

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. WATER AND SEWER SERVICE.
2. SEWER USE REGULATIONS.
3. SEWAGE DISPOSAL.
4. INDUSTRIAL PRETREATMENT.
5. CROSS CONNECTIONS AUXILIARY INTAKES, ETC.
6. WATER ADDITIVE ACCOUNTABILITY ORDINANCE.

CHAPTER 1

WATER AND SEWER SERVICE

SECTION

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Obtaining service.
- 18-104. Application and contract for service.
- 18-105. Service charges for temporary service.
- 18-106. Connection charges.
- 18-107. Fluoridation of water supply.
- 18-108. Water and sewer main extensions.
- 18-109. Variances from and effect of preceding section as to extensions.
- 18-110. Meters.
- 18-111. Meter tests.
- 18-112. Schedule of rates.
- 18-113. Multiple services through a single meter.
- 18-114. Billing.
- 18-115. Discontinuance or refusal of service.
- 18-116. Re-connection charge.
- 18-117. Termination of service by customer.
- 18-118. Access to customers' premises.
- 18-119. Inspections.
- 18-120. Customer's responsibility for system's property.
- 18-121. Customer's responsibility for violations.
- 18-122. Supply and resale of water.
- 18-123. Unauthorized use or interference with water supply.

¹See title 12 in this code for the building and utility codes; see title 8 for provisions relating to cross-connections, etc.; see title 2 for provisions relating to the Selmer Utility Board; see title 20, chapter 1 for the establishment for the Town of Selmer, Tennessee, of a Public Works Department.

- 18-124. Limited use of unmetered private fire line.
- 18-125. Damages to property due to water pressure.
- 18-126. Liability for cutoff failures.
- 18-127. Restricted use of water.
- 18-128. Interruption of service.

18-101. Application and scope. The provisions of this chapter are a part of all contracts for receiving water and/or sewer service from the Town of Selmer and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (Code of 1977, § 13-101)

18-102. Definitions. (1) "Customer" means any person, firm, or corporation who receives water and/or sewer service from the Town of Selmer under either an express or implied contract.

(2) "Household" means any two (2) or more persons living together as a family group.

(3) "Service line" shall consist of the pipe line extending from any water or sewer main of the Town of Selmer to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the Town of Selmer's water main to and including the meter and meter box.

(4) "Discount date" shall mean the date ten (10) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water and/or sewer bills can be paid at net rates.

(5) "Dwelling" means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.

(6) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling. (Code of 1977, § 13-102)

18-103. Obtaining service. A formal application for either original or additional service must be made and be approved by the Town of Selmer before connection or meter installation orders will be issued and work performed. (Code of 1977, § 13-103)

18-104. Application and contract for service. Each prospective customer desiring water and/or sewer service will be required to sign a standard form of contract before service is supplied. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the Town of Selmer for the expense incurred by reason of its endeavor to furnish said service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the Town of Selmer to render the service applied for. If the service applied for cannot be

supplied in accordance with the provisions of this chapter and general practice, the liability of the Town of Selmer to the applicant shall be limited to the return of any deposit made by such applicant. (Code of 1977, § 13-104)

18-105. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water and/or sewer service. (Code of 1977, § 13-105)

18-106. Connection charges. Service lines will be laid by the Town of Selmer from its mains to the property line at the expense of the applicant for service. The location of such lines will be determined by the town.

Before a new water or service line will be laid by the Town of Selmer, the applicant shall make a deposit equal to the estimated cost of the installation.

This deposit shall be used to pay the cost of laying such new service line and appurtenant equipment. If such cost exceeds the amount of the deposit, the applicant shall pay to the Town of Selmer the amount of such excess cost when billed therefor. If such cost is less than the amount of the deposit, the amount by which the deposit exceeds such cost shall be refunded to the applicant.

When a service line is completed, the Town of Selmer shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the town. The remaining portion of the service line beyond the meter box (or property line, in the case of sewers) shall belong to and be the responsibility of the customer. (Code of 1977, § 13-106)

18-107. Fluoridation of water supply. The water utility district of Selmer is authorized and instructed to make plans for the fluoridation of the water supply of the town, and to submit plans to the Department of Public Health of the State of Tennessee for approval. When such plans are approved by the department, the water utility district will add such chemicals as fluoride to the water supply in accord with such approval as will adequately provide for the fluoridation of the town water supply. All costs of such fluoridation will be borne by the revenues of the water department of the town. (Code of 1977, § 13-107)

18-108. Water and sewer main extensions. Persons desiring water and/or sewer main extensions must pay all of the cost of making such extensions.

For water main extensions cement-lined cast iron pipe, class 150 American Water Works Association Standard (or other construction approved by the board of mayor and aldermen), not less than six (6) inches in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than 1,000 feet from the most distant part of any dwelling structure and no farther

than 600 feet from the most distant part of any commercial, industrial, or public building, such measurements to be based on road or street distances; cement-lined cast iron pipe (or other construction approved by the board of mayor and aldermen) two (2) inches in diameter, to supply dwellings only, may be used to supplement such lines. For sewer main extensions eight-inch pipe of vitrified clay or other construction approved by the board of mayor and aldermen shall be used.

All such extensions shall be installed either by municipal forces or by other forces working directly under the supervision of the Town of Selmer in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the Town of Selmer, such water and/or sewer mains shall become the property of the Town of Selmer. The persons paying the cost of constructing such mains shall execute any written instruments requested by the Town of Selmer to provide evidence of the town's title to such mains. In consideration of such mains being transferred to it, the Town of Selmer shall incorporate said mains as an integral part of the town water and sewer systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of said mains. (Code of 1977, § 13-108)

18-109. Variances from and effect of preceding section as to extensions. Whenever the board of mayor and aldermen is of the opinion that it is to the best interest of the Town of Selmer and its inhabitants to construct a water and/or sewer main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the board of mayor and aldermen.

The authority to make water and/or sewer main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the Town of Selmer to make such extensions or to furnish service to any person or persons. (Code of 1977, § 13-109)

18-110. Meters. All meters shall be installed, tested, repaired, and removed only by the Town of Selmer.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the town. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (Code of 1977, § 13-110)

18-111. Meter tests. The Town of Selmer will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

<u>Meter Size</u>	<u>Percentage</u>
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

The Town of Selmer will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge in the amount stated in the following table:

<u>Meter Size</u>	<u>Test Charge</u>
5/8", 3/4", 1"	\$ 2.00
1-1/2", 2"	5.00
3"	8.00
4"	12.00
6" and over	20.00

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the Town of Selmer. (Code of 1977, § 13-111)

18-112. Schedule of rates. All water and sewer service shall be furnished under such rate schedules as the Town of Selmer may from time to time adopt by resolution.¹ (Code of 1977, § 13-112, as amended by Ord. #560, June 2007)

18-113. Multiple services through a single meter. No customer shall supply water or sewer service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the Town of Selmer.

Where the town allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water and/or sewer charges for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered

¹Administrative ordinances are of record in the recorder's office.

service the amount of water so allocated to it, such computation to be made at the town's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (Code of 1977, § 13-113)

18-114. Billing. Bills for residential water and sewer service will be rendered monthly.

Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the Town of Selmer.

Both charges shall be collected as a unit; no employee of the Town of Selmer shall accept payment of water service charges from any customer without receiving at the same time payment of all sewer service charges owed by such customer. Water service may be discontinued for non-payment of the combined bill.

Water and sewer bills must be paid on or before the discount date shown thereon to obtain the net rate, otherwise the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

In the event a bill is not paid on or before five (5) days after the discount date, a written notice shall be mailed to the customer. The notice shall advise the customer that his service may be discontinued without further notice if the bill is not paid on or before ten (10) days after the discount date. The Town of Selmer shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued. Should the final date of payment of bill at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the Town of Selmer if the envelope is date-stamped on or before the final date for payment of the net amount.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the town reserves the right to render an estimated bill based on the best information available. (Code of 1977, § 13-114)

18-115. Discontinuance or refusal of service. The Town of Selmer shall have the right to discontinue water and/or sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations.
- (2) The customer's application for service.
- (3) The customer's contract for service.

Such right to discontinue service shall apply to all service received through a single connection or service, even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service by the Town of Selmer for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract. (Code of 1977, § 13-115)

18-116. Re-connection charge. Whenever service has been discontinued as provided for above, a re-connection charge of ten dollars (\$10.00) shall be collected by the town before service is restored. (Code of 1977, § 13-116)

18-117. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the Town of Selmer reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

(1) Written notice of the customer's desire for such service to be discontinued may be required; and the Town of Selmer shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the Town of Selmer should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service the customer shall not be responsible for charges for any service furnished after the expiration of such ten (10) day period.

(2) During such ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the town to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (Code of 1977, § 13-117)

18-118. Access to customers' premises. The town's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing,

inspecting, repairing, removing, and replacing all equipment belonging to the Town of Selmer, and for inspecting customer's plumbing and premises generally in order to secure compliance with these rules and regulations. (Code of 1977, § 13-118)

18-119. Inspections. The Town of Selmer shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water and/or sewer service is furnished or at any later time. The Town of Selmer reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the town.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the Town of Selmer liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made. (Code of 1977, § 13-119)

18-120. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the Town of Selmer shall be and remain the property of the town. Each customer shall provide space for and exercise proper care to protect the property of the Town of Selmer on his premises. In the event of loss or damage to such property, arising from the neglect of a customer to properly care for same, the cost of necessary repairs or replacements shall be paid by the customer. (Code of 1977, § 13-120)

18-121. Customer's responsibility for violations. Where the Town of Selmer furnishes water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (Code of 1977, § 13-121)

18-122. Supply and resale of water. All water shall be supplied within the Town of Selmer exclusively by the town and no customer shall directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof, except with written permission from the Town of Selmer. (Code of 1977, § 13-122)

18-123. Unauthorized use or interference with water supply. No person shall turn on or turn off any of the municipality's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the Town of Selmer. (Code of 1977, § 13-123)

18-124. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the Town of Selmer.

All private fire hydrants shall be sealed by the town, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the Town of Selmer a written notice of such occurrence. (Code of 1977, § 13-124)

18-125. Damages to property due to water pressure. The Town of Selmer shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the town's water mains. (Code of 1977, § 13-125)

18-126. Liability for cutoff failures. The town's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

(1) After receipt of at least ten (10) days' written notice to cut off a water service, the Town of Selmer has failed to cut off such service.

(2) The town has attempted to cut off a service but such service has not been completely cut off.

(3) The town has completely cut off service, but subsequently, the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the town's main.

