

1ST READING 8-17-10
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INDEX NO. _____

ORDINANCE NO. 12428

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 31, SEWERS, MAINS AND DRAINAGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA,
TENNESSEE:

SECTION 1. That Chattanooga City Code, Part II, Chapter 31, Sewers, Mains and Drainage, Article III, Div. 1, Section 31-50, General Provisions, is hereby amended by deleting that section in its entirety and substituting in lieu thereof the following:

Sec. 31-50. General provisions.

(a) *Purpose and policy.* The purpose of this article is to set uniform requirements for users of the city's wastewater collection system and treatment works to enable the city to comply with the provisions of the Clean Water Act and other applicable federal and state law and regulations, and to provide for the public health and welfare by regulating the quality of wastewater discharged into the city's wastewater collection system and treatment works. This article provides a means for determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits to certain users. This article establishes effluent limitations and other discharge criteria and provides that certain users shall pretreat waste to prevent the introduction of pollutants into the publicly owned treatment works (hereinafter referred to as POTW) which will interfere with the operation of the POTW, may cause environmental damage, interfere with the use or disposal of sewage sludge; and to prevent the introduction of pollutants into the POTW which will pass through the treatment works into the receiving waters or the atmosphere, or otherwise be incompatible with the treatment works; and to improve the opportunities to recycle and reclaim wastewaters and the sludges resulting from wastewater treatment. This article provides measures for the enforcement of its provisions and abatement of violations thereof. This ordinance establishes a "Wastewater Regulations and Appeals Board" and establishes its duties and establishes the duties of the superintendent to insure that the provisions of this ordinance are administered fairly and equitably to all users.

(b) *Definitions.* For purposes of this article the following phrases and words shall have the meaning assigned below, except in those instances where the content clearly indicates a different meaning:

- (1) **Act or "the Act" or the "CWA".** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
- (2) **"Approved POTW Pretreatment Program" or "Program" or "POTW Pretreatment Program".** This means a program administered by a POTW that meets the criteria established in 40 CFR (§ 403.8 and 403.9) and which has been approved by a regional administrator or state director in accordance with § 403.11 of Chapter 40 of the Code of Federal Regulations.
- (3) **Average limit.** The maximum allowable arithmetic average of daily discharges of a pollutant measured over a reporting period, calculated as the sum of all daily discharges divided by the number of daily discharges measured during the period.
- (4) **Best Management Practices (BMP's).** Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 31-53(b) of this ordinance. BMP's include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge waste disposal, or drainage from raw materials storage. BMP's also include alternative means (i.e., management plans) of complying with, or in place of, certain established categorical pretreatment standards and effluent limits.
- (5) **Building Sewer.** A sewer conveying wastewater from the premises of a user to a community sanitary sewer.
- (6) **Board.** Wastewater Regulations and Appeals Board.
- (7) **Categorical Standards.** National Pretreatment Standards, established by EPA for specific industrial user SIC (Standard Industrial classification) code categories.
- (8) **Centralized Waste Treatment Facility or "CWT".** The term "CWT" means a commercial centralized waste treatment facility (other than a landfill or an incinerator) which treats or stores aqueous wastes generated by facilities not located on the site of the CWT and which disposes of these wastes by introducing them to the POTW.
- (9) **City.** The City of Chattanooga, Tennessee, a municipal corporation.

- (10) **Combined sewer.** A sewer which has been designed to carry both sanitary sewage and storm water runoff.
- (11) **Community sewer.** Any sewer containing wastewater from more than one premise.
- (12) **Conventional pollutant.** Biochemical oxygen demand, total suspended solids, pH, fecal coliform bacteria, and oil and grease.
- (13) **Daily maximum limit.** The maximum allowable discharge of a pollutant during a calendar day. Where expressed in terms of mass, the daily discharge is the total mass discharged over the course of the day. Where expressed in terms of concentration, the daily discharge is the arithmetic average concentration of the pollutant derived from all measurements taken that day.
- (14) **Direct Discharge.** The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.
- (15) **Discharge Monitoring Report.** A report submitted by an industrial user to the superintendent pursuant to this article containing information relating to the nature and concentration of pollutants and flow characteristics of a discharge from the industrial user to the POTW, using standard methods approved by the superintendent.
- (16) **Environmental Protection Agency or "EPA".** The Environmental Protection Agency, an agency of the United States, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.
- (17) **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.
- (18) **Holding tank waste.** Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks. This specifically includes wastewaters from industrial users, which wastewaters are conveyed to the POTW by any means other than by a standard connection to a sanitary or combined sewer.

