

Ordinance No. 30

An ordinance to amend the Ashland City Municipal Code by adding to title 13 a chapter 2 entitled "Supplementary Sewer Use Ordinance."

Be it ordained by the Council of the Town of Ashland City, Tennessee:

Section 1. The following new chapter is added to title 13 in the Ashland City Municipal Code:

Chapter 2

Supplementary Sewer Use Ordinance

Section

- 13-201. General provisions; purpose and policy.
- 13-202. Definitions and abbreviations.
- 13-203. Use of public sewers required.
- 13-204. Private sewage disposal.
- 13-205. Building sewers and connections.
- 13-206. Use of the public sewers.
- 13-207. Use of the sewers by industrial users.
- 13-208. Protection from damage.
- 13-209. Powers and authority of inspection.
- 13-210. Penalties.
- 13-211. Validity.
- 13-212. Policy in force.

13-201. General provisions; purpose and policy. This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Town of Ashland City and enables the town to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this chapter are:

- (a) To prevent the introduction of pollutants into the municipal wastewater system that will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the municipal wastewater system that will pass through the system inadequately treated into receiving waters or the atmosphere or otherwise be incompatible with the system;

(c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and

(d) to provide for equitable distribution of the cost of the municipal wastewater system.

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

This chapter shall apply to the Town of Ashland City and to persons outside the town who are, by contract or agreement with the town, users of the Ashland City POTW. This chapter is a supplement to Chapter 1 in this title, as amended. Except as otherwise provided herein, the city manager of the town's POTW shall administer, implement, and enforce the provisions of this chapter.

13-202. Definitions and abbreviations. (1) Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

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.

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.

Authorized representative of an 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; or (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.

BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20°C expressed in terms of weight and concentration (milligrams per liter).

Building drain. The part of the lower horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building

sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Building sewer. The extension from the building drain to the public sewer or other place of disposal.

Categorical standards. National categorical pretreatment standards or pretreatment standard.

City administrator. The duly authorized representative of the Town of Ashland City.

City manager. The manager of the sewerage works of the Town of Ashland City, or his authorized deputy, agent, or representative.

Combined sewer. A sewer receiving both surface runoff and sewage.

Control authority. The "approval authority," defined hereinabove, or the city manager if the town has an approved pretreatment program under the provisions of 40 CFR 403.11.

Conventional pollutants. Those pollutants normally found.

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

Direct discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

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 said agency.

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

Grab sample. A sample that 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.

Holding tank waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Indirect discharge. The discharge or the introduction of non-domestic 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.)

Industrial pretreatment. Any necessary treatment processes performed on the industrial wastes by the industrial user prior to discharge into the public sewers in accordance with federal, state, and local regulations.

Industrial user. Any individual, firm, company, association, society, corporation, or group involved in industrial manufacturing processes, trade, or business that discharges waste into the sanitary sewers.

Industrial wastes. The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewer.

Inhibition. Any pollutant that might impair, effectively reduce, or terminate the biological process and/or biological operation of the sewage treatment plant.

Interference. The inhibition or disruption of the POTW treatment processes or operations that 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 POTW.

Monitoring. Any method of sampling and analyzing of industrial waste, discharged into the sanitary sewer by industrial users, employed by the town to enforce industrial pretreatment regulations.

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) that applies to a specific category of industrial users.

National pollution discharge elimination system or NPDES permit. A permit issued pursuant to section 402 of the act (33 U.S.C. 1342).

National prohibitive discharge standard or prohibitive discharge standard. Any regulation developed under the authority of 307(b) of the act and 40 CFR, section 403.5.

Natural outlet. Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

New source. Any source whose construction is commenced after the publication of proposed regulations prescribing a section 307(c) (33 U.S.C. 1317) categorical pretreatment standard that will be applicable to such source, if such standard is thereafter published 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 whose construction is commenced after the date of promulgation of the standard.