Except to the extent stated above, the Town of Selmer shall not be liable for any loss or damage resulting from cutoff failures. If a customer wished to avoid possible damage for cutoff failure, the customer shall rely exclusively on privately owned cutoffs and not on the town's cutoff. Also, the customer (and not the Town of Selmer) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (Code of 1977, § 13-126)

18-127. Restricted use of water. In times of emergencies or in times of water shortage, the Town of Selmer reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (Code of 1977, § 13-127)

18-128. Interruption of service. The Town of Selmer will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The town shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the Town of Selmer water and sewer systems, the water supply may be shut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The town shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (Code of 1977, § 13-128)

CHAPTER 2

SEWER USE REGULATIONS

SECTION

- 18-201. Purpose and policy.
- 18-202. Definitions.
- 18-203. Requirements for proper wastewater disposal.
- 18-204. Physical connection public sewer.
- 18-205. Inspection of connections.
- 18-206. Maintenance of building sewers.
- 18-207. Private domestic wastewater disposal.
- 18-208. Construction requirements.
- 18-209. Regulation of holding tank waste disposal.
- 18-210. Applications for domestic wastewater discharge and industrial wastewater discharge permits.
- 18-211. Industrial wastewater discharge permits.
- 18-212. Permit conditions.
- 18-213. Permit modifications.
- 18-214. Permit duration.
- 18-215. Permit transfer.
- 18-216. Revocation of permit.
- 18-217. Confidential information.
- 18-218. Regulations.
- 18-219. Restrictions on wastewater strength.
- 18-220. Protection of treatment plant influent.
- 18-221. Federal categorical pretreatment standards.
- 18-222. Right to establish more restrictive criteria.
- 18-223. Special agreements.
- 18-224. Exceptions to discharge criteria.
- 18-225. Accidental discharges.
- 18-226. Industrial user monitoring, inspection reports, records access, and safety.
- 18-227. Enforcement and abatement.
- 18-228. Show cause hearing.
- 18-229. Legal action.
- 18-230. Emergency termination of service.
- 18-231. Public nuisance.
- 18-232. Correction of violations and collection of costs.
- 18-233. Damage to facilities.
- 18-234. Civil liabilities.
- 18-235. Civil penalties.
- 18-236. Falsifying information.
- 18-237. Fees and billing.

- 18-238. Sewer use charges.
- 18-239. Determination of costs.
- 18-240. Surcharge fees.
- 18-241. Industrial wastewater discharge permit fees.
- 18-242. Fees for industrial discharge monitoring.
- 18-243. Billing.
- 18-244. Validity.

18-201. Purpose and policy. This chapter sets forth uniform requirements for the disposal of wastewater in the service area of the Town of Selmer, Tennessee wastewater treatment system. The objectives of this chapter are:

- (1) To protect the public health;
- (2) To provide problem free wastewater collection and treatment service;
- (3) To prevent the introduction of pollutants into the municipal wastewater treatment system, which will interfere with the system operation, will cause the town's discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements will cause physical damage to the wastewater treatment system facilities;
- (4) To provide for full and equitable distribution of the cost of the wastewater treatment system;
- (5) To enable the Town of Selmer to comply with the provisions of the Federal Clean Water Act, the General Pretreatment Regulations (40 CFR Part 403), and other applicable federal and state laws and regulations;
- (6) To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment system.

In meeting these objectives, this chapter provides that all persons in the service area of the Town of Selmer must have adequate wastewater treatment either in the form of a connection to the municipal wastewater treatment system or, where the system is not available, an appropriate private disposal system. The chapter also provides for the issuance of permits to system users, for the regulations of wastewater discharge volume and characteristics, for monitoring and enforcement activities; and for the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein.

This chapter shall apply to the Town of Selmer, Tennessee, and to persons outside the town who are, by contract or agreement with the town users of the municipal wastewater treatment system. Except as otherwise provided herein, the Water and Sewer Superintendent of the Town of Selmer shall administer, implement, and enforce the provisions of this chapter. (Ord. # 334)

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

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

(2) "Approval Authority" - The Director in an NPDES state with an approved State Pretreatment Program and the Administrator of the EPA in a non-NPDES state or NPDES state without an Approved State Pretreatment Program.

(3) "Authorized Representative of Industrial User" - An authorized representative of an industrial user may be: (1) a principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (2) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(4) "Biochemical Oxygen Demand (BOD)" - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

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

(6) "Categorical Standards" - National Categorical Pretreatment Standards or Pretreatment Standard.

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

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

(9) "Control Authority" - The term "control authority" shall refer to the "Approval Authority" defined hereinabove; or the superintendent if the town has an approved Pretreatment Program under the provisions of 40 CFR, 403.11.

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

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

(12) "Domestic Wastewater" - Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent containing sanitary facilities for the disposal of wastewater and used for residential purposes only.

(13) "Environmental Protection Agency, or EPA" - The U. S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of the said agency.

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

(15) "Grab Sample" - A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

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

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

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

(19) "Industrial User" - A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Act (33 U.S.C. 1342).

(20) "Interference" - The inhibition or disruption of the municipal wastewater treatment processes or operations which contributes to a violation of any requirement of the town's NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the municipal wastewater treatment system.

(21) "National Categorical Pretreatment Standard or Pretreatment Standard" - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

(22) "NPDES (Natural Pollutant Discharge Elimination System)" - shall mean the program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to Section 402 of the Federal Water Pollution Control Act as amended.

(23) "New Source" - Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) Categorical Pretreatment Standard which will be applicable to

such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

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

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

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

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

(28) "Pretreatment or Treatment" - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alternation can be obtained by physical, chemical, or biological processes, or process changes other means, except as prohibited by 40 CFR Section 40.36(d).

(29) "Pretreatment Requirements" - Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

(30) "Publicly Owned Treatment Works (POTW)" - A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the town. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the (city) who are, by contract or agreement with the (city) users of the (city's) POTW.

(31) "POTW Treatment Plant" - That portion of the POTW designed to provide treatment to wastewater.

(32) "Shall" is mandatory; "May" is permissive.

(33) "Slug" - shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations of flows during normal operation or any discharge of whatever duration that causes the sewer

to overflow or back up in an objectionable way or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

(34) "State" - State of Tennessee.

(35) "Standard Industrial Classification (SIC)" - A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(36) "Storm Water" - Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(37) "Storm Sewer or Storm Drain" - shall mean a pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes; it may, however, carry cooling waters and unpolluted waters, upon approval of the superintendent.

(38) "Suspended Solids" - The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

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

(40) "Town" - The Town of Selmer or the Board of Mayor and Aldermen, Town of Selmer Tennessee.

(41) "Toxic Pollutant" - Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA (307(a)) or other Acts.

(42) "Twenty-Four (24) Hour Flow Proportional Composite Sample" - A sample consisting of several sample portions collected during a 24-hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

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

(44) "Wastewater" - The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(45) "Wastewater Treatment Systems" - Defined the same as POTW.

(46) "Waters of the State" - All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof. (Ord. # 334, modified)

18-203. Requirements for proper wastewater disposal. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the Town of Selmer, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any waters of the state within the service area of the Town of Selmer any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

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

(4) Except as provided in section 18-203(5) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer in the service area, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within sixty (60) days after date of official notice to do so, provided that said public sewer is within five hundred (500) feet of the building drain as defined herein.

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

(6) Where a public sanitary sewer is not available under the provisions of section 18-203(4), the building sewer shall be connected to a private sewage disposal system complying with the provisions of section 18-208 of this chapter. (Ord. # 334)

18-204. Physical connection public sewer. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent as required by section 18-210 of this chapter.

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

(3) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer

from the front building may be extended to the rear building and the whole considered as one building sewer.

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

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

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

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

(c) Four (4) inch building sewers shall be laid on a grade greater than 1/8-inch per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least 2.0 feet per second.

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

(e) Building sewers shall be constructed only of (1) concrete or clay sewer pipe using rubber or neoprene compression joints of approved type; (2) cast iron soil pipe with leaded or compression joints; (3) polyvinyl chloride pipe with solvent welded or with rubber compression joints; (4) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type; or (5) such other materials of equal or superior quality as may be approved by the superintendent. Under no circumstances will cement mortar joints be acceptable.

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

(g) Connections of building sewers to the public sewer system shall be made the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with corrosion resisting or stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting or cutting a clean opening in the existing public sewer and installing a tee-saddle or tee-insert of a type approved by the superintendent. All such connections shall be made gastight and watertight.

(h) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of 1/8-inch per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the owner.

(i) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federal Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

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

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

(7) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (Ord. # 334)

18-205. Inspection of connections. (1) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected before the underground portion is covered by the superintendent or his authorized representative.

(2) The applicant for discharge shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative. (Ord. # 334)

18-206. Maintenance of building sewers. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance will include repair or replacement of the service line as deemed necessary by the superintendent to meet specifications of the town. (Ord. # 334)

18-207. Private domestic wastewater disposal. (1) Where a public sanitary sewer is not available under the provisions of section 18-203(4), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(2) Any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation to obtain a grade equivalent to 1/8-inch per foot in the building sewer but is otherwise accessible to a public sewer as provided in Section 18-203, the owner shall provide a private sewage pumping station as provided in Section 18-204.

(3) Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice to do so. (Ord. # 334)

18-208. Construction requirements. (1) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the superintendent stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the Superintendent and McNairy County Health Department.

(2) Before commencement of construction of a private sewage disposal system, the owner shall first obtain written permission from the Superintendent and McNairy County Health Department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the Superintendent and McNairy County Health Department.

(3) A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the Superintendent and McNairy County Health Department. They shall be allowed to inspect the work at any stage of construction and, in any event, the owner shall notify the Superintendent and McNairy County Health Department when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the Superintendent and McNairy County Health Department.

(4) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Tennessee and the Superintendent and McNairy County Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(5) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.

(6) No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Superintendent and McNairy County Health Department. (Ord. # 334)

18-209. Regulation of holding tank waste disposal. (1) No person, firm, association or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excreta disposal system, unless such person, firm, association, or corporation obtains a permit from the superintendent to perform such acts or services. Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the superintendent when the conditions of this chapter have been met and providing the superintendent is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

(2) For each permit issued under the provisions of this chapter, an annual service charge therefore shall be paid to the town to be set as specified in section 18-235. Any such permit granted shall be for one full fiscal year or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted on each side of each motor vehicle used in the conduct of the business permitted hereunder.

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

(4) Failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of such permit by the superintendent. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank of wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the Town of Selmer. (Ord. # 334)

18-210. Applications for domestic wastewater discharge and industrial wastewater discharge permits. (1) All users or prospective users which generate domestic wastewater shall make application to the superintendent for written authorization to discharge to the municipal wastewater treatment system. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the municipal sewer shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with section 18-203 of this chapter and an inspection has been performed by the superintendent or his representative.

(2) The receipt by the town of a prospective customer's application for service shall not obligate the town to render the service. If the service applied for cannot be supplied in accordance with this chapter and the town's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the town to the applicant for such service, except that conditional waivers for additional services may be granted by the superintendent for interim periods if compliance may be assured within a reasonable period of time. (Ord. # 334)

18-211. Industrial wastewater discharge permits. (1) General requirements. All industrial users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW. All existing industrial users connected to or contributing to the POTW within 180 days after the effective date of this chapter.

(2) Applications. Applications for Wastewater Discharge Permits shall be required as follows:

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

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

equalization facilities and any other information deemed necessary by the superintendent.

(c) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the superintendent for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. A Wastewater Discharge Permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the town under the provisions of this chapter.

(d) If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. For the purpose of this paragraph, "Pretreatment Standard," shall include either a National Pretreatment Standard or a pretreatment standard imposed by Section 18-218 of this chapter.

