Except as indicated below, wastewater samples must be collected using 24-hour-flow-proportional composite sampling technique, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the Control Authority the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organic and oil ad 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 Control Authority as appropriate. In addition grab samples may be required to show compliance with instantaneous limits.
2. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques.
3. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3 [Tennessee Rule 0400-40-14-.12(2) and (4)], 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 Control Authority may authorize a lower minimum. For the reports required by paragraphs Section 6.4 [Tennessee Rule 0400-40-14-.12(5) and (8)], 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.
4. If sampling performed by an User indicates a violation, the User shall notify the Control Authority within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation.

5. If any Industrial User subject to reporting requirements of this ordinance monitors or samples for any regulated pollutant at the appropriate sampling location more frequently than required by the Control Authority the results of this monitoring or sampling and the methods used shall be reported to the Control Authority.

#### **L. Wastewater Discharge Permit Modification**

The Control Authority may modify the wastewater discharge permit for good cause including, but not limited to, the following:

1. To incorporate any new or revised Federal, State, or local pretreatment standards, requirements, or BMPs.
2. To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance.
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
4. Information indicating that the permitted discharge poses a threat to the POTW, POTW personnel, or the receiving waters.
5. Violation of any terms or conditions of the wastewater discharge permit.
6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit applications or in any required reporting.
7. Revision of or a grant of variance from categorical pretreatment pursuant to 40 CFR 403.13.
8. To correct typographical or other errors in the wastewater discharge permit.
9. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

#### **M. Wastewater Discharge Permit Transfer**

Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least thirty (30) days advance notice

to the Control Authority and the Control Authority approves the wastewater discharge permit transfer by written consent. The notice to the Control Authority must include a written certification by the new owner and/or operator which:

1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.
2. Identifies the specific date on which the transfer is to occur.
3. Acknowledges full responsibility for complying with the existing wastewater discharge permit. Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable on the date of facility transfer.

**N. Wastewater Discharge Permit Revocation**

Wastewater discharge permits may be revoked for the following reasons:

1. Failure to notify the Town of significant changes to the wastewater prior to the changed discharge.
2. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
3. Falsifying self-monitoring reports.
4. Tampering with Town monitoring equipment.
5. Refusing to allow the Town timely access to the facility premises and records.
6. Failure to meet effluent limitations.
7. Failure to pay fines, sewer charges and/or any other appropriate fees or charges.
8. Failure to meet compliance schedules.
9. Failure to complete a wastewater survey or the wastewater discharge permit application.
10. Failure to provide advance notice of the transfer of a permitted facility.
11. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the ordinance.

Wastewater discharge permits shall be voidable upon non-use, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon issuance of a new wastewater discharge permit.

**O. Wastewater Discharge Permit Reissuance**

All Industrial Users shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application a minimum of sixty (60) days prior to the expiration of the industrial user's existing wastewater discharge permit.

**§ 53.06 USE OF PUBLIC SANITARY SEWERS.**

(A) No person(s) shall discharge or cause to be discharged any storm water, groundwater, roof runoff, subsurface drainage or uncontaminated cooling water into any sanitary sewer, except stormwater runoff from limited areas, which stormwater may be polluted at times, except by permission of and under permit from the Control Authority.

(B) (1) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the regulatory agency. Industrial cooling water or unpolluted process waters may be discharged, on approval of the regulatory agency, to the storm sewer or natural outlet.

(2) No person shall discharge any substance directly into a manhole or other opening in a public sewer other than through an approved building sewer, unless he or she has been issued a permit by the Control Authority. No person shall discharge any holding tank waste into a community sewer unless he or she has been issued a permit by the Control Authority. Unless otherwise allowed by the Control Authority under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. This permit will state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge and wastewater constituents and characteristics. If a permit is granted for discharge of such waste into a community sewer, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the Control Authority.

(C) No person or company corporation shall discharge or cause to be discharged any of the following described contaminated waters to any public sanitary sewers:

(1) Any pollutant or wastewater which causes Pass Through or

Interference. These general prohibitions apply to all Users whether or not they are subject to Categorical Standards or any other National, State, or local Pretreatment Standards or requirements.