Pass through. Any pollutant that enters the sewage works and is not totally removed before entering the receiving stream.

Person. Any individual, partnership, co-partnership, 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 and the singular shall include the plural where indicated by the context.

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

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

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

POTW treatment plant. That portion of the POTW designed to provide treatment to wastewater.

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

Priority pollutants. Shall mean any of the one hundred twenty-nine (129) pollutants that affect stream quality or stream life in the receiving stream and its subsequent waters.

Properly shredded garbage. The wastes from the preparation, cooking, and dispensing of foods which have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

Publicly owned treatment works (POTW). A treatment works as defined by section 212 of the act (33 U.S.C. 1292) that 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 wastewater to the POTW from persons outside the town who are, by contract or agreement with the town, users of the town's POTW.

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

Receiving stream. The natural stream or watercourse that accepts the discharge from the sewage treatment plant.

Sanitary sewer. A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

Sewage. A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

Shall is mandatory; may is permissive.

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.

State. State of Tennessee.

Storm water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

City manager. The person designated by the town to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representatives.

Suspended solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids and that is removable by laboratory filtering.

Town. The Town of Ashland City, Tennessee, the mayor, the city manager, the wastewater treatment plant city manager, the pump station city manager, or their duly authorized representative.

Toxic pollutant. Any pollutant or combination of pollutants listed as toxic in regulations published by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other acts.

User. Any person who contributes, causes, or permits the contribution of wastewater into town's POTW.

Wastewater. The liquid- and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated that is contributed into or permitted to enter the POTW.

Wastewater contribution permit. As set forth in section 13-208 (10) of this chapter.

Waters of the state. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and other bodies of accumulation of water, surface or underground, natural or artificial, public or private, that are contained within, flow through, or border upon the state or any portion thereof.

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

BOD	- Biochemical oxygen demand
CFR	- Code of Federal Regulations
COD	- Chemical oxygen demand
EPA	- Environmental Protection Agency
l	- Liter
mg	- Milligrams
mg/l	- Milligrams per liter
NPDES	- National Pollutants Discharge Elimination System
POTW	- Publicly owned treatment works
SIC	- Standard Industrial Classification
SWDA	- Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
TSS	- Total suspended solids
USC	- United States Code

13-203. Use of public sewers required. (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 boundaries of the town, or in any area under the jurisdiction of the town, any human or animal excrement, garbage, or other objectionable waste if public sewer is available.

(2) It shall be unlawful to discharge to any natural outlet within the boundaries of the town or in any area under the jurisdiction of the town 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 if public sewer is available.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the town 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 or combined sewer of the town, 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 policy, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

13-204. Private sewage disposal. The disposal of sewage by means other than the use of the available sanitary sewage system shall be in accordance with local, county, and state law. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the available sanitary sewage system is not available.

13-205. Building sewers and connections. (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 city manager.

(2) There shall be two (2) classes of building permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case the owner or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the city manager. A permit and inspection fee of three dollars (\$3.00) for a residential, commercial, or industrial building sewer permit shall be paid to the town at the time the application is filed.

(3) All costs and expense incident to the installation and connection 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.

(4) A separate and independent building sewer shall be provided for every building, except that when 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.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the city manager, to meet all requirements of this policy.

(6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code and other applicable rules and regulations of the town. In the absence of code provisions or in amplification thereof, the materials set forth in the appropriate ASTM specifications and the procedures set forth in the WPCF Manual of Practice No. 9 shall apply.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building 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.

(8) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.

(9) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code and other applicable rules and regulations of the town, or to the materials requirements set forth in the appropriate ASTM specifications and the procedures set forth in the WPCF Manual of Practice No. 9. set forth in appropriate specifications of the ASCE and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the city manager before installation.

(10) The applicant for the building sewer permit shall notify the city manager or his authorized representative when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the city manager or his representative.

(11) 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.

13-206. Use of the public sewers. (1) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(2) Storm water 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 Tennessee Stream Pollution Control Board. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Tennessee Stream Pollution Board, to a storm sewer or natural outlet.