(e) The town will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the town may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

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

(g) The superintendent will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the superintendent that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the superintendent, the superintendent shall submit the application to the mayor with a recommendation that it be denied and notify the applicant in writing of such action. (Ord. # 334)

18-212. Permit conditions. Wastewater Discharge Permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees establishing by the town. Permits may contain the following:

- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- (2) Limits on the average and maximum wastewater constituents and characteristics;
- (3) Limits on average and maximum rate and time of discharge or requirements and equalization;
- (4) Requirements for installation and maintenance of inspections and sampling facilities;
- (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;
- (6) Compliance schedules;
- (7) Requirements for submission of technical reports of discharge reports;
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the town, and affording town access thereto;
- (9) Requirements for notification of the town of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (10) Requirements for notification of slug discharged;
- (11) Other conditions as deemed appropriate by the town to ensure compliance with this chapter. (Ord. # 334)

18-213. Permit modifications. Within nine months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Discharge Permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing Wastewater Discharge Permit shall submit to the superintendent within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by 18-211(2)(b) and 18-211(2)(c). The terms and conditions of the permit may be subject to modification by the superintendent during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. (Ord. # 334)

18-214. Permits duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. (Ord. # 334)

18-215. Permit transfer. Wastewater Discharge Permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the town. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. (Ord. # 334)

18-216. Revocation of permit. Any permit issued under the provisions of this chapter is subject to be modified suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

- (1) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.
- (2) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.
- (3) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
- (4) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics. (Ord. # 334)

18-217. Confidential information. All information and data on a user obtained from reports, questionnaire permit application, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the superintendent that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use; related to this chapter or the town's or user's NPDES permit. Provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the superintendent as confidential shall not be transmitted to any governmental agency or to the general public by the

superintendent until and unless prior and adequate notification is given to the user. (Ord. # 334)

18-218. Regulations. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation and performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state, or local Pretreatment Standards or Requirements. A user may not contribute the following substances to any POTW:

(1) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two 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 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.

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

(3) Any wastewater having a pH less than 5.0 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(4) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

(5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public

nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(6) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

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

(8) Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104°F).

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

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

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

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

(14) Any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two (32) or one hundred fifty (150) degrees F (0 and 65°C).

(15) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent and the Tennessee Department of Public Health. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent and the Tennessee Department of Public Health, to a storm sewer or natural outlet. (Ord. # 334)

18-219. Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the following set of standards (Table A - User Discharge Restrictions) unless an exception is permitted as provided in this chapter. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

Table A - User Discharge Restrictions

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

*Based on 24-hour flow proportional composite samples. (Ord. # 334)

18-220. Protection of treatment plant influent. The superintendent shall monitor the treatment works influent for each parameter in the following table. (Table B - Plant Protection Criteria) Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set for in this chapter. In the event that the influent at the POTW reaches or exceeds the levels established by this table, the superintendent shall initiated technical studies to determine the cause of the influent violation and shall recommend to the town the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The superintendent shall also recommend changes to any of these criteria in the event that: the POTW effluent standards are changed, there are

changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW.

Table B - Plant Protection Criteria

<u>Parameter</u>	<u>Maximum Concentration mg/l (24 Hour Flow) Proportional Composite Sample</u>	<u>Maximum Instantaneous Concentration (mg/l) Grab Sample</u>
Aluminum		
dissolved (AL)	3.00	6.0
Antimony (Sb)	0.50	1.0
Arsenic (As)	0.06	0.12
Barium (Ba)	2.50	5.0
Boron (B)	0.4	0.8
Cadmium (Cd)	0.004	0.008
Chromium Hex	0.06	0.12
Cobalt	0.03	0.06
Copper (Cu)	0.16	0.32
Cyanide (CN)	0.03	0.06
Fluoride (F)	0.6	1.2
Iron (Fe)	3.0	6.0
Lead (Pb)	0.10	0.2
Manganese (Mn)	0.1	0.2
Mercury (Hg)	0.025	0.05
Nickel (Ni)	0.15	0.30
Pesticides & Herbicides	.001	.002
Phenols	1.00	2.0
Selenium (Se)	0.01	0.02
Silver (Ag)	0.05	0.1
Sulfide	25.0	40.0
Zinc (Zn)	0.3	0.6
Total Kjeldahl		
Nitrogen (TKN)	45.00	90.00
Oil & Grease	50.00	100.00
MBAS	5.00	10.0
BOD	*	
COD	*	
Suspended Solids	*	

*Not to exceed the design capacity of treatment works.
BDL = Below Detectable Limits (Ord. # 334)

18-221. Federal categorical pretreatment standards. Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under the chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12. (Ord. # 334)

18-222. Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the superintendent from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the POTW resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Public Health and/or the United State Environmental Protection Agency. (Ord. # 334)

18-223. Special agreements. Nothing in this section shall be construed so as to prevent any special agreement or arrangement between the town and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. The making of such special agreements or arrangements between the town and the user shall be strictly limited to the capability of the POTW to handle such wastes without interfering with unit operations or sludge use and handling or allowing the pass through of pollutants which would result in a violation of the NPDES permit. No special agreement or arrangement may be made without documentation by the industry of the use of good management practice in the reduction of wastewater volume and strength. (Ord. # 334)

18-224. Exceptions to discharge criteria. (1) Application for exception. Non-residential users of the POTW may apply for a temporary exception to the prohibited and restricted wastewater discharge criteria listed in sections 18-218 and 18-219 of this chapter. Exceptions can be granted according to the following guidelines.

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

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

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

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

(a) interfere with the normal collection and operation of the wastewater treatment system.

(b) limit the sludge management alternatives available and increase the cost of providing adequate sludge management.

(c) pass through the POTW in quantities and/or concentrations that would cause the POTW to violate its NPDES permit.

The user must show that the exception, if granted, will not cause the discharger to violate its inforce federal pretreatment standards unless the exception is granted under the provisions of the applicable pretreatment regulations.

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

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

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

(a) whether or not the applicant is subject to a National Pretreatment Standard containing discharge limitations more stringent than those in this chapter and grant an exception only if such exception may be granted within limitations of applicable federal regulations;

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

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

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

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

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

(g) the engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge. (Ord. # 334)

18-225. Accidental discharges. (1) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from inplant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of waste regulated by this chapter shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities establishment of procedures which will prevent or minimize the potential for such accidental discharge. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the users expense. Detailed plans showing the facilities and operating procedures shall be submitted to the superintendent before the facility is constructed.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

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

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

Such notification will not relieve the user of liability for any expense loss, or damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or state or federal law.

(3) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Ord. # 334)

18-226. Industrial user monitoring, inspection reports, records access, and safety. (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users having wastes which receive pre-treatment, are otherwise altered or regulated before discharge, or are unusually strong and thereby subject to a surcharge. Monitoring facility shall be a manhole or other suitable facility approved by the superintendent.

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

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

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

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

Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the superintendent's requirements and all applicable local agency construction standards and specifications. When, in the judgment of the superintendent, an existing notified in writing. Construction must be completed within 180 days following written notification unless an extension is granted by the superintendent.

(2) Inspection and sampling. The town shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the town or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The town, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the town, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility. The superintendent or his representatives shall have no authority to inquire into any manufacturing process beyond that point having a direct bearing on the level and sources of discharge to the sewers, waterways, or facilities for waste treatment.

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

(4) Periodic compliance reports. (a) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the

nature and concentration, of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.

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

(c) The reports required by this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the Wastewater Discharge Permit or the pretreatment standard. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the superintendent. Sampling shall be performed in accordance with the techniques approved by the superintendent.

(5) Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this Section. Such records shall include for all samples:

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

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

(6) Safety. While performing the necessary work on private properties, the superintendent or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the town employees and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions. (Ord. # 334)

18-227. Enforcement and abatement. (1) When the superintendent finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this chapter, or the provisions of a Wastewater Discharge Permit, the superintendent shall issue an order to cease and desist, and direct that these persons not complying with such prohibitions, limits requirements, or provisions to:

- (a) Comply forthwith;
- (b) Comply in accordance with a time schedule set forth by the superintendent;
- (c) Take appropriate remedial or preventive action in the event of a threatened violation; or
- (d) Surrender his applicable user's permit if ordered to do so after a show cause hearing.

Failure of the superintendent to issue a cease and desist order to a violating user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge.

(2) When the superintendent finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in this chapter, or wastewater source control requirements, effluent limitations of pretreatment standards, or the provisions of a Wastewater Discharge Permit, the superintendent shall require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements. Such schedule shall be submitted to the superintendent within 30 days of the issuance of the cease and desist order. (Ord. # 334)

18-228. Show cause hearing. (1) The town may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the board of mayor and aldermen why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the board of mayor and aldermen regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the board of mayor and aldermen why the proposed enforcement action should not be taken.

The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing.

(2) The board of mayor and aldermen may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the Water & Sewer Department to:

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

(b) Take the evidence;

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

(3) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(4) After the board of mayor and aldermen has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and that these devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued. (Ord. # 334)

18-229. Legal action. If any person discharges sewage, industrial wastes, or other wastes into the town's wastewater disposal system contrary to the provisions of this chapter, Federal or State Pretreatment Requirements, or any order of the town, the town attorney may commence an action for appropriate legal and/or equitable relief in the chancery court of this county. (Ord. # 334)

18-230. Emergency termination of service. In the event of an actual or threatened discharge to the POTW of any pollutant which in the opinion of the superintendent presents or may present an imminent and substantial endangerment to the health or welfare of persons, or cause interference with POTW, the superintendent or in his absence the person then in charge of the treatment works shall immediately notify the mayor of the nature of the emergency. The superintendent shall also attempt to notify the industrial user or other person causing the emergency and request their assistance in abating same. Following consultation with the aforementioned officials of the town or in their absence such elected officials of the town as may be available, the superintendent shall temporarily terminate the service of such user or users as are necessary to abate the condition when such action appears reasonably

necessary. Such service shall be restored by the superintendent as soon as the emergency situation has been abated or corrected. (Ord. # 334)

18-231. Public nuisance. Discharges of wastewater in any manner in violation of this chapter or of any order issued by the superintendent as authorized by this chapter, is hereby declared a public nuisance and shall be corrected or abated as directed by the superintendent. Any person creating a public nuisance shall be subject to the provisions of the town codes or ordinances governing such nuisance. (Ord. # 334)

18-232. Correction of violation and collection of costs. In order to enforce the provisions of this chapter, the superintendent shall correct any violation hereof. The cost of such correction shall be added to any sewer service charge payable by the person violating the chapter or the owner or tenant of the property upon which the violation occurred, and the town shall have such remedies for the collection of such costs as it has for the collection of sewer service charges. (Ord. # 334)

18-233. Damage to facilities. When a discharge of wastes causes an obstruction, damage, or any other physical or operational impairment to facilities, the superintendent shall assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge. (Ord. # 334)

18-234. Civil liabilities. Any person or user who intentionally or negligently violates any provision of this chapter, requirements, or conditions set forth in permit duly issued, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard or performance, pretreatment, or toxicity standard, shall be liable civilly.

The Town of Selmer shall sue for such damage in any court of competent jurisdiction. In determining the damages, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and the correcting action, if any. (Ord. # 334)

18-235. Civil penalties. Any user who is found to have violated an order of the board of mayor and aldermen or who willfully or negligently failed to comply with any provision of this chapter, and the order, rules, regulations and permits issued hereunder, shall be fined not less than fifty and 00/100 dollars (\$50.00) for each offense. Each day of which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the town may recover reasonable attorney's fees, court costs,

court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder. (Ord. # 334)

18-236. Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction be punished by a fine of not more than \$1,000 or by imprisonment for not more than six (6) months, or by both. (Ord. # 334)

18-237. Fees and billing. (1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from user's of the town's wastewater treatment system, including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

(2) Types of charges and fees. The charges and fees as established in the town's schedule of charges and fees, may include, but not be limited to:

- (a) Inspection fee and tapping fee;
- (b) Fees for applications for discharge;
- (c) Sewer use charges;
- (d) Surcharge fees;
- (e) Industrial wastewater discharge permit fees;
- (f) Fees for industrial discharge monitoring; and
- (g) Other fees as the town may deem necessary to carry out the

requirements of this chapter.