(2) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW, the operation of the POTW, or cause acute worker health and safety problems. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over twenty percent (20%) of the lower explosive limit (LEL) of the meter. Prohibited flammable materials including, but not limited to, wastestreams with a closed cap flash point of less than 140°F or 60°C 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, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and any other substances which the Town, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(3) Any waters or wastes containing toxic or poisonous solids, liquids, fumes, vapors or gases in sufficient quantity, either singly or by interaction with other wastes, to cause acute worker health and safety problems, to injure or interfere with unit operations or sludge handling and disposal at a POTW, to cause passing through of pollutants thus violating the Town's NPDES permit, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage or wastewater treatment plant;

(4) Any contaminated waters or wastes having a pH lower than 5.5 or higher than 10.5, any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the POTW.

(5) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause Interference.

(6) Trucked or hauled pollutants, except at points designated by the Control Authority.

(7) Any pollutant or wastewater that exceeds any limit established by the Control Authority. These limits are calculated by the Control Authority and updated as needed. For information on the limits or a copy contact the Public Utility Department.

- (D) (1) No person shall discharge or cause to be discharged the following described substances, materials, contaminated waters or wastes if it appears likely in the opinion of the Control Authority that such wastes harms either the sanitary sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance.
- (2) In forming his or her opinion as to the acceptability of these waters, the Control Authority will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewer, materials of construction of the sewers, nature of the sewage treatment process, capacity of the POTW, degree of compatibility of the particular materials involved with the treatment capabilities of the Control Authority's existing or contemplated treatment works and other pertinent facts. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated are as follows:
- (a) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;
  - (b) Any waste that has not been properly shredded. The installation and operation of any waste grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the Control Authority;
  - (c) Any contaminated waters or wastes containing concentrations of heavy metals, toxic substances or other inorganic pollutants in excess of the limits established by the Control Authority. These limits are calculated by the Control Authority and updated as needed. For information on the limits or a copy contact the Public Utility Department.
  - (d) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40°C (104°F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.
  - (e) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through. Any liquid or waste containing fats, wax, grease, or oils of hydrocarbon or petroleum origin in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees F and 150 degrees F.

(f) Any radioactive wastes or isotopes of long half-life (over 100 days) without special permit. The radioactive isotopes (I-131) and P32 used at hospitals are not prohibited if diluted at the source;

(g) Materials which exert or cause:

1. Unusual concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurries and lime residues) or of dissolved solids, such as, but not limited to, sodium sulfate);

2. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load or cause interference on the POTW;

3. Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.

(h) Any wastewater that may cause the wastewater treatment facility effluent or any product of the treatment plant residues sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. As a means of protecting the treatment processes, no wastewater entering the plant shall have concentrations of constituents exceeding those listed in the **Protection Criteria at Wastewater Treatment Plant Influent**. The Protection Criteria is calculated by the Control authority and updated as needed. For information on the limits or a copy contact the Public Utility Department.

(i) Any wastewater that could cause excessive collection or treatment costs or may use a disproportionate share of the agency facilities.

(j) Wastes not permitted to be discharged into the POTW and not otherwise adequately treated and discharged or recycled must be transported to a state approved disposal site by a permitted waste hauler.

(k) For industries covered under a discharge permit, the aforementioned materials or characteristics of waste or wastewater discharge limitations shall be agreed upon and incorporated into such permit.

(E) (1) If any waters or wastes are discharged or are proposed to be discharged to the POTW, which waters contain substances or possess characteristics which, in the judgment of the Control Authority, are

incompatible with the capabilities of the POTW and may, therefore, have a deleterious effect upon the POTW, process, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Control Authority at his or her discretion may:

- (a) Reject the wastes;
  - (b) Require pretreatment or an acceptable condition for discharge to the POTW;
  - (c) Require control over the quantities and rate of discharge;
  - (d) Require payment to cover the added cost of handling and treating the wastes as provided in § 53.07 (refers to compatible wastes only).
- (2) Protection criteria concentrations for different sewer constituents are calculated. These concentrations are designed to protect the POTW from exceeding its pass-thru limits as required by its NPDES Permit. The protection criteria provide guidelines to the Control Authority in establishing limits for industrial user discharge permits. For information on protection criteria or constituent concentrations contact the Public Utilities Department.
- (3) If the Control Authority permits the pretreatment or equalization of waste flows, the design and installation of any non-process pretreatment or flow equalization system installed in connection therewith shall be subject to the review and approval of the Control Authority and subject to the requirements of all applicable ordinances and laws.
- (F) (1) Interceptors, traps or separators shall be provided by industrial and commercial dischargers when in the opinion of the Control Authority they are necessary for the proper handling of water or waste containing such materials as grease, sand, flammable liquids, substances which may solidify or become viscous in the system or other harmful ingredients.
- (2) In maintaining these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Control Authority. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms.
- (G) Where preliminary treatment or flow equalization facilities are required for any water or wastewater, they shall be maintained continuously and satisfactorily and in effective operation by the owner at his or her expense and