(3) No person shall discharge or cause to be discharged any of the following described pollutants to any public sewer.

(a) Any liquids, solids, or gases that by reason of their nature or quantity, may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any way to the POTW or to the operation of the POTW. At no time shall two successive readings on any explosion hazard meter, at any point of the discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) 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, bromates, carbides, hydrides and sulfides, and any other substances that the town, the state, or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Pollutants that cause corrosive structural damage to the system; in no case discharges with a pH lower than 6.0 or higher than 9.0, nor can the pH be increased more than 1.0 per hour.

(c) Solid or viscous substances that 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 flesh, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(d) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge of such a volume or strength as to cause interference to the system;

(e) Heat in amounts which will inhibit biological activity in the system resulting in interference, but in no case heat in such quantities that the temperature at treatment plant influent exceeds 40° C (104° F).

(f) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 HP metric) or larger shall be subject to the review and approval of the city manager.

(g) Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and that will or may cause damage or hazards to the sewerage facilities or personnel operating the system.

(4) No person, firm, association, or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excreted disposal system into the POTW unless such person, firm, association, or corporation obtains a permit from the city manager to perform such acts or service. Any person, firm, association, or corporation desiring a permit to perform such services shall complete and file with the town an application on the form prescribed by the town. Upon any such application, said permit shall be issued by the city manager

when the conditions of this chapter have been met, providing the city manager is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner. An annual service charge, payable to the Town of Ashland City, may be included as a provision to the permit. The city manager shall designate approved locations for the emptying and cleansing of all equipment used on 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.

(5) Any person determined an industrial user shall not only be regulated by regulations set forth in this section but shall also be required to adhere to all provisions established in section 13-207.

13-207. Use of the sewers by industrial users. (1) This section establishes limitations and prohibitions on the quantity and quality of wastewater that may be lawfully discharged to the POTW. The specific limitations set forth in subsequent sections are subject to change as necessary to enable the town to provide efficient wastewater treatment, to protect the public health and the environment, and to enable the town to meet requirements contained in its National Pollution Discharge Elimination System (NPDES) permit.

(2) The wastewater of every industrial user shall be evaluated upon the following criteria:

(a) Wastewater containing any element or compound that is not adequately removed by the treatment works which is known to be an environmental hazard;

(b) Wastewater causing a discoloration or any other condition in the quality of the town's POTW treatment plant effluent such that receiving water quality requirements established by laws cannot be met;

(c) Wastewater containing any element or compound known to act as a lacrimator, known to cause nausea, or known to cause odors constituting a public nuisance;

(d) Wastewater causing interference with the effluent or any other product of the treatment process, residues, sludge, or scums causing them to be unsuitable for reclamation process; and

(e) Wastewater having constituents and concentrations in excess of those listed in subsection (3) hereafter.

When the city manager determines that a user or users are contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the city manager shall (1) advise the user(s) of the impact of the contribution on the POTW and (2) develop effluent limitations(s) for such user(s) to correct the interference with the POTW.

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The city manager shall notify all affected users of the applicable requirements under 40 CFR, section 403.12.

(3) The city manager shall monitor the treatment works influent for each parameter in the following table. Each industrial user shall be responsible for monitoring and reporting these requirements. In the event that the influent at the treatment works reaches or exceeds the levels established by said table, the city manager shall initiate technical studies to determine the cause of the influent violation and shall recommend to the town administrator such remedial measures as are necessary, including but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The city manager shall also recommend changes to any of these criteria in the event the POTW effluent standards are changed or in the event that there are changes in any applicable law or regulation affecting same or in the event changes are needed for more effective operation of the POTW.