(3) Fees for applications for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by section 18-210 of this chapter.

(4) Inspection fee and tapping fee. An inspection fee and tapping fee for a building sewer installation shall be paid to the Town's Sewer Department at the time the application is filed. Fees shall cover the costs of inspecting new and/or existing plumbing within subject building establishments as well as inspection of building sewers, property sewers, and sewer service lines and connections to the public sewers. The inspection fee and tapping fee shall be set by the board of mayor and aldermen. (Ord. # 334)

18-238. Sewer use charges. Users of the wastewater system shall be classified into two (2) general classes or categories depending upon the users contribution of wastewater loads; each class user being identified as follows:

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

suspended solids discharge is two hundred fifty milligrams per liter (250 mg/l) by weight or less.

(2) Class II: Those users whose average biochemical oxygen demand exceeds two hundred fifty milligrams per liter concentration (250 mg/l) by weight and whose suspended solids exceeds two hundred fifty milligrams per liter concentration (250 mg/l). (Ord. # 334)

18-239. Determination of costs. The board of mayor and aldermen shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system. Said charges shall be based upon the cost categories of administration costs, including billing and accounting costs; operation and maintenance costs of the wastewater collection and treatment system; and debt service costs.

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

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

Where;

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

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

V_t = the total volume of wastewater contribution from all users per year as determined from projections from one city fiscal year to the next.

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

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

(4) When either or both the total suspended solids or biochemical oxygen demand quantities discharged into the treatment works is in excess of

those described in section 18-236, above, thus being classified as Class II users, the following formula shall be used to compute the appropriate user charge:

$$C_u = V_c V_u + B_c B_u + S_c S_u$$

Where;

C_u = Total user charge per unit of time.

V_c = Total cost for transportation and treatment of a unit of wastewater volume.

V_u = volume contribution per unit of time.

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

B_u = Total BOD contribution for a user per unit of time.

S_c = Total cost of treatment of a unit of suspended solids.

S_u = Total suspended solids contribution from a user per unit of time. (Ord. # 334)

18-240. Surcharge fees. If it is determined by the city that the discharge of other loading parameters or wastewater substances are creating excessive operation and maintenance costs within the wastewater system, whether collection or treatment, then the monetary effect of such a parameter or parameters shall be borne by the discharge of such parameters in proportion to the amount of discharge. (Ord. # 334)

18-241. Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge fee in accordance with section 18-210 of this chapter. (Ord. # 334)

18-242. Fees for industrial discharge monitoring. Fees may be collected from industrial user's having pretreatment or other discharge requirements to compensate the town for the necessary compliance monitoring and other administrative duties of the pretreatment program. (Ord. # 334)

18-243. Billing. The billing for normal domestic wastewater services shall consist of monthly billing in accordance with the rates specified by the town, subject to net and gross rates. (Ord. # 334)

18-244. Validity. All chapters or parts of chapters in conflict herewith are hereby repealed.

The validity of any section, clause, sentence, or provision of this chapter shall not affect the validity of any other part of this chapter which can be given effect without such invalid part or parts.

This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the Town of Selmer, Tennessee. (Ord. # 334)

CHAPTER 3

SEWAGE DISPOSAL

SECTION

- 18-301. Definitions.
- 18-302. Places required to have sanitary disposal methods.
- 18-303. When a connection to the public sewer is required.
- 18-304. When a septic tank shall be used.
- 18-305. Registration and records of septic tank cleaners, etc.
- 18-306. Use of pit privy or other method of disposal.
- 18-307. Approval and permit required for septic tanks, privies, etc.
- 18-308. Owner to provide disposal facilities.
- 18-309. Occupant to maintain disposal facilities.
- 18-310. Only specified methods of disposal to be used.
- 18-311. Discharge into watercourses restricted.
- 18-312. Pollution of ground water prohibited.
- 18-313. Enforcement of chapter.
- 18-314. Carnivals, circuses, etc.
- 18-315. Violations.

18-301. Definitions. The following definitions shall apply in the interpretation of this chapter.

(1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred (200) feet of any boundary of said property measured along the shortest available right-of-way.

(2) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent.

(3) "Human excreta." The bowel and kidney discharges of human beings.

(4) "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments.

(5) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Public Health as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should

not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

(6) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented.

(7) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer.

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (Code of 1977, § 8-301)

18-302. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (Code of 1977, § 8-302)

18-303. When connection to a public sewer is required. (1) Each property owner of the Town of Selmer, where people live and congregate in the town, shall be and is hereby required to connect and use the sewer facilities of the town where such facilities are available to such property.

(2) Each property owner shall make the connection to the sewer facilities as soon as such facilities are constructed to the nearest point adjacent to his property.

(3) All other sewage facilities, including privies, septic tanks, disposal fields, or other means of sewage disposal located in the Town of Selmer upon property where municipality sewer facilities are now available, or will be available, upon completion of the sewage system contemplated by the plans and specifications for construction are hereby declared a nuisance and not in keeping with the public health and welfare of the town and are hereby prohibited. (Code of 1977, § 8-303)

18-304. When a septic tank shall be used. Wherever water-carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and

construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (Code of 1977, § 8-304)

18-305. Registration and records of septic tank cleaners, etc. Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (Code of 1977, § 8-305)

18-306. Use of pit privy or other method of disposal. Wherever a sanitary method of human excreta disposal is required under section 18-302 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (Code of 1977, § 8-306)

18-307. Approval and permit required for septic tanks, privies, etc. Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (Code of 1977, § 8-307)

18-308. Owner to provide disposal facilities. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by section 18-302, or the agent of the owner, to provide such facilities. (Code of 1977, § 8-308)

18-309. Occupant to maintain disposal facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times, and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (Code of 1977, § 8-309)

18-310. Only specified methods of disposal to be used. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed, of, except by a sanitary method of disposal as specified in this chapter. (Code of 1977, § 8-310)

18-311. Discharge into watercourses restricted. No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (Code of 1977, § 8-311)

18-312. Pollution of ground water prohibited. No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening, either natural or artificial, in any formation which may permit the pollution of ground water. (Code of 1977, § 8-312)

18-313. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace. Failure to remove such menace immediately shall be punishable under the general penalty clause for this code. However, such person shall be allowed the number of days herein provided within which to make permanent correction. (Code of 1977, § 8-313)

18-314. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (Code of 1977, § 8-314)

18-315. Violations. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (Code of 1977, § 8-315)

CHAPTER 4

INDUSTRIAL PRETREATMENT ORDINANCE

SECTION

- 18-401. General provisions.
- 18-402. General sewer use requirements.
- 18-403. Pretreatment of wastewater.
- 18-404. Wastewater discharge permit eligibility.
- 18-405. Wastewater discharge permit issuance process.
- 18-406. Reporting requirements.
- 18-407. Compliance monitoring.
- 18-408. Confidential information.
- 18-409. Publication of industrial users in significant noncompliance.
- 18-410. Administrative enforcement remedies.
- 18-411. Judicial enforcement remedies.
- 18-412. Supplemental enforcement action.
- 18-413. Affirmative defenses to discharge violations.
- 18-414. Metered/estimated wastewater volume.
- 18-415. Fees and billings.
- 18-416. Miscellaneous provisions.
- 18-417. Falsifying information.

18-401. General provisions. (1) Purpose and policy. This ordinance sets forth uniform requirements for users of the wastewater collection system and the Publicly Owned Treatment Works (POTW) for the Selmer Utility District, of Selmer, Tennessee and to comply with all applicable state and federal laws including the Clean Water Act (33 U.S.C. 1251 et seq.), and the General Pretreatment Regulations (40 C.F.R. part 403). The objectives of this ordinance are:

- (a) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
- (b) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- (c) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- (d) To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- (e) To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;

(f) To enable the Selmer Utility District to comply with its NPDES permit conditions, sludge use and disposal requirements and any other federal or state laws to which the POTW is subject.

This ordinance shall apply to all industrial and/or any significant users of the Selmer, Tennessee POTW. The ordinance authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance and enforcement activities; establishes administrative review and enforcement procedures, requires industrial user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(2) Administration. Except as otherwise provided herein, the Director of Public Works, Town of Selmer shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the director may be delegated by the director to other town personnel.

(3) Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

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

(b) "Approval authority." The State of Tennessee and/or U.S. EPA, region IV.

(c) "Authorized representative of the industrial user."

(i) If the industrial user is a corporation, authorized representative shall mean:

(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 a similar policy or decision-making functions for the corporation.

(B) The manager of one (1) or more manufacturing, production, or operation 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 or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(ii) If the industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively.

(iii) If the industrial user is a federal, state or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.

(iv) The individuals described in subsections (ii) through (iii) above may designate another 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 Director of Public Works, Town of Selmer.

(d) "Biochemical Oxygen Demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty degrees (20°) centigrade expressed in terms of mass and concentration (mg/l).

(e) "Best Management Practices" or "BMPs." Schedules of activities prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-402(1) [Tennessee Rule 1200-4-14-.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. BMPs also include alternative means (i.e. management plans) of complying with, or in place of certain established categorical pretreatment standards and effluent limits.

(f) "Categorical pretreatment standard" or "categorical standard." Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 C.F.R. chapter I, subchapter N, parts 405--471.

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

(h) "Composite sample." The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

(i) "Director." The Director of Public Works, Town of Selmer, who is charged with certain duties and responsibilities by this ordinance or his duly authorized representative.

(j) "Environmental Protection Agency" or "EPA." The U.S. Environmental Protection Agency or, where appropriated, the term may also be used as a designation for the regional water management division director or other duly authorized official of said agency.

(k) "Existing source." Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the Act.

(l) "Grab sample." An individual sample collected over a period of time not exceeding fifteen (15) minutes.

(m) "Indirect discharge" or "discharge." The introduction of (nondomestic) pollutants into the POTW from any nondomestic source regulated under section 307(b), (c) or (d) of the Act.

(n) "Industrial user" or "user." A source of indirect discharge.

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

(p) "Interference." A discharge which alone or in conjunction with a discharge or discharges from other sources:

(i) Inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; or

(ii) Exceeds the design capacity of the treatment works or collection system.

(q) "Monthly average." The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

(r) "New source." (i) 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:

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

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

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

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

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

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

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

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

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

(s) "Noncontact cooling water." Water used for cooling which does not come into direct contact with any raw material intermediate product, waste product, or finished product.

(t) "Pass through." A discharge which exits the POTW into waters of the state 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 requirements of the Selmer Utility District's NPDES permit (including an increase in the magnitude or duration of a violation).

(u) "Person." Any and all persons, including individuals, firms, partnerships, associations, public or private institutions, state and federal agencies, municipalities or political subdivisions, or officers

thereof, departments, agencies, or instrumentalities, or public or private corporations or officers thereof, organized or existing under the laws of this or any state or country.

(v) "pH." A measure of the acidity or alkalinity of a substance, expressed in standard units.

(w) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor).

(x) "Pretreatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

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

(z) "Pretreatment standards" or "standards." Pretreatment standards shall mean prohibitive discharge standards, categorical pretreatment standards, and local limits.

(aa) "Prohibited discharge standards" or "prohibited standards." Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 18-402(1) of this chapter.

(bb) "Publicly Owned Treatment Works" or "POTW." A "treatment works" as defined by section 212 of the Act (33 U.S.C. 1292), which is owned by the state or municipality or utility district. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. The term also means the municipal entity having jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works.

(cc) "Utility district." The Selmer Utility District of Selmer, Tennessee.