- (19) **Indirect Discharge.** The discharge or the introduction of pollutants from any source regulated under Section 307(b), (c), or (d) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system) for treatment before direct discharge to the waters of the state.
- (20) **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. For the purposes of this article, an industrial user is a source of non-domestic wastes from industrial processes.
- (21) **Instantaneous limit.** The maximum concentration of a pollutant allowed to be discharged at any time, determined by analysis of any discrete or composited sample, independent of the flow rate or duration of the sampling event.
- (22) **Interceptor Sewer System or "ISS".** Any portion of or all of the City of Chattanooga's wastewater collection system, treatment works, pump stations, and other appurtenances.
- (23) **Interference.** The term "interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
- (i) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; or exceeds the design capacity of the treatment works or collection system.; and
 - (ii) therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations), Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

- (24) **Mass emission rate.** The weight of material discharged to the community sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of the particular constituent or combination of constituents.
- (25) **Maximum concentration.** The maximum amount of a specified pollutant in a volume of water or wastewater.
- (26) **National Pretreatment Standard.** Any regulations 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 industrial users. These terms also include prohibited discharges promulgated in 40 CFR 403.5, and local limits adopted as part of the City's Approved Pretreatment Program.
- (27) **New Source.**
- (i) The term "new source" means 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 generated 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 paragraphs (i)(B) or (C) of this subsection but otherwise alters, replaces, or adds to existing process or production equipment.

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

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

1) Any placement, assembly, or 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 paragraph.

(28) **National Pollutant Discharge Elimination System or NPDES permit.** A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

(29) **Normal Wastewater.** Effluent which contains constituents and characteristics similar to effluent from a domestic premise and specifically for the purposes of this article does not contain biochemical oxygen demand (BOD), or total suspended solids (TSS) in concentrations in excess of the following:

BOD -- 300 milligrams per liter

TSS -- 400 milligrams per liter

- (30) **Pass Through.** The term "pass through" means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation). In the case of POTW receiving discharges from CWTs as defined above, pass through also means the failure of the CWT and the POTW to reduce pollutant discharges from the POTW to the degree which would be required under Section 301(b)(2) of the CWA if the CWT discharged directly to surface waters.
- (31) **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, the singular shall include the plural where indicated by the context.
- (32) **Pollution.** The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- (33) **Premises.** A parcel of real estate or portion thereof including any improvements thereon which is determined by the superintendent to be a single user for purposes of receiving, using, and paying for services.
- (34) **Pretreatment.** The term "pretreatment" means 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 discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR § 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR § 403.6(e).

- (35) **Pretreatment Requirements.** Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.
- (36) **Pretreatment standard or standards.** Prohibited discharge standards, categorical pretreatment standards, or local limits.
- (37) **Publicly owned treatment works or POTW.** A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292). This definition includes any sewers that convey wastewater to such a treatment works, and any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or liquid industrial waste but does not include pipes, sewers or other conveyances not connected to a facility providing treatment.

The term in some contexts also means the City of Chattanooga, a municipality, as defined in Section 502(4) of the Act, (33 U.S.C. 1362) which has jurisdiction over the indirect discharges and the discharges from such a treatment works.

- (38) **Reclaimed water.** Water which, as a result of treatment of waste, is suitable for direct beneficial uses or a controlled use that would not occur otherwise.
- (39) **Significant Industrial User.** This term shall mean:
 - (i) All dischargers subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter 1, subchapter N; or
 - (ii) All noncategorical dischargers that contribute more than 10,371 pounds per day of BOD, or more than 10,656 pounds per day of total suspended solids, or more than 700 pounds per day of ammonia nitrogen, or more than 25,000 gallons per day of process wastewater to the POTW; or
 - (iii) All noncategorical dischargers that, in the opinion of the superintendent, have a reasonable potential to adversely affect the POTW's operation or violate any pretreatment standard requirements. This shall include but shall not be limited to all centralized waste treatment discharges, all tank and drum cleaning facilities, and all paint manufacturing facilities; or
 - (iv) All noncategorical discharges that contain more than 100 pounds per day of combined BOD and total suspended

solids load above that level found in "normal wastewater", or that contain more than 1000 pounds in a month of combined BOD and total suspended solids load above that level found in normal wastewater.