TABLE I
INFLUENT LIMITATIONS FOR THE
ASHLAND CITY WASTEWATER TREATMENT PLANT

<u>Pollutant</u>	<u>Maximum Daily Average Concentration (mg/l)</u>	<u>Maximum Instantaneous Concentration (mg/l)</u>
5-Day BOD	275	500
TSS	260	500
Arsenic	0.10	0.20
Barium	5.0	10.0
Cadmium	0.01	0.02
Chromium (Hexavalent)	1.0	1.5
Chromium (Total)	3.0	5.0
Copper	1.0	2.0

<u>Pollutant</u>	<u>Maximum Daily Average Concentration (mg/l)</u>	<u>Maximum Instantaneous Concentration (mg/l)</u>
Cyanide	0.05	0.10
Iron	10.0	15.0
Lead	0.10	0.20
Mercury	0.05	0.10
Nickel	1.0	2.0
Selenium	0.03	0.06
Silver	1.0	2.0
Zinc	0.20	0.50

Modification of Federal Categorical Pretreatment Standards: Where the town's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the town may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" (as defined hereinafter) shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent that is achieved by the system when 95 percent (95%) of the samples taken measured according to the procedures set forth in section 403.7(c)(2) of title 40 of the Code of Federal Regulations, Part 402, "General Pretreatment Regulations for Existing and New Sources of Pollution," promulgated pursuant to the act. The town may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR, part 403, section 403.7 are fulfilled and prior approval from the approval authority is obtained.

(4) Industrial users shall be required to perform any industrial pretreatment whenever necessary to reduce or modify the user's wastewater constituency to achieve compliance with the limitations set forth in subsection (3) above to meet applicable national pretreatment standards, or to meet any other wastewater condition or limitation contained in the user's wastewater discharge permit.

(5) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.

(6) The town reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in section 13-201 of this chapter.

(7) No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the town or state.

(8) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the town for review and shall be approved by the town before construction of the facility. All existing users shall be submitted to the town for review and shall be approved by the town before construction of the facility. All existing users shall complete such a plan by January 1, 1983. No user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the town. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user immediately to telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. The POTW shall keep a log on such events.

Written notice: Within five (5) days following an accidental discharge, the user shall submit to the city manager a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability that may be imposed by this section or other applicable law.

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.

(9) The town may adopt charges and fees that may include:

(a) Fees for reimbursement of costs of setting up and operating in the town's pretreatment program;

(b) Fees for monitoring, inspections, and surveillance procedures;

(c) Fees for reviewing accidental discharge procedures and construction;

(d) Fees for permit application;

(e) Fees for filing appeals;

(f) Fees for consistent removal (by the town) of pollutants otherwise subject to federal pretreatment standards; and

(g) Other fees as the town may deem necessary to carry out the requirements contained herein.

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

(10) 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 shall obtain a wastewater contribution permit within 180 days after the effective date of this chapter.

(11) Users required to obtain a wastewater contribution permit shall complete and file with the town an application in the form prescribed by the town and accompanied by a fee of three dollars (\$3.00). Existing users shall apply for a wastewater contribution permit within 30 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. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

(a) Name, address, and location (if different from the address);

(b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

(c) Wastewater constituents and characteristics, including but not limited to those mentioned in section 13-206(3), and section 13-207(2) and (3), as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the act and contained in 40 CFR, part 136, as amended.

(d) Time and duration of contribution;

(e) Average daily and 3 minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;

(f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation;

(g) Description of activities, facilities, and plant processes on the premises, including all materials that are or could be discharged;

(h) Where known, the nature and concentration of any pollutants in the discharge that are limited by any town, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards.

(i) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, 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.

The following conditions shall apply to this schedule:

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

2. No increment referred to in paragraph 1 shall exceed 9 months.

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

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

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

(l) Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system; and

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

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 contribution permit subject to terms and conditions provided herein.

(12) Within 9 months of the promulgation of a national categorical pretreatment standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user subject to a national categorical pretreatment standard has not previously submitted an application for a wastewater contribution permit as required by section 13-207(11), the user shall apply for a wastewater contribution permit within 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater contribution permit shall submit to the city manager within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by paragraphs (h) and (i) of section 13-207(11).