(dd) "Utility." The Selmer Utility Department, Selmer, Tennessee.

(ee) "Septic tank waste." Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

- (ff) "Sewage." Human excrement and gray water (household showers, dishwashing operations, etc.)
- (gg) "Significant industrial user." Shall apply to:
 - (i) Industrial users subject to categorical pretreatment standards; or
 - (ii) Any other industrial user that:
 - (A) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater;
 - (B) Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the treatment plant; or
 - (C) Is designated as significant by the town on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (hh) "Slug load." Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in § 14-402(1) of this chapter or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.
- (ii) "Standard Industrial Classification (SIC) code." A classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.
- (jj) "Storm water." Any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snowmelt.
- (kk) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- (ll) "Town." Town of Selmer, Tennessee.
- (mm) "Toxic pollutant." One (1) of one hundred twenty-six (126) pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of section 307 (33 U.S.C. 1317) of the Act.
- (nn) "Treatment plant effluent." Any discharge of pollutants from the Selmer POTW into waters of the State of Tennessee.
- (oo) "Wastewater." Liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- (pp) "Wastewater treatment plant" or "treatment plant." That portion of the POTW designed to provide treatment of sewage and industrial waste.

Shall is mandatory; may is permissive or discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

(4) Abbreviations. The following abbreviations shall have the designated meanings:

BOD	- Biochemical Oxygen Demand
C.F.R.	- Code of Federal Regulations
COD	- Chemical Oxygen Demand
EPA	- U.S. Environmental Protection Agency
ERG	- Enforcement Response Guide
L	- Liter
mg	- Milligrams
mg/l	- Milligrams per liter
NPDES	- National Pollutant Discharge Elimination System
O&M	- Operation and Maintenance
POTW	- Publicly Owned Treatment Works
RCRA	- Resource Conservation and Recovery Act
SIC	- Standard Industrial Classifications
SWDA	- Solid Waste Disposal Act (42 U.S.C. 67901, <u>et seq.</u>)
TSS	- Total Suspended Solids
U.S.C.	- United States Code (Ord. # 462, July 1998, as replaced by Ord. #600, March 2011)

18-402. General sewer use requirements. (1) Prohibited discharge standards. No industrial user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all industrial users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirement. Furthermore, no industrial user may contribute the following substances to the POTW:

(a) Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (140° F) (sixty degrees Celsius (60° C)) using the test methods specified in 40 C.F.R. 261.21.

(b) Any wastewater having a pH less than 5.0 or more than 10.0, unless authorized by the director, or otherwise causing corrosive structural damage to the POTW or equipment or endangering utility personnel. No wastewater having a pH of less than 5.0 shall be authorized and no wastewater having a pH of more than 12.5 shall be authorized, since this would be considered a hazardous waste under section 40 C.F.R. 261.22 of the Act.

(c) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference.

(d) Any wastewater containing pollutants, including oxygen demanding pollutants COD, etc., released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW; or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals.

(e) Any wastewater having a temperature greater than one hundred fifty degrees Fahrenheit (150° F) (sixty-five degrees Celsius (65° C)), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four degrees Fahrenheit (104° F) (forty degrees Celsius (40° C)).

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

(g) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(h) Any trucked or hauled pollutants, except at discharge points designated by the director in accordance with § 18-403(5).

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

(j) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating the Selmer Utility District's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life.

(k) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the director in compliance with applicable state and federal regulations.

(l) Subsurface drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the director.

(m) Any sludges, or other residues from the pretreatment of industrial wastes.

(n) Any wastewater causing the treatment plant's effluent to fail a toxicity test.

(o) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

(p) Obstruction of flow in a sewer system or injury of the system, or a nuisance or prevention of the effective maintenance or operation of the sewer system.

(q) Any discharge of fats, oils, or greases of animal or vegetable origin is limited to one hundred (100) mg/l.

Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW.

(2) Federal categorical pretreatment standards. The national categorical pretreatment standards found at 40 C.F.R. chapter I, subchapter N, parts 405-471 are hereby incorporated.

(3) State requirements. Tennessee Industrial State Pretreatment Standards are also incorporated into this ordinance.

(4) Specific pollutant limitations. The director is authorized to establish local limits pursuant to Tennessee Rule 1200-4-14-.05(3).

The following protection criteria are established to protect against pass through and interference. No person shall discharge wastewater which will cause the influent of the POTW to be in excess of the following maximum allowable influent limits.

<u>Parameter</u>	<u>POTW Protection Criteria (mg/L)</u>
Copper	.07413
Chromium III	1.5622
Chromium VI	0.1412
Nickel	.29381
Cadmium	.001
Lead	.01035
Mercury	.00043
Silver	.00814
Zinc	.6700
Cyanide	01697
Toluene	.0750
Benzene	.0060
1,1,1, Trichloroethane	.1200
Ethylbenzene	.01212
Carbon Tetrachloride	.0150
Chloroform	.1700
Tetrachloroethylene	.0500
Trichloroethylene	.0400
1,2 trans Dichloroethylene	.0030
Methylene Chloride	.07813
Phenols, total	.08929

<u>Parameter</u>	<u>POTW Protection Criteria (mg/L)</u>
Naphthalene	.00167
Phthalates, total	.2340

Total Toxic Organics (TTOs). Limits for those parameters on the TTO list will be considered on an individual case by case basis, by the director, for those not regulated in the 40 C.F.R. regulations of the Act for categorical and/or non-categorical industries, considering such factors including but not limited to: Concentration, flow, pound loading to the POTW and other considerations necessary to prevent pass through and protect the POTW as set forth by the director.

The director may develop best management practices, by ordinance or in individual or general wastewater discharge permits, to implement protection criteria and the requirements of § 18-402(1).

(5) Utility district right of revision. The Selmer Utility District reserves the right to establish, by industrial wastewater discharge permits issued through the town, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in § 18-401(1) of this chapter or the general and specific prohibitions in § 18-402(1), (2), (3) and (4) of this chapter and parameters not listed in § 18-402(4).

(6) Special agreement. The district reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW through the director of public works. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 C.F.R. 403.15. They may also request a variance from the categorical pretreatment standard from EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 C.F.R. 403.13.

(7) Dilution. No industrial user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The director may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate. (Ord. # 462, July 1998, as amended by Ord. #508, Dec. 2004, and replaced by Ord. #600, March 2011)

18-403. Pretreatment of wastewater. (1) Pretreatment facilities. Industrial users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in § 18-402(1) above within the time limitations specified by the EPA, the state, or the director whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the utility shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the director for review, and shall be acceptable to the director before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the utility under the provisions of this ordinance. The director shall be notified forty-eight (48) hours prior to start-up of new or modified wastewater pretreatment facilities. Any subsequent changes in the wastewater pretreatment facilities or method of operation shall be reported to and be acceptable to the director.

(2) Additional pretreatment measures. (a) Whenever deemed necessary, the director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.

(b) The director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit or general permit may be issued solely for flow equalization.

(c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the director, shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired by the user at their expense.

(3) Accidental discharge/slug control plan. The director may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every two (2) years the director shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/control slug plan shall submit a plan which addresses, at a minimum, the following:

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

(b) Description of stored chemicals.

(c) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in § 18-402(1) of this chapter.

(d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off; worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(4) Tenant responsibility. Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this ordinance.

(5) Hauled wastewater. (a) Septic tank waste may be accepted into the POTW at a designated receiving structure within the treatment plant area, and at such times as are established by the director, provided such wastes do not violate § 18-402 of this chapter or any other requirements established or adopted by the Selmer Utility District.

(b) The discharge of hauled industrial wastes and/or wastewater as "industrial septage" requires prior approval and a wastewater discharge permit from the utility. The director shall have authority to prohibit the disposal of such wastes, if such disposal would interfere with the treatment plant operation or cause pass through of the POTW or adversely affect the quality of the POTW sludge. Waste haulers are subject to all other sections of this ordinance.

(c) Industrial waste haulers may discharge loads only at locations designated by the director. The director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

(6) Underground storage tank wastewater. Wastewater from contaminated underground storage tank sites within the legal boundaries of the Selmer Utility District may be discharged to the POTW only when and if a

permit application, as prescribed by the director is applied for and a special "underground storage tank wastewater discharge permit" as prescribed by the director, is issued to the owner and/or tenant of the property at which the contaminated wastewater is generated. All other aspects of this ordinance will be in force for these permits also.

(7) Vandalism. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of utility property, (i.e. automatic samplers and other field equipment). Any person found in violation of this requirement shall be subject to the sanctions set out in §§ 18-410 through 18-412 below. (Ord. # 462, July 1998, as replaced by Ord. #600, March 2011)

18-404. Wastewater discharge permit eligibility. (1) Wastewater survey. When requested by the director, all industrial and/or commercial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The director 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 this ordinance.

(2) Wastewater discharge permit requirement. (a) It shall be unlawful for any significant industrial user to discharge wastewater into the Selmer Utility District's POTW without first obtaining a wastewater discharge permit from the director, except that a significant industrial user that has filed a timely application pursuant to § 18-404(3) of this chapter may continue to discharge for the time period specified therein. 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 §§ 18-410 through 18-412. 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.

(b) The director may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.

(3) 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 utility for a wastewater discharge permit in accordance with § 18-404(6) below, 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 director, 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.

(4) Wastewater discharge permitting: new connection. 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.

(5) Wastewater discharge permitting: extra jurisdictional industrial users. (a) Any existing significant industrial user located beyond the Selmer Utility District limits and discharging into the Selmer Sewer System shall submit a wastewater discharge permit application, in accordance with § 18-404(6) 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 Selmer Utility District limits shall submit such applications to the director at least sixty (60) days prior to any proposed discharge into the POTW.

(b) Alternately, the director 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.

(6) Wastewater discharge permit application contents. In order to be considered for a wastewater discharge permit, all industrial and/or commercial users required to have a wastewater discharge permit must submit the information required by § 18-406(1)(b) of this chapter. The director shall approve a form to be used as a permit application. In addition, the following information may be requested:

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

(ii) Description of activities, facilities, and plant processes 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.

(b) Environmental permits. A list of any environmental control permits held by or for the facility.

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

(ii) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be discharged to the POTW;

(iii) Number and type of employees, hours of operation, and proposed or actual hours of operation of the industry;

(iv) Each product produced by type, amount, process and processes, and rate of production;

(v) Type and amount of raw materials processed (average and maximum per day); and

(vi) The site 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.

(d) Time and duration of the discharge.

(e) Flow measurement. Information showing the measured average, or estimated, if approved by the director, daily and maximum flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 C.F.R. 403.6(e).

(f) Measurement of pollutants. (i) Identify the categorical pretreatment standards applicable to each regulated process.

(ii) Submit the results of sampling and analysis identifying the nature and concentration and/or mass, where required by the standard or by the utility, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 18-406(10).

(iii) Sampling must be performed in accordance with procedures set out in § 18-406(11).

(g) Any requests to be covered by a general permit based on § 18-404(7).

(h) Any other information as may be deemed necessary by the director to evaluate the permit application.

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

(7) Wastewater discharge permitting: general permits. (a) At the discretion of the director, the director may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:

(i) Involve the same or substantially similar types of operations;

(ii) Discharge the same types of wastes;

(iii) Require the same effluent limitations;

- (iv) Require the same or similar monitoring; and
- (v) In the opinion of the director, are more appropriately controlled under a general permit than under individual wastewater discharge permits.

(b) To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production, processes, the types of wastes generated, and the location for monitoring all wastes covered by the general permit.