- (40) **Slug loading or slug discharge.** Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 31-51(b) of this ordinance. A slug discharge is any discharge of a nonroutine, episodic nature, including but not limited to, an accidental spill or a noncustomary batch discharge, which has a reasonable potential to cause or pass-through, or in any other way violate the POTW's local limits or permit conditions.
- (41) **Standard industrial classification.** A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (42) **Superintendent.** The person designated by the city to supervise the operation of the publicly owned treatment works and the interceptor sewer system and who is charged with certain duties and responsibilities by this article, or his duly authorized representative, or in his absence or inability to act the person then in actual charge of said system.
- (43) **Toxic pollutant.** Any pollutant or combination of pollutants listed as toxic in 40 CFR Part 401 promulgated by the Administrator of the Environmental Protection Agency under the provisions of 33 U.S.C. 1317.
- (44) **Treatment works.** Any devices and systems used in the storage, treatment, recycling and reclamation of domestic sewage or industrial wastes of a liquid nature including interceptor sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; and including combined storm water and sanitary sewer systems.
- (45) **Twenty-four hour, flow proportional composite sample.** A sample consisting of several effluent portions collected during a twenty-four (24) hour period in which the portions of sample are

proportionate to the flow and combined to form a representative sample.

- (46) **Unpolluted water.** Water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the State of Tennessee or the Environmental Protection Agency having jurisdiction thereof for disposal to storm or natural drainage, or directly to surface waters.
- (47) **User.** Any person, firm, corporation or governmental entity that discharges, causes or permits the discharge of wastewater into a community sewer.
- (48) **Waste.** Includes sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.
- (49) **Wastewater.** Waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer.
- (50) **Wastewater constituents and characteristics.** The individual chemical, physical, bacteriological and radiological parameters, including toxicity, volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.
- (51) **Waters of the State of Tennessee.** Any water, surface or underground, within the boundaries of the state.

(c) *Abbreviations.* The following abbreviations shall have the following meanings:

- (1) BAT - Best Available Technology.
- (2) BPT - Best Practical Technology.
- (3) BPJ - Best Professional Judgment.
 - a) BOD - Biochemical oxygen demand.
 - b) BOD5 - Biochemical oxygen demand (5 day).
- (4) CFR - Code of Federal Regulations.

- (5) CWA - Clean Water Act.
- (6) CWT - Centralized Waste Treatment Facility.
- (7) EPA - Environmental Protection Agency.
- (8) GMP - Good Management Practices.
- (9) ISS - Interceptor Sewer System.
- (10) l - Liter.
- (11) MBAS - Methylene-blue-active substances.
- (12) mg - Milligrams.
- (13) mg/l - Milligrams per liter.
- (14) NPDES - National Pollutant Discharge Elimination System.
- (15) POTW - Publicly owned treatment works.
- (16) RCRA - Resource Conservation and Recovery Act.
- (17) SIC - Standard Industrial Classification.
- (18) SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
- (19) TSS - Total Suspended Non-filterable Solids.
- (20) USC - United States Code.
- (21) BMP - Best Management Practices.

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE:

SECTION 2. That Chattanooga City Code, Part II, Chapter 31, Sewers, Mains and Drainage, Article III, Div. 2, Section 31-51, Prohibitions and limitations on discharge into the

Publicly Owned Treatment Works, is hereby amended by deleting that section in its entirety and substituting in lieu thereof the following:

Sec. 31-51. Prohibitions and limitations on discharge into the Publicly Owned Treatment Works.