shall be subject to periodic inspection by the Control Authority. The owner shall maintain and make available as requested operating records as prescribed by the Control Authority.

(H) The owner of any property serviced by a sewer carrying industrial wastes shall install a suitable control facility, together with such necessary meters and other appurtenances in the sewer to facilitate observation, sampling and measurement of the wastes. The facility, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Control Authority. The facility shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times. Plans for such facilities for the installation of control and related equipment must be approved by the Control Authority before construction is begun.

(I) All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this code shall be determined in accordance with the 40 CFR 136 and amendments thereto and shall be determined at the control facility provided or upon suitable samples taken at said control facility. Sampling shall be carried out following 40 CFR and amendments thereto to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.

(J) Until an adequate analysis of a representative samples of the user's waste has been obtained, the Control Authority may for the purpose of this code make a determination of the character and concentration of the waste by using data based on analysis of similar processes or data for this type of business that are available. This method, if selected by the Control Authority, shall continue until adequate analysis has been made.

(K) All Industrial Users are hereafter subject to the National Pretreatment Standards as promulgated by the EPA and all State of Tennessee regulations.

(L) All Industrial Users are prohibited from using dilution as a substitute for treatment.

(M) All Industrial Users subject to a Categorical Standard shall submit a base line report per Tennessee Rule 0400-40-14.12(2).

(N) All Industrial Users subject to a Categorical Standard shall submit a compliance schedule for meeting the categorical standards per Tennessee Rule 0400-40-14.12(3).

(O) All Industrial Users shall notify the Control Authority in advance of any substantial change in the volume or the character of the pollutants in their

discharge, including the listed or hazardous wastes for which the Industrial User submitted under Tennessee Rule 0400-40-14-.12(16).

- (P) All Industrial Users shall notify the Control Authority, EPA Regional Waste Management Division, and the State hazardous waste authorities in writing of any discharge of a substance, which, if otherwise disposed of, would be a hazardous waste under Rule 0400-12-01.

Such notification must include the name of the hazardous waste as set forth in 0400-12-01, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other).

If the Industrial User discharges more than 100 kilograms of such waste per calendar month, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during the calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve months.

All notifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide notification at least 30 days prior to the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 1200-4-14-.12 (10). The notification requirement in this rule does not apply to pollutants already reported under the self-monitoring requirements of 0400-40-12-.12 (2), (4), and (5).

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 WWF, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

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

- (Q) Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and

monitoring programs, and from inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Control Authority that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

(A) In accordance with the Clean Water Act, 33 USC 1251 et seq., and the provisions of the code of federal regulations applicable thereto, the Town implemented a wastewater treatment user's charge, whereby each user will pay its proportionate share of the cost for operation and maintenance of the total treatment works. Direct and incidental cost to the Town, including, but not limited to administrative, technical and legal expenses shall be considered a part of the operations and maintenance of the total treatment works. There shall be four types of charges: the first type of charge is monthly base rate revenue; the second type is a volumetric charge; the third is a charge for treating wastewater which has an excessive strength; and the fourth is a nonrefundable fee for application for a new or reissuance of a wastewater discharge permit.

(B) The sewer service charge is made up of four types of charges as follows:

(1) *Base rate revenue.* Certain sewage expenditures or a portion of certain expenditures are incurred regardless of the use of the treatment system and, therefore, a portion of these costs will be recovered through a monthly flat rate per customer charge.

(2) *Volumetric charge.*

(a) In addition to the flat rate per customer charge, all customers will be charged a volumetric rate based on the equivalent strength of domestic sewage (BOD5 of 250 mg/l), (TS.S. of 225 mg/l). Volumetric sewage charges shall be set by the Mayor and Board of Aldermen and revised periodically as deemed necessary.