(c) The director will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in § 18-404(7)(a) and applicable state regulations, and a copy of the user's written request for coverage for three (3) years after the expiration of the general permit. [See C.F.R. 403.8(f)(1)(iii)(A)(1) through (5)]

(d) The director may not control an SIU through a general permit where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the combined wastestream formula or net/gross calculations. [See 40 C.F.R. 403.6(e) and 40 C.F.R. 403.15]

(8) Application signatories and certification. (a) All wastewater discharge permit applications, industrial user reports, and certification statements including the quarterly report to the utility, must be signed by an authorized representative of the industrial user and contain the certification statement in § 18-406(15)(a).

(b) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted by an authorized representative.

(9) Wastewater discharge permit decisions. The director 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 director will determine whether or not to issue a wastewater discharge permit. The director may deny any application for an individual or general wastewater discharge permit. (Ord. # 462, July 1998, as replaced by Ord. #600, March 2011)

18-405. Wastewater discharge permit issuance process. (1) Wastewater discharge permit duration. Wastewater discharge permits shall be issued for a specific 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

director. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(2) Wastewater discharge permit contents. Wastewater discharge permit shall include such conditions as are reasonably deemed necessary by the director to prevent pass through or 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.

(a) Wastewater discharge permits must contain the following conditions:

(i) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years.

(ii) A statement that the wastewater discharge permit is nontransferable without prior notification and approval from the director, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.

(iii) Effluent limits, including best management practices, based on applicable pretreatment standards.

(iv) Self monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants (or best management practices) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law.

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

(vi) A copy of the Selmer Utility District's, "Enforcement Response Guide."¹

(vii) Requirements to control slug discharge, if determined by the director to be necessary.

(b) Wastewater discharge permits may contain, but need not be limited to, the following:

(i) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.

(ii) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.

¹The Selmer Utility District's "Enforcement Response Guide" is available in the recorder's office.

(iii) 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.

(iv) 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.

(v) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

(vi) The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW.

(vii) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices.

(viii) 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.

(ix) Other conditions as deemed appropriate by the director to ensure compliance with this ordinance, and state and federal laws, rules, and regulations.

(3) Wastewater discharge permit appeals. Any person, including the industrial user, may petition the director to reconsider the terms of a wastewater discharge permit within thirty (30) days of its issuance.

(a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(b) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(c) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

(d) Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative action for purposes of judicial review.

(e) Aggrieved parties may seek an appeal under § 18-410(10)(a) and (b). Parties dissatisfied with the decision of the board may seek

judicial review, which shall be limited as provided in 1 C. 4-21.5-5-14(d)(1)–(5).¹

(5) Wastewater discharge permit modification. (a) The director may modify an individual wastewater discharge permit for good cause including, but not limited to, the following:

(i) To incorporate any new or revised federal, state, or local pretreatment standards or requirements.

(ii) 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.

(iii) A change in the POTW that requires either temporary or permanent reduction or elimination of the authorized discharge.

(iv) Information indicating that the permitted discharge poses a threat to the Selmer Utility District's POTW, utility personnel, or the receiving waters.

(v) Violation of any terms or conditions of the wastewater discharge permit.

(vi) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.

(vii) Revision of or a grant of variance from categorical pretreatment standards pursuant to Tennessee Rule 1200-4-14-.13.

(viii) To correct typographical or other errors in the wastewater discharge permit.

(ix) 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.

(b) The director may modify a general permit for good cause, including but not limited to the following reasons:

(i) To incorporate any new or revised federal, state or local pretreatment standards or requirements.

(ii) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.

(iii) To correct typographical or other errors in the wastewater discharge permit.

(iv) To reflect a transfer of the facility ownership or operation to a new owner or operator.

¹Judicial enforcement remedies is § 18-411 of this municipal code.

(5) 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 director and the director approves the wastewater discharge permit transfer. The notice to the director must include a written certification by the new owner and/or operator which:

- (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.
- (b) Identifies the specific date on which the transfer is to occur.
- (c) 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.

(6) Wastewater discharge permit revocation. Wastewater discharge permits may be revoked for the following reasons:

- (a) Failure to notify the utility of significant changes to the wastewater prior to the changed discharge.
- (b) Failure to provide prior notification to the utility of changed condition pursuant to § 18-406(5).
- (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
- (d) Falsifying self-monitoring reports.
- (e) Tampering with Selmer Utility District's monitoring equipment.
- (f) Refusing to allow the utility timely access to the facility premises and records.
- (g) Failure to meet effluent limitations.
- (h) Failure to pay fines.
- (i) Failure to pay sewer charges.
- (j) Failure to meet compliance schedules.
- (k) Failure to complete a wastewater survey or the wastewater discharge permit application.
- (l) Failure to provide advance notice of the transfer of a permitted facility.
- (m) 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 nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.

(7) Wastewater discharge permit reissuance. A significant industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application in accordance with § 18-404(6) a minimum of sixty (60) days period to the expiration of the industrial user's existing wastewater discharge permit.

(8) Regulation of waste received from other jurisdictions. (a) If another municipality or user located within another municipality, contributes wastewater to the POTW, the director shall enter into an intermunicipal agreement with the contributing municipality.

(b) Prior to entering into an agreement required by subsection (a) above, the director shall request the following information from the contributing municipality:

(i) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

(ii) An inventory of all users located within the contributing municipality that are discharging to the POTW; and

(iii) Such other information as the director may deem necessary.

(c) An intermunicipal agreement, as required by subsection (a) above, shall contain the following conditions:

(i) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits, including required Baseline Monitoring Reports (BMR) which are at least as stringent as those set out in § 18-402(4) of this chapter. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the Selmer ordinance or local limits;

(ii) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;

(iii) A provision specifying which pretreatment implementation activities, including wastewater discharge permits issuance, inspection and sampling and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the director; and which of these activities will be conducted jointly by the contributing municipality and the director;

(iv) A requirement for the contributing municipality to provide the director with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(v) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

(vi) Requirements for monitoring the contributing municipality's discharge;

(vii) A provision ensuring the director access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the director; and

(viii) A provision specifying remedies available for breach of the terms of the intermunicipal agreement. (Ord. # 462, July 1998, as replaced by Ord. #600, March 2011)

18-406. Reporting requirements. (1) Baseline monitoring reports.

(a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under Tennessee Rule 1200-4-14-.06(1)(d), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the utility a report which contains the information listed in subsection (b) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the utility a report which contains the information listed in subsection (b) below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(b) The industrial user shall submit the information required by this section including:

(i) All information required in § 18-404(6)(a)(i), (b), (c)(i), and (e).

(ii) Measurement of pollutants.

(A) The user shall provide the information required in § 18-404(6)(f)(i)–(iii).

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

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

(D) Sampling and analysis shall be performed in accordance with § 18-406(10).

(E) The director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

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

(G) In cases where the standard requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the control authority or the applicable standards to determine compliance with the standard.

(iii) Certification. A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis—and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(iv) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standard; the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 18-406(2) of this chapter.

(v) Signature and report certification. All baseline monitoring reports must be signed and certified in accordance with § 18-406(15)(a) of this chapter and signed by an authorized representative as defined in § 18-401(3)(c).

(2) Compliance schedule progress report. (a) The following conditions shall apply to the schedule required by § 18-406(1)(b)(iv).

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

(c) No increment referred to above shall exceed nine (9) months.

(d) The industrial user shall submit a progress report to the director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, (and, if appropriate) the steps being taken by the industrial user to return to the established schedule.

(e) In no event shall more than nine (9) months elapse between such progress reports to the director.

(3) Reports on compliance with categorical pretreatment standard deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the director a report containing the information described in §§ 18-404(5)(e) and (f) and 18-406(1)(b)(ii) of this chapter. For all industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 18-406(15)(a). All sampling must be done in conformance with § 18-406(11).

(4) Periodic compliance reports. (a) Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the director but in no case less than four (4) times per year (in April, in July, in October, in January) each covering the previous three (3) month period, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with § 18-406(15)(a). In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the director or pretreatment standard necessary to determine the compliance status of the user.

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

(c) If an industrial user subject to the reporting requirements in and of this section monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in § 18-406(11)

and analytical methods prescribed in § 18-406(10) of this chapter, the results of this monitoring shall be included in the report.

(d) Periodic compliance reports may be waived by the director if the utility is at least monitoring the discharge quarterly, and no process wastewater is discharged to the Selmer POTW.

(5) Report of changed conditions. Each industrial user is required to notify the director of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least sixty (60) days before the change.

(a) The director may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 18-404(6).

(b) The director may issue a wastewater discharge permit under § 18-404(9) or modify an existing wastewater discharge permit under § 18-405(4).

(c) No industrial user shall implement the planned changed conditions(s) until and unless the director has responded to the industrial user's notice.

(d) For purposes of this requirement flow increases of twenty-five percent (25%) or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.

(6) Reports of potential problems. (a) In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problems for the POTW (including a violation of the prohibited discharge standards in § 18-402(1) of this chapter), it is the responsibility of the industrial user to immediately telephone and notify the utility of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user.

(b) Within five (5) days following such discharge, the industrial user shall, unless waived by the director, submit a detailed written report describing the causes 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, natural resources, 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 this ordinance.

(c) Failure to notify the utility of potential problem discharges shall be deemed a separate violation of this ordinance.

(d) A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subsection (a) above. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.

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

(7) Reports from nonsignificant industrial and/or commercial users. All industrial and/or commercial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the utility as the director may require.

(8) Notice of violation/repeat sampling and reporting. If sampling performed by an industrial user indicates a violation, the industrial user must notify the director within twenty-four (24) hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the report to the director within thirty (30) days after becoming aware of the violation. The industrial user is not required to resample if the utility performs monitoring at the industrial user at least once a month, or if the utility performs sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling, or if the industrial user's regular monitoring activity will result in samples being taken within thirty (30) days of the industry becoming aware of the violation, unless, directed by the director of public works to do so.

If the Selmer Utility District performs sampling in lieu of the industrial user, the Selmer Utility District will perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis.

(9) Notification of the discharge of hazardous waste. (a) Any industrial user who commences the discharge of hazardous waste shall notify the utility, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of; would be a hazardous waste under 40 C.F.R. part 261. Such notification must include the name of the hazardous waste as set forth in 40 C.F.R. part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other). If the industrial user discharges more than one hundred (100) kilograms (two hundred twenty pounds (220 lbs.)), of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the

wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under § 18-406(5) above. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of §§ 18-406(1), (3), and (4) above.

(b) Dischargers are exempt from the requirements of subsection (a) of this section during a calendar month in which they discharge no more than fifteen (15) kilograms (thirty-three pounds (33 lbs.)) of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 C.F.R. 261.30(d) and 261.33(e). A discharge of more than fifteen (15) kilograms (thirty-three pounds (33 lbs.)) of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 C.F.R. 261.30(d) and 261.33(e), requires a one (1) time notification.

Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

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

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

(e) All industries permitted by the utility, shall make a one (1) time notification to the director stating if the company is subject to the reporting conditions in § 18-406(a)–(b).

(10) Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or reports shall be performed in accordance with the techniques prescribed in 40 C.F.R. part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 C.F.R. part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

(11) Sample collection. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and

analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(a) Except as indicated in subsections (b) and (c) below, the industrial user must collect wastewater samples using twenty-four (24) hour flow proportional composite collection techniques unless time-proportional composite sampling or grab sampling is authorized by the director. Where time-proportional composite sampling or grab sampling is authorized by the Selmer Utility District, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 C.F.R. 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Selmer Utility District, as appropriate. In addition, grab samples may be required to show compliance with daily maximum discharge limits.