- (a) *Purpose and policy.* This section establishes limitations and prohibitions on the quantity and quality of wastewater which may be lawfully discharged into the publicly owned treatment works. Pretreatment of some wastewater discharges will be required to achieve the goals established by this article and the Clean Water Act. The specific limitations set forth in Paragraph (i) hereof, and other prohibitions and limitations of this article, are subject to change as necessary to enable the city to provide efficient wastewater treatment, to protect the public health and the environment, and to enable the city to meet requirements contained in its NPDES permit. The superintendent shall review said limitations from time to time to insure that they are sufficient to protect the operation of the treatment works, the health and safety of ISS personnel, to enable the treatment works to comply with its NPDES permit, to provide for a cost effective means of operating the treatment works, and to protect the public health and the environment. The superintendent shall recommend changes or modifications as necessary.
- (b) *Prohibited pollutants.* No person shall introduce into the publicly owned treatment works any pollutant(s) which cause pass through or interference. Additionally, the following specific prohibitions apply:
- (1) Pollutants which create a fire or explosion hazard in the POTW,, including, but not limited to, pollutants with a closed cup flashpoint of less than 140 degrees Fahrenheit (sixty degrees Centigrade), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in the American Society for Testing and Materials (ASTM) standard D-93-79 or D-93-80k or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3278-78 and pollutants which cause an exceedance of 10% of the lower explosive limit (LEL) at any point within the POTW;
 - (2) Pollutants which cause corrosive structural damage to the POTW, but in no case discharges with a pH lower than 5.0 or higher than 10.5;
 - (3) Solid or viscous pollutants in amounts which cause obstruction to the flow of the sewers, or other interference with the operation of or which cause injury to the POTW; including waxy or other

materials which tend to coat and clog a sewer line or other appurtenances thereto;

- (4) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge (slug) of such volume or strength as to cause interference in the POTW or individual unit operations or cause adverse effects on its workers or the environment;
- (5) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the treatment works influent exceed 40E Centigrade (104E Fahrenheit). Unless a higher temperature is allowed in the user's wastewater discharge permit, no user shall discharge into any sewer line or other appurtenance of the POTW wastewater with a temperature exceeding 63.50E Centigrade (150E Fahrenheit).
- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker's health and safety problems.
- (8) Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, is sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.
- (10) Wastewater which imparts color that cannot be removed by the treatment process, such as dye wastes and tanning solutions, and consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit.
- (11) Storm water, surface water, ground water, roof runoff, subsurface drainage, condensate, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the superintendent.
- (12) Sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (13) Medical wastes, unless specifically authorized by the superintendent.

- (14) Wastewater which, alone or in conjunction with other wastes, causes the treatment plant's effluent to fail toxicity testing.
 - (15) Detergents, surface active agents, or other substances that cause excessive foaming at the POTW.
- (c) *Affirmative Defenses.* A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in paragraph (b) of this section and the specific prohibitions in paragraphs (b)(3), (4) and (5) of this section where the user can demonstrate that:
- (1) It did not know or 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
 - (2) (A) A local limit designed to prevent pass through and/or interference, as the case may be, was developed pursuant to Section 31-51(i) and (j) 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) If a local limit designed to prevent pass through and/or interference, as the case may be, has not been developed for the pollutant(s) that caused the pass through or interference, and the user's discharge directly prior to and during the pass through or interference did not change substantially in nature of constituents from the user's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.
- (d) *Wastewater Constituent Evaluation.* The wastewater of every industrial user shall be evaluated using the following criteria:
- (1) Wastewater containing any element or compound which is not adequately removed by the treatment works which is known to be an environmental hazard;
 - (2) Wastewater causing a pass through, discoloration, foam, floating oil or grease, or any other condition in the quality of the city's treatment works' effluent such that receiving water quality requirements established by law cannot be met;

- (3) Wastewater causing conditions at or near the city's treatment works which violate any statute, any rule, or regulation, of any public agency of this state or the United States;
- (4) 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;
- (5) Wastewater causing interference with the effluent or any other product of the treatment process, residues, sludges, or scums causing them to be unsuitable for reclamation, reuse, causing interference with the reclamation process, or causing them to be unsuitable for disposal;
- (6) Wastewater discharged at a point in the collection system that is upstream of any overflow, bypass, or combined sewer overflow and which may thereby cause special environmental problems or specific discharge limitations;
- (7) Wastewater having constituents and concentrations in excess of those listed in section 31-51(i), or cause a violation of the limits in section 31-51(j).
- (8) The capacity of existing sewer lines to carry the anticipated wastewater flow, particularly with respect to any problems, overflows, or overloads caused by heavy rain infiltration.
- (9) The toxicity of each wastewater shall be evaluated by an appropriate biomonitoring technique to determine if a specific discharge may significantly affect the overall toxic level of the POTW influent.

The superintendent or the Board, as applicable, shall establish reasonable limitations or prohibitions or monitoring requirements in addition to the limits established pursuant to Section 31-51(e) and (i) in the wastewater discharge permit of any industrial user that discharges wastewater violating any of the above criteria or that has processes that generate wastewater that could violate any of the above criteria prior to pretreatment as shall be reasonably necessary to achieve the purpose and policy of this article.