(b) A cap of 20,000 gallons (per month) shall apply for residential customers.

(c) It is further provided that all nonresident customers of the sewer system will pay rates equaling 1.5 times the rates paid by residential customers.

(3) *Additional treatment cost.* In addition to the base rate revenue per customer charge and the volumetric charge, any user who discharges wastewater with a strength greater than domestic sewage (BOD5 - 250 mg/l, T.S.S. - 225 mg/l) will be assessed an additional treatment charge (ATC) based on the following formulas:

Cost of Treatment (based on previous fiscal year) = Direct costs + Indirect costs

Direct costs = Acct. #52213 Departmental Total (From expense report)

Indirect costs = Sum of Allocations (Mayor & Board of Aldermen, City Administrator's Office, Personnel, Financial Administration, Development Administration, Office of Planning, Office of Engineer, Economic Development, Attorney's fees, Insurance costs, Special Appropriations, Public Utilities, Debt Service & Depreciation) ÷ 4

Lbs. BOD Removed = Avg. Flow (mgd) \* (BOD avg. Influent Conc. - BOD avg. Effluent Conc.) \* 3045.69

Lbs. TSS Removed = Avg. Flow (mgd) \* (TSS avg. Influent Conc. - TSS avg. Effluent Conc.) \* 3045.69

$\$/\text{Lb BOD} = \text{Cost of Treatment} * \text{Lbs. BOD} \div (\text{Lbs. BOD} + \text{Lbs. TSS})^2$

$\$/\text{Lb TSS} = \text{Cost of Treatment} * \text{Lbs. TSS} \div (\text{Lbs. BOD} + \text{Lbs. TSS})^2$

BOD (ATC) = (BOD eff. Conc. - 250 mg/l) \* 8.34 \* Monthly Water Consumption (mm gals) \*  $\$/\text{Lb BOD}$

TSS (ATC) = (TSS eff. Conc. - 225 mg/l) \* 8.34 \* Monthly Water Consumption (mm gals) \*  $\$/\text{Lb TSS}$

Total (ATC) = BOD (ATC) + TSS (ATC)

Definitions:

BOD - Biochemical Oxygen Demand  
TSS - Total Suspended Solids  
Mg/l - Milligrams per liter  
mm gals - millions of gallons  
mgd - millions of gallons per day  
Conc. - Concentration in mg/l  
Avg. - Daily average based on previous calendar year  
\$ - Expenses based on previous fiscal year

(4). A nonrefundable fee, as set by the Board of Mayor and Aldermen, for application for a new, or reissuance of a wastewater discharge permit.

(C) *Review of system.* The user charge system shall be reviewed annually and revised periodically as required in order to generate sufficient revenue to pay for the cost of operation, maintenance and replacement of equipment of the wastewater treatment system.

(D) The Control Authority shall institute an accounting system reflecting an pro rata distribution of total funds produced under the code based upon the respective needs of each segment of the wastewater treatment operations and maintenance functions, including but not limited to, plant operations, sewer maintenance, sewer design, sewer construction, pollution control monitoring, wastewater treatment capital improvements bond indebtedness, direct and incidental cost to the Town, including, but not limited to, administrative, technical and legal expenses and other expenditures necessary for an effective wastewater treatment program.

#### **§ 53.08 POWERS AND AUTHORITY OF INSPECTORS.**

(A) Representatives of the Control Authority, regulatory agency and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter appropriate property areas at all reasonable times for the purpose of inspection, observation, and measurement, sampling and testing in accordance with the provisions of this code. The Control Authority shall have authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries. The Control Authority shall have the right to inspect and copy all records of information obtained pursuant to any monitoring activities required by this ordinance.

(B) While performing the necessary work on private properties referred to in the section above, the Control Authority or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the

company and the company shall be held harmless for injury or death to the Town employees, except as hereinafter provided, and the Town shall indemnify the company against loss or damage to its property caused by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the performance of the necessary work on private property by the Town employees, except as such maybe caused by negligence or failure of the company to maintain safe conditions as required in § 53.06(H).

(C) The Control Authority and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of inspection, observation, measurement, sampling and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(D) 1. The Control Authority may enter upon private property and terminate service to the property in which a violation of any rule or regulation of this code is found to exist.