(b) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

(c) For sampling required in support of baseline monitoring and 90-day compliance reports required in § 18-406(1) and (3) [Tennessee Rule 1200-4-14-.12(2) and (4)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil 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 director may authorize a lower minimum. For the reports required by § 18-406(4) [Tennessee Rule 1200-4-14-.12(5) and (8)] the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(12) Determination of noncompliance. The director may use a grab sample(s) to determine noncompliance with pretreatment standards.

(13) Timing. Written reports will be deemed to have been submitted on the date post-marked. For reports which are not mailed, the date of receipt of the report shall govern.

(14) Record keeping. Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established

under § 18-402(4). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; 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. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or WWF or when requested by the director or the regional administrator.

(15) Certification statements. (a) Certification of permit applications. User reports and initial monitoring waiver. The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with § 18-404(8); users submitting baseline reports on compliance with the categorical pretreatment standard deadlines under § 18-403 [See 40 C.F.R. 403.12(d)]; users submitting periodic compliance reports required by § 18-406(a) through (c) [See 40 C.F.R. 403.12(e) and (h)], and users submitting an initial request to forego sampling of a pollutant on the basis of § 18-406(4)(b) [See 40 C.F.R. 403.12(e)(2)(iii)]. The following certification statement must be signed by an authorized representative as defined in § 18-401(3)(c):

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. (Ord. # 462, July 1998, as replaced by Ord. #600, March 2011)

18-407. Compliance monitoring. (1) Inspection and sampling. The director shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this ordinance, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall allow the director or his representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(a) Where an industrial user has security measures in force which require proper identification and clearance before entry into its

premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the utility, will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

(b) The utility shall have the right to set up on the industrial user's property, or require installation of; such devices as are necessary to conduct sampling and/or metering of the user's operations.

(c) The director may require the industrial user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated periodically to ensure their accuracy.

(d) Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the director and shall not be replaced. The costs of clearing such access shall be born by the industrial user.

(e) Unreasonable delays in allowing utility personnel access to the industrial user's premises shall be a violation of this ordinance.

(2) Search warrants. If the director and/or his representative has been refused access to a building, structure or property or any part thereof; and if the director and/or his representative has demonstrated probable cause to believe that there may be a violation of this ordinance or that there is a need to inspect as part of a routine inspection program of the utility designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application by the town attorney, to the appropriate court, the utility may seek a search and/or seizure warrant describing therein the specific location subject to the warrant. The request by the utility shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the director in the company of a uniformed police officer. In the event of an extreme emergency affecting public health and safety, inspections shall be made without the issuance of a warrant. (Ord. # 462, July 1998, as replaced by Ord. #600, March 2011)

18-408. Confidential information. Information and data on an industrial user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from utility inspection and sampling activities, shall be available to the public without restriction—unless the industrial user specifically requests, and is able to demonstrate to the satisfaction of the director, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. When

requested and demonstrated by the industrial 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 tarnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 C.F.R. 2.302 will not be recognized as confidential information and will be available to the public without restriction. (Ord. # 462, July 1998, as replaced by Ord. #600, March 2011)

18-409. Publication of industrial users in significant noncompliance. The utility shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the utility, a list of the industrial users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in § 18-402;

(2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by § 18-402 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(3) Any other discharge violation of a pretreatment standard or requirement as defined by § 18-402 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the director determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of utility personnel or the general public);

(4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the utility's exercise of its emergency authority to halt or prevent such a discharge;

(5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance

with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance;

(8) Any other violation(s) which the utility determines will adversely affect the operation or implementation of the local pretreatment program. (Ord. # 462, July 1998, as replaced by Ord. #600, March 2011)

18-410. Administrative enforcement remedies. (1) Enforcement Response Guide (ERG). The Director of Public Works of the Selmer Utility District shall prepare, for passage, by the Mayor and Board of Commissioners of the City of Selmer, an Enforcement Response Guide¹ (ERG) to insure that the requirements of 40 C.F.R. part 403 of the Clean Water Act will be met. The ERG shall outline various administrative actions the director may take for various pretreatment violations. The maximum fine shall be one thousand dollars (\$1,000.00) per violation. The director shall review and update, on an annual basis, for the mayor and board of commissioners any changes needed to insure compliance with the federal, state and local pretreatment regulations as listed in the Act and this ordinance.

(2) Notification of violation. Whenever the director finds that any user has violated or is violating this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirements, the director or his agent may serve upon said user a written notice of violation. Within ten (10) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the utility to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. Degrees of violation are listed in the Selmer Utility District "Enforcement Response Guide." The utility notice of violation is in the form of a Letter of Violation (LOV) as listed in the (ERG).

(3) Consent orders. The director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as the administrative orders issued pursuant to § 18-410(4) and (5) below and shall be judicially enforceable. The

¹The Selmer Utility District's "Enforcement Response Guide" is available in the recorder's office.

utility consent orders are in the form of administrative orders as listed in the Selmer Utility District Enforcement Response Guide.

(4) Show cause hearing. The director may order any user which causes or contributes to violation(s) of this ordinance, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirements, to appear before the director and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the user.

(5) Compliance orders. When the director finds that a user has violated or continues to violate the ordinance, wastewater discharge permit or orders issued hereunder, or any other pretreatment standard or requirement, he may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time stated, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user. The compliance orders are in the form of enforcement compliance schedules, issued by the utility, through the Selmer Utility District Enforcement Response Guide.¹

(6) Cease and desist orders. When the director finds that a user is violating this ordinance, the user's wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (a) Immediately comply with all requirements;

¹The Selmer Utility District's "Enforcement Response Guide" is available in the recorder's office.

(b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the user.

(7) Administrative penalties. (a) Notwithstanding any other section of this ordinance, any user that is found to have violated any provision of this ordinance, its wastewater discharge permit, and orders issued hereunder, or any other pretreatment standard or requirements may be fined in an amount not to exceed one thousand dollars (\$1,000.00) as set forth in the Enforcement Response Guide. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines may be assessed for each day during the period of violation.

(b) Assessments may be added to the user's next scheduled sewer service charge and the director shall have such other collection remedies as may be available for other service charges and fees.

(c) Unpaid charges, fines, and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of percent, ten percent (10%) of the unpaid balance and interest shall accrue thereafter at a rate of five percent (5%) per month. A lien against the individual user's property will be sought for unpaid charges, fines, and penalties.

(d) Users desiring to dispute such fines must file a written request for the director to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit the director shall convene a hearing on the matter within fifteen (15) days of receiving the request from the industrial user. In the event the user's appeal is successful, the payment together with any interest accruing thereto shall be returned to the industrial user. The director may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.

(e) Issuance of an administrative fine shall not be a prerequisite for taking any other action against the user.

(8) Emergency suspensions. The director may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The director may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

(a) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the

director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The director shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the director that the period of endangerment has passed, unless the termination proceedings set forth in § 18-410(9) are initiated against the user.

(b) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the director, prior to the date of any show cause or termination hearing under § 18-410(4) and (9).

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(9) Termination of discharge. In addition to those provisions in § 18-405(6) of this chapter, any user that violates the following conditions of this ordinance, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination.

(a) Violation of wastewater discharge permit conditions.

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge.

(c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.

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

(e) Violation of the pretreatment standards in § 18-402 of this chapter.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under § 18-410(4) of this chapter why the proposed action should not be taken.

(10) Appeals. (a) Any user affected by any decision, action or determination, including cease and desist orders, made by the director, interpreting or implementing the provisions of this ordinance, may file with the director a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration.

(b) If the ruling made by the director is unsatisfactory to the person requesting reconsideration, he may, within ten (10) days after notification of utility action, file a written appeal to the mayor and board of city commissioners. The written appeal shall be heard by the board within thirty (30) days from the date of filing. The board of city commissioners shall make a final ruling on the appeal within thirty (30) days of the close of the meeting. The director's decision, action, or

determination shall remain in effect during such period of reconsideration. (Ord. # 462, July 1998, as replaced by Ord. #600, March 2011)

18-411. Judicial enforcement remedies. (1) Injunctive relief. Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this ordinance, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the director may petition the Circuit Court of McNairy County through the Selmer Utility District's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the industrial user. Such other action as appropriate for legal and/or equitable relief may also be sought by the Selmer Utility District. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user.

(2) Civil penalties. (a) Any user which has violated or continues to violate this ordinance, any order or wastewater discharge permit hereunder; or any other pretreatment standard or requirement shall be liable to the director for a maximum civil penalty of one thousand dollars (\$1,000.00) per violation per day. In the case of a monthly or other long-term average discharge limit, penalties may accrue for each day during the period of the violation.

(b) The director may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Selmer Utility District.

(c) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(d) Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

(3) Criminal penalties. (a) Any user who willfully or negligently violates this ordinance, any order or wastewater discharge permit hereunder; or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) per violation per day or imprisonment or both. In the case of a monthly or other long-term average discharge limit, penalties may accrue for each day during the period of the violation.

(b) Any user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of at least one thousand dollars (\$1,000.00) per violation per day or imprisonment or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(c) Any user who knowingly makes false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge permit, or order issued hereunder or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation per day or imprisonment or both.

(4) Remedies nonexclusive. The provision in §§ 18-410 through 18-412 are not exclusive remedies. The utility reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Selmer Utility District's Enforcement Response Guide (ERG). However, the utility reserves the right to take other action against any user when the circumstances warrant. Further, the utility is empowered to take more than one (1) enforcement action against any noncompliant user. These actions may be taken concurrently. (Ord. # 462, July 1998, as replaced by Ord. #600, March 2011)

18-412. Supplemental enforcement action. Liability insurance. The director may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this ordinance, any orders, or a previous wastewater discharge permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge. (Ord. # 462, July 1998, as replaced by Ord. #600, March 2011)

18-413. Affirmative defenses to discharge violations. (1) Upset.

(a) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (c) are met.

(c) An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and the industrial user can identify the cause(s) of the upset;

(ii) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

(iii) The industrial user has submitted the following information to the utility within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):

(A) A description of the indirect discharge and cause of noncompliance;

(B) The period of noncompliance, including exact dates and time or, if not corrected, the anticipated time the noncompliance is expected to continue;

(C) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

(d) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(e) Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(f) The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(2) General/specific prohibitions. (a) A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in Tennessee Rule 1200-4-14-.05(1)(a) and the specific prohibitions in Tennessee Rule 1200-4-14-.05 (2)(c), (2)(d), (2)(e), (2)(f), and (2)(g) of this rule where the user can demonstrate that:

(i) It did not know have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference; and

(ii) A local limit designed to prevent pass through and/or interference, as the case may be, fits one (1) of the following descriptions:

(A) The local limit was developed in accordance with paragraph (3) of this rule for each pollutant in the user's discharge that caused pass through or interference, and the user was in compliance with each such local limit directly prior to and during the pass through or interference; or

(B) The local limit has not been developed in accordance with paragraph (3) of this rule for the pollutant(s) that caused the pass through or interference, the user's discharge directly prior to and during the pass through or interference did not change substantially in nature or constituents from the user's prior discharge activity when the WWF was regularly in compliance with the WWF's NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

(3) Bypass.

(a) (i) "Bypass" means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

(ii) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of subsections (c) and (d) of this section.

(c) (i) If an individual user knows in advance of the need for a bypass, it shall submit prior notice to the utility, at least ten (10) days before the date of the bypass if possible.