(13) Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges, and fees established by the town. Permits may contain the following:

- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- (b) Limits on the average and maximum wastewater constituents and characteristics;
- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (d) Requirements for installation and maintenance of inspection and sampling facilities;
- (e) Specifications for monitoring programs, which may include sampling locations, frequency of sampling, reporting schedule, and number, types, and standards for tests.
- (f) Compliance schedules;
- (g) Requirements for submission of technical reports or discharge reports;
- (h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the town, and affording the town access thereto;
- (i) 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;

(j) Requirements for notification of slug discharges in accordance with section 13-207(2); and

(k) Other conditions as deemed appropriate by the town to ensure compliance with this chapter.

(14) Permits shall be issued for a specified time period not to exceed five (5) years. A permit may be issued for a period of 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. The terms and conditions of the permit may be subject to modifications by the town during the term of the permit as limitations or requirements identified in section 13-207(5) are modified or if some other just cause exists. The user shall be informed of any proposed changes in his 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.

(15) 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.

(16) Within 90 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 city manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process that are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user's facility that 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 by a qualified professional.

(a) Any user subject to a pretreatment standard shall, after the compliance date of such pretreatment standard or, in the case of a new source, after commencement of the discharge into the POTW, submit to the city manager during the months of June and December, unless required more frequently in the pretreatment

standard or by the city manager, a report indicating the nature and concentration of pollutants in the effluent that are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows that, during the reporting period, exceeded the average daily flows reported in section 13-207(11)(e). At the discretion of the city manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the city manager may agree to alter the months during which the above reports are to be submitted.

(b) The city manager may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (a) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports 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 city manager, of pollutants contained therein that are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable 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 administrator. Sampling shall be performed in accordance with the techniques approved by the administrator. (Comment: Where 40 CFR, part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the administrator.)

(17) When required by the city manager, the owner of any property, serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the city manager. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(18) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this policy shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined based on suitable samples at the control manhole provided. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

(19) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefor by the industrial concern. In no case shall any exception or variance or special agreement be granted that will violate the protection criteria. Before any exception, exemption, variance, or special agreement is granted, the industry must demonstrate good management practices. Good management practices include, but are not limited to, preventative operating and maintenance procedures, schedule of activities, process changes, prohibiting of activities, and other management practices to reduce the quality or quantity of effluent discharge and to control plant site runoff, spillage, leaks, and drainage from raw material storage.

13-208. Protection from damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

13-209. Powers and authority of inspection. (1) The city manager and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this policy. The city

manager or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other industrial processes beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private properties referred to in subsection (1) above, the city manager or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company. 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 gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in section 13-207(17).

(3) The city manager and other duly authorized employees of the town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

13-210. Penalties. (1) Any person found to be violating any provision of this chapter except section 13-208 shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in subsection (1) above shall be guilty of a misdemeanor and, on conviction therefor, shall be fined in an amount not exceeding fifty dollars (\$50.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(3) Any person violating any of the provisions of this policy shall become liable to the town for any expense, loss, or damage occasioned the town by reason of such violation.

(4) The town shall be empowered with the right to disconnect any person in violation of any provision of this policy if corrective action is not taken upon the initiation of the fifty dollars (\$50.00) per day fine from sanitary sewer services in accordance with the national pretreatment regulations.

(5) The town shall annually publish in the local newspaper a list of the users that were not in compliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

13-211. Validity. (1) All policies or part of policies in conflict herein are hereby repealed.

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

13-212. Policy in force. This policy shall be in force and effect from and after its passage, approval, recording, the public welfare requiring it.

Section 2. This ordinance shall take effect twenty (20) days from and after its final passage, the public welfare requiring it.

Passed 1st reading April 13, 1982.
Passed 2nd reading October 11, 1983.



James A. Bailey
Mayor
[Signature]
City Clerk