(2) Prior to termination of service, the Control Authority shall notify, in writing, the owner and tenant, if any, of such property that service is intended to be so terminated and conduct a hearing; provided, however, that the Control Authority shall act in accordance with the provisions of section 53.08(D)(3) in cases of imminent endangerment and of section 53.10 in cases of pretreatment enforcement as herein provided. The notice shall be mailed to the owner at the address shown on the records of the assessor of the county or to the Town Clerk, and a copy shall be delivered to the tenant or posted conspicuously on the property. The notice shall state the date of the proposed termination of service and reasons therefore and the date the Control Authority shall hold a hearing upon such intended termination. The hearing shall not be held less than 60 days subsequent to the giving of notice as herein required.

(3) If the Control Authority determines that a discharge of pollutants reasonably appears to present an imminent endangerment to the health or welfare of persons, termination of service will take place immediately upon informal notice to the discharger. If a discharge of pollutants appears to present an endangerment to the environment or the operation of the POTW, the Control Authority shall make written notice to the discharger. The notice shall include the date of the proposed termination and reasons for the action. The discharger has the right to provide a written response. Upon review of the written response, the Control Authority shall take such action as it deems necessary to halt or prevent

any discharge which may present or presents an endangerment to the environment or the operation of the POTW up to and including immediate termination of sewer service.

PROPOSED

**§ 53.09 PROTECTION FROM DAMAGE.**

(A) No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the POTW. Any person violating this provision shall be subject to immediate arrest and shall be guilty of misdemeanor punishable by fine and shall be responsible for the expenses incurred for correcting said damages.

(B) If a public sewer becomes obstructed or damaged because of any substances improperly discharged into it, the person or persons responsible for such discharges shall be billed and shall pay for the expenses incurred by the Town in cleaning out, repairing or rebuilding the sewer.

(C) No unauthorized person shall enter or alter any manhole or similar appurtenance of any public sewer, put anything therein or interfere therewith. No person shall insert or place in any public sewer, manhole or other appurtenance thereof any sticks, rubbish or other materials, which said sewer, manhole or appurtenance thereof was not intended to receive.

(D) The Control Authority shall have the authority to implement a program for acquiring the necessary qualified personnel to perform all tasks related to all wastewater functions to insure the integrity of the total program.

(E) In case of accidental discharge, including any discharge that would violate a prohibition under 40 CFR 403.5 (b), it is the responsibility of the Industrial User to immediately notify the POTW of the incident. The notification shall include volume of discharge, duration of event and corrective actions. Within five (5) days following an accidental discharge the Industrial User shall submit to POTW a detailed written report describing the cause of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the Industrial User of any fines, civil penalties, or other liability which may be imposed by these regulations or other applicable law.

## § 53.10 PRETREATMENT ENFORCEMENT

### A. Local Hearing Authority

#### a. General Duties.

The local hearing authority, pursuant to Tennessee Code Annotated 69-3-123, is responsible for the administration and enforcement of the pretreatment program and the said state statute.

#### b. Hearings.

Any hearing or rehearing brought before the local hearing authority shall be conducted in accordance with the following.

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

2. The hearing herein provided may be conducted by a local hearing authority at a regular or a special meeting.

3. A verbatim record of the proceedings of such hearing shall be taken and filed with the local hearing authority, together with the findings of fact and conclusions of law made pursuant to subdivision six (6) of this section. The transcript so recorded shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the local hearing authority to cover the costs of preparation.

4. In connection with the hearing, the director shall issue subpoenas in response to any request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the Shelby County Chancery Court shall have jurisdiction upon the application of the local hearing authority or the director to issue an order requiring such person to appear and testify or produce evidence as the case may require and any failure to obey such order of the court may be punished by such court as contempt thereof.

5. The local hearing authority may administer oaths and examine witnesses.

6. On the basis of the evidence produced at the hearing, the Local Hearing Authority shall make findings of fact and conclusions of law and enter such decisions and orders as in its opinion will best further the purposes of the pretreatment program and shall give written notice of such decisions and orders to the alleged violator. The order issued under this subsection shall be issued no later than thirty (30) days following the close of the hearing by the person or persons designated by the Local Hearing Authority.