(ii) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the utility within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of

the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(d) (i) Bypass is prohibited, and the director may take enforcement action against an industrial user for a bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The industrial user submitted notices as required under subsection (c) of this section.

(ii) The director may approve an anticipated bypass, after considering its adverse effects, if the director determines that it will meet the three (3) conditions listed in subsection (d)(A) of this section. (Ord. # 462, July 1998, as replaced by Ord. #600, March 2011)

18-414. Metered/estimated wastewater volume. (1) Metered water supply. User charges and fees shall be based upon the total amount of water used from all sources unless, in the opinion of the director, significant portions of water received are not discharged to a sanitary sewer. The total amount of water used from public and private sources will be determined by means of public meters or private meters, installed and maintained at the expense of the user and approved by the director.

(2) Metered wastewater volume and metered divisions. For users where, in the opinion of the director, a significant portion of the water received from any metered source does not flow into the sanitary sewer because of the principal activity of the user or removal by other means, the user charges and fees will be applied against the volume of water discharged from such premises into the community sewer. Written notification and proof of the diversion of water must be provided by the user if the user is to avoid the application of the user charges and fees against the total amount of water used from all sources. The user may install a meter of a type and at a location approved by the director and at the user's expense. Such meters may measure either the amount of

sewage discharged or the amount of water diverted. Such meters shall be tested for accuracy at the expense of the user when deemed necessary by the director.

(3) Estimated wastewater volume. (a) Users without source meters. For users where, in the opinion of the director, it is unnecessary or impractical to install meters, the quantity of wastewater may be based upon an estimate prepared by the director. This estimate shall be based upon a rational determination of the wastewater discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services or such other determinants of water use necessary to estimate the wastewater volume discharged.

(b) Users with source meters. For users who, in the opinion of the director, divert a significant portion of their flow from a sanitary sewer, the user charges may be based upon an estimate of the volume prepared by the user, provided the user obtains wastewater discharge authorization and pays the applicable user charges and fees. The estimate must include the method and calculations used to determine the wastewater volume and may consider such factors as the number of fixtures, seating capacity, population equivalents, annual production of goods and services, or such other determinations of water use necessary to estimate the wastewater volume discharged. (Ord. # 462, July 1998, as replaced by Ord. #600, March 2011)

18-415. Fees and billings. (1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from users of the town's wastewater treatment system, including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable recovery of EPA administered federal wastewater grants.

(2) Wastewater discharge permit fees. A permit fee may be charged for the issuance of wastewater discharge in accordance with § 18-405. The permit fee will be assessed at the time of permit issuance.

(3) Billing. The town's charges and fees will consist of a pretreatment factor to be applied to the standard sewer use charge. The pretreatment factor will cover reimbursement for the following:

(a) Reimbursement of cost of setting up and operating town's pretreatment program.

(b) Reimbursement for monitoring, inspections, and surveillance procedures.

(c) Reimbursement for reviewing accidental discharge procedures and construction.

(d) Reimbursement for filing and review of appeals.

(e) Reimbursement for other activities as may be necessary to carry out the requirements contained herein.

The town may change the pretreatment factor for any industrial user as often as may be necessary to fully reimburse the town for expenses incurred.

(4) Surcharge fees. If it is determined by the town that the discharge of other parameters or wastewater substances are creating excessive operation and maintenance costs within the wastewater system, whether collection or treatment, then the monetary effect of such a parameter or parameters shall be borne by the discharge of such parameters in proportion to the amount of discharge. (Ord. # 462, July 1998, as replaced by Ord. #600, March 2011)

18-416. Miscellaneous provisions. (1) Damage to facilities. When a discharge of wastes causes an obstruction, damage, or any other impairment to the POTW, the Selmer Utility District may assess a charge against the user for the work required to clean and/or repair the sanitary sewer system and/or the POTW, and add such charge or charges to the user's charges and fees.

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

(3) Conflicts. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance, are hereby repealed to the extent of the inconsistency or conflict. (Ord. # 462, July 1998, as replaced by Ord. #600, March 2011)

18-417. Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall, upon conviction be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six (6) months, or by both. (Ord. # 462, July 1998, as replaced by Ord. #600, March 2011)

CHAPTER 5

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

SECTION

- 18-501. Definitions.
- 18-502. Standards.
- 18-503. Construction, operation, and supervision.
- 18-504. Statement required.
- 18-505. Inspections required.
- 18-506. Right of entry for inspections.
- 18-507. Correction of existing violations.
- 18-508. Unpotable water to be labeled.
- 18-509. Violations.

18-501. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter.

(1) "Public water supply." The waterworks system furnishing water to the city for general use and which supply is recognized as the public water supply by the Tennessee Department of Health.

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

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

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

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

(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or county. (as added by Ord. #542, Sept. 2006)

18-502. Standards. The municipal public water supply is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-719 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (as added by Ord. #542, Sept. 2006)

15-503. Construction, operation, and supervision. It shall be unlawful for any person to cause a cross connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health and the operation of such cross connection, auxiliary intake, bypass, or interconnection is at all times under the direct supervision of the public works director or his representative. (as added by Ord. #542, Sept. 2006)

15-504. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the Selmer Utility Department a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (as added by Ord. #542, Sept. 2006)

15-505. Inspections required. It shall be the duty of the public works director to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the Selmer Utility Department and as approved by the Tennessee Department of Health. (as added by Ord. #542, Sept. 2006)

15-506. Right of entry for inspections. The public works director or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply for the purpose of inspecting the piping system of systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or system on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (as added by Ord. #542, Sept. 2006)

18-507. Correction of existing violations. Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a through investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the Selmer Utility Department. The failure correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the Selmer Utility Department shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the Selmer Utility Department shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person. Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water supply shall required that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (as added by Ord. #542, Sept. 2006)

18-508. Use of protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation;
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply;
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing;
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected, the public works director or his designated representative, shall require the use if an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises in contained therein.

The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the Selmer Utility Department prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health. The installation shall be at the expense of the owner or occupant of the premises. Personnel of the municipal public water supply shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary

by the or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the of the premises. Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discounting water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the Selmer Utility Department shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. They shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the Selmer Utility Department. The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing or altering, of the protective devices or the installation thereof so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the Selmer Utility Department. (as added by Ord. #542, Sept. 2006)

18-509. Unpotable water to be labeled. In order that the potable water supply made available to premises served by the public water supply shall be protected from possible contamination as specified herein, any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner is:

**WATER UNSAFE
FOR DRINKING**

The minimum acceptable sign shall have black letters at least one (1) inch high located on a red background. (as added by Ord. #542, Sept. 2006)

18-510. Violations. The requirements contained herein shall apply to all premises served by the city water system whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the corporate limits. Any person who neglects or refuses to comply with any of the provisions of this chapter shall be subject to a penalty under the general penalty provision of this code. Each day a violation

Change 6, May 13, 2008

18-94

is allowed to occur shall be a separate offense. (as added by Ord. #542, Sept. 2006)

CHAPTER 6

WATER ADDITIVE ACCOUNTABILITY ORDINANCE

SECTION

18-601. Accountability

18-602. Transparency/disclosure.

18-603. Compliance with Tennessee law.

18-604. Conformance with industry standards.

18-605. Violations.

18-606. Severability.

18-601. Accountability. To assure that any public water system operator servicing residents of the Town of Selmer has selected a product that is consistent with legislative intent that may be enacted for treating disease or effecting the bodily functions of the consumer to prevent disease, rather than making water more potable, the water system operator shall purchase and administer substances to the public drinking water for that purpose from only such chemical manufacturer or responsible entity in the chain of delivery of the product that shall provide the following declaration for their product, which the water system operator shall make readily accessible to the public:

"This specific product, as it is constituted and inclusive of contaminants, and when ingested by consumers in dilution amounts consistent with concentration goals in water established by safe drinking water regulation for the product, is effective at treating the legislatively-identified specific disease or health condition, or effecting the bodily functions to prevent the specific adverse health condition in consumers, consistent with fulfilling the stated legislative intent for this product's use, and is safe for the full range of expected human consumption at these dilution ranges, without known or anticipated adverse health effects over a lifetime, Including for Infants, children, the elderly, and other populations afforded equal protection." (as added by Ord. #592, June 2010)

18-602. Transparency/disclosures. A public water system operator servicing residents of the Town of Selmer shall require as a condition of purchase that the manufacturer of a specific product that the water system operator adds or intends to add to the public drinking water for purposes of treating or effecting the bodily functions of consumers shall provide a list of all published, and unpublished if known, toxicological studies on the health and behavioral effects of continued use of their specific product. If toxicological studies on health and behavioral effects were performed on a different manufacturer's product of the same chemical classification, the responsible

party in the chain of delivery shall identify the manufacturing source of the product and a comparison of content and contaminant concentrations. An update of the list of toxicological studies on the health and behavioral effects of each product content and contaminant shall be required annually. The water system operator shall make these submissions by the manufacturer or responsible party in the chain of product delivery readily accessible to the public. (as added by Ord. #592, June 2010)

18-603. Compliance with Tennessee law. To assure that a public water system operator servicing residents of the Town of Selmer has selected and is administering a water additive product intended to treat or effect the bodily functions of consumers that meets all Tennessee laws, rules and regulations, the water system operator, as a condition of purchase, shall obtain a dated and correct copy of the product review data that was in force at the time of any bid or contractual agreement to sell chemicals to the water system operator that the manufacturer, or any other responsible party in the chain of delivery of the chemical, such as re-packager, is required to submit to NSF International in order to achieve manufacturer's or re-packager's certification that the manufacturer has met ANSI/NSF Standard 60.

This document production, which the water system operator shall make readily accessible to the public, shall include the dated submission that meets general requirement 3.2.1 of ANSI/NSF Standard 60, as adopted by the State of Tennessee, by including as published:

- (1) A proposed maximum use level for the product;
- (2) The composition of the formulation (in percent or parts by weight for each chemical in the formulation);
- (3) The reaction mixture used to manufacture the chemical if applicable;
- (4) Chemical Abstract number (CAS number), chemical name, and supplier for each chemical present in the formulation;
- (5) A list of known or suspected impurities within the treatment chemical formulation and the maximum percent or parts by weight of each impurity;
- (6) A description or classification of the process in which the treatment chemical is manufactured, handled and packaged;
- (7) Any selected spectra (e.g. UV/visible, infrared) that has been required; and
- (8) A list of published and unpublished toxicological studies relevant to the treatment chemical and the chemical and impurities present in the treatment chemical. (as added by Ord. #592, June 2010)

18-604. Conformance with industry standards. A public water system operator servicing residents of the Town of Selmer shall select and add to the public drinking water only such products intended to treat and effect the bodily

functions of consumers that meet the applicable published American Water Works Association (AWWA) standard for that product's specific chemical classification. In order to assure fulfillment of AWWA standards, an independent analysis by an American National Standards Institute (ANSI) or NSF International certified laboratory determining the content and specific concentrations of each contamination of each shipment of the product, to be correlated with the manufacturer's product review data described in § 18-603 above, shall be provided by the chemical manufacturer or responsible party in the chain of delivery. These batch analyses, and any reports, on each delivery of product shall be maintained and made immediately accessible to the public by the water system operator. (as added by Ord. #592, June 2010)

18-605. Violations. Violation of §§ 18-601 through 18-604 of this chapter is a public nuisance, and, without restriction for other remedies, may be abated as other nuisances under the laws of Tennessee. (as added by Ord. #592, June 2010)

18-606. Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, that invalidity may not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable. (as added by Ord. #592, June 2010)