7. The decision of the local hearing authority shall become final and binding on all parties.

8. Any person to whom an emergency order is directed pursuant to Section 53.10(A)(4) shall comply therewith immediately but on petition to the local hearing authority shall be afforded a hearing as soon as possible, but in no case shall such hearing be held later than three (3) days from the receipt of such petition by the local hearing authority.

c. Appeal

An appeal may be taken from any final order or other final determination of the local hearing authority by any party, including the pretreatment agency, who is or may be adversely affected thereby, to the chancery court pursuant to the common law writ of certiorari set out in the Tennessee Code Annotated, Section 27-8-101, within sixty (60) days from the date such order or determination is made.

B. Complaints.

1. Whenever the Control Authority has reason to believe that a violation of any provision of the Pretreatment program of the Pretreatment agency or orders of the Control Authority issued pursuant thereto has occurred, is occurring, or is about to occur, the Control Authority may cause a written complaint to be served upon the alleged violator or violators.

2. The complaint shall specify the provision or provisions of the Pretreatment program or order alleged to be violated or about to be violated, the facts alleged to constitute a violation thereof, may order that necessary corrective action be taken within a reasonable time to be

prescribed in such order, and shall inform the violators of the opportunity for a hearing before the Control Authority.

3. 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 Control Authority as provided, no later than thirty (30) days after the date such order is served; provided, however, that the Control Authority may review such final order on the same grounds upon which a court of the state may review default judgments.

4. Emergency Circumstances.

a. Whenever the Control Authority finds that an emergency exists imperatively requiring immediate action to protect the public health, safety or welfare, the health of animals, fish or aquatic life, a public water supply, or the facilities of the POTW, the Control Authority may, without prior notice, issue an order reciting the existence of such an emergency and requiring that such action be taken as the Control Authority deems necessary to meet the emergency up to and including immediate termination of sewer service.

b. If the violator fails to respond or is unable to respond to the order, the Control Authority may take such emergency action as deemed necessary, or contract with a qualified person or persons to carry out the emergency measures. The Control Authority may assess the person or persons responsible for the emergency condition for actual costs incurred by the Town in meeting the emergency.

5. Except as otherwise expressly provided, any notice, complaint, order or other instrument issued by or under authority of this part may be served on any person affected thereby personally, by the Control Authority, or such service may be made accordance with Tennessee statutes authorizing service of process in civil action.

C. Violations.

1. Any person including, but not limited to residential, carwash, restaurant, commercial, industrial user, who does any of the following acts or omissions may be subject to a civil penalty of up to ten thousand dollars (\$10,000) per day for each day during which the act or omission continues or occurs, or be subject to criminal penalties:

a. Violates an effluent standard or limitation imposed by the Control Authority.

- b. Violates the terms or conditions of a discharge permit issued.
  - c. Fails to complete a filing requirement of a discharge permit.
  - d. Fails to allow or perform an entry, inspection, and monitoring or reporting requirement of a discharge permit.
  - e. Fails to pay user or cost recovery charges imposed by the Control Authority.
  - f. Violates a final determination or order of the Control Authority.
  - g. Violates the regulations for transportation or disposal of hauled wastes.
2. All Industrial Users are subject to the “Enforcement Response Plan.”
  3. Any civil penalty shall be assessed in the following manner:
    - a. The Control Authority may issue a notice of violation, assessment, cease and desist order, or an administrative order with a fine against any person or industrial user responsible for the violation;
    - b. Any person or industrial user against whom an assessment has been issued may secure a review of such assessment by filing with the Control Authority a written petition setting forth the grounds and reasons for his objections and asking for a hearing in the matter involved before the Control Authority and if a petition for review of the assessment is not filed within thirty (30) days after the date the assessment is served, the violator shall be deemed to have consented to the assessment and it shall become final;
    - c. Whenever any assessment has become final because of a person’s failure to appeal the Control Authority, the Control Authority may apply to the appropriate court for a judgment and seek execution of such judgment and the court, in such proceedings, shall treat a failure to appeal such assessment as a confession of judgment in the amount of the assessment.

d. In assessing the civil penalty the Control Authority may consider the following factors:

i. Whether the civil penalty imposed will be substantial economic deterrent to illegal activity;

ii. Damages to the pretreatment agency, including compensation for the damage or destruction of the facilities of the POTW, and also including any penalties, costs and attorney's fees incurred by the Control Authority as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damages;

iii. Cause of the discharge or violation;

iv. The severity of the discharge and its effect upon the facilities of the POTW and upon the quality and quantity of the receiving waters;

v. Effectiveness of action taken by the violator to cease the violation;

vi. The technical and economic reasonableness of reducing or eliminating the discharge;

vii. The economic benefit gained by the violator.

e. The Control Authority may institute proceedings for assessment in the chancery court in which all or part of the pollution or violation occurred.

4. The Control Authority may establish by regulation a schedule of the amount of civil penalty which can be assessed for certain specific violations or categories of violations.

a. Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the Commissioner of the Department of Environment and Conservation for violations of Tennessee Code Annotated, Section 69-3-115(a)(1)(F). Provided, however the sum of penalties imposed by this section and by Tennessee Code Annotated, Section 69-3-115(a) shall not exceed ten thousand dollars (\$10,000) per day for each day during which the act or omission continues or occurs. The state's share of any additional costs of this section shall be funded in accordance with Tennessee Code

Annotated, Section 9-6-303, from the increase in state imposed taxes which are earmarked to counties and which are not designated by such counties for a particular purpose.

5. Public Notification and Significant Noncompliance

a. As required by 40 CFR 403.8, Federal Pretreatment Requirement, the Town of Collierville will publish annually in the largest daily newspaper the names of all industrial/commercial users, which at any time during the year were in significant noncompliance with applicable pretreatment requirements. For purposes of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

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

ii. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of wastewater measurements taken for each pollutant parameter taken during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

iii. Any other violation of a pretreatment standard or requirement (daily maximum, long term average, instantaneous limit, or narrative standard) that Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POW personnel or general public);

iv. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority.

v. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local

control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

vi. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90 day compliance reports, and reports on compliance with compliance schedules;

vii. Failure to accurately report noncompliance;

viii. Any other violation or group of violations, including violation of BMPs, which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

D. Damages Assessment.

1. The Control Authority may assess the liability of any polluter or violator for damages to the POTW resulting from any person's or industrial users pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the Pretreatment program of this section.

2. If an appeal from such assessment is not made to the Control Authority by the polluter or violator within thirty (30) days of notification of such assessment, he shall be deemed to have consented to such assessment and it shall become final.

3. Damages may include any expenses incurred in investigating and enforcing the pretreatment program or Tennessee Code Annotated, Sections 69-3-123-129 in removing, correcting, and terminating any pollution, and also compensation for any actual damages caused by the pollution or violation.

4. Whenever any assessment has become final because of a person's failure to appeal within the time provided, the Control Authority may apply to the appropriate court for a judgment, and seek execution on such judgment. The court, in such proceedings, shall treat the failure to appeal such assessment as a confession of judgment in the amount of the assessment.

### 53.11 APPEALS

(A) Any user affected by any decision, action or determination, including cease and desist orders, made by the Town, interpreting or implementing the provision of

this code or in any permit or agreement issued herein may file with the Control Authority a written request for reconsideration within 60 days of such decision, action or determination setting forth in detail the facts supporting the user's request for reconsideration; provided, however, that the appeals process established in section 53.10 herein shall apply for purposes of pretreatment enforcement.

(B) For the purpose of appeals, a three-part hierarchy shall, in ascending order, consist of:

1. Director of Public Services;
2. Town Administrator;
3. The Board of Mayor and Aldermen.

Any appeal will be heard within thirty days from receipt of the notice of appeal. A decision will be made not more than fifteen days after the appeal is heard at each level.

#### 53.99 PENALTY

Any person, firm, partnership, corporation or other legal entity violating any of the ordinances of the Town shall be fined not more than \$50 or the maximum amount permitted by state law, whichever is greater, for each offense and a separate offense shall be deemed committed for each day of violation; provided, however, that this section does not limit any penalties established pursuant to section 53.10 herein for violation of pretreatment enforcement.

(C) If the ruling made by the control authority is unsatisfactory to the person requesting reconsideration, he or she may within 90 days after notification of control authority action file a written appeal.

If you have comments, or questions concerning this document, send them to: Clay Holabird, [cholabird@ci.collierville.tn.us](mailto:cholabird@ci.collierville.tn.us).