- (e) *National Pretreatment Standards.* Certain industrial users are now or hereafter shall become subject to National Pretreatment Standards promulgated by the Environmental Protection Agency specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into the POTW. All industrial users subject to a

National Pretreatment Standard shall comply with all requirements of such standard, and shall also comply with any additional or more stringent limitations contained in this article. Compliance with National Pretreatment Standards for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall be within three (3) years following promulgation of the standards unless a shorter compliance time is specified in the standard. Compliance with National Pretreatment Standards for new sources shall be required upon promulgation of the standard. New sources shall install and have in operating condition, and shall "start-up" all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), new sources must meet all applicable pretreatment standards. Except where expressly authorized by an applicable National Pretreatment Standard, no industrial user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with such standard.

(f) *Limitation on Radioactive Waste.* No person shall discharge or permit to be discharged any radioactive waste into a community sewer except:

- (1) When the person is authorized to use radioactive materials by the Tennessee Department of Health and Environment or the Nuclear Regulatory Commission;
- (2) When the waste is discharged in strict conformity with applicable laws and regulations of the aforementioned agencies, or any other agency having jurisdiction; and
- (3) When a copy of permits received from said regulatory agencies have been filed with the superintendent.

(g) *Septic Tank Pumping, Hauling, and Discharge.* No person owning vacuum or "cess pool" pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the POTW, unless such person shall first have applied for and received a truck discharge operation permit from the superintendent for each vehicle used in this manner. All applicants for a truck discharge operation permit shall complete such forms as required by the superintendent, pay appropriate fees, and agree in writing to abide by the provisions of this chapter and any special conditions or regulations established by the superintendent.

- (1) The owners of such vehicles shall affix and display the permit number in four inch (4") block figures on the side of each vehicle used for such purposes.

- (2) Such permit shall be valid for a period of one (1) year from date of issuance; provided, that such permit shall be subject to suspension or revocation by the superintendent for violation of any provisions of this code, regulations as established by the superintendent, or any other applicable law or regulations. A revocation or suspension of such a permit shall be for a period of time not to exceed five (5) years. Such revocation or suspension shall bind the permittee, any member of the immediate family of the permittee, or any person who has purchased the business or a substantial amount of the assets of the permittee who paid less than fair market value for such business or assets. Users found operating in violation of a permit issued under this subsection and whose permit is therefore revoked by the superintendent, shall be notified by certified mailing or notice shall personally be delivered to the user.
 - (3) Truck discharge operation permits are not automatically renewed. Application for renewal must be made to the superintendent.
 - (4) Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste. All other hauled wastes shall be governed by paragraph (h) of this section. Any user transporting, collecting, or discharging non-domestic industrial process wastewaters, or a mixture of such wastewaters with domestic wastewater shall obtain a holding tank discharge permit in accordance with paragraph (h).
 - (5) The superintendent shall designate the locations and times where such trucks may be discharged, and may refuse to accept any truckload of waste in his absolute discretion where it appears that the waste could interfere with the effective operation of the treatment works or any sewer line or appurtenance thereto, or where it appears that a truckload of waste contains industrial process waste or a mixture of domestic sewage and industrial process waste.
 - (6) The superintendent shall have authority to investigate the source of any hauled waste and to require testing of the waste at the expense of the discharger prior to discharge.
- (h) *Other Holding Tank Waste.* No user shall discharge any other holding tank wastes including hauled industrial waste into the POTW unless he shall have applied for and have been issued a 'holding tank discharge permit' by the superintendent. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. All applicants for a holding tank discharge permit shall complete such forms as required by the superintendent, pay

appropriate fees, and agree in writing to abide by the provisions of this chapter and any special conditions or regulations established by the superintendent. All such dischargers and transporters must show that they have complied with federal manifests and other regulations under RCRA. The permit shall state the specific location of the discharge, the time of day the discharge is to occur, the volume of the discharge, the source and character of such waste, and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable charges or fees therefore, and shall comply with the conditions of the permit issued by the superintendent; provided, however, the superintendent may waive in his discretion the completion of an application and for the payment of fees for the requirement for discharge of domestic waste from a recreational vehicle holding tank.

(i) *Limitations on Wastewater Strength (Local Limits).* No user shall discharge wastewater with pollutant concentrations in excess of the concentration set forth in the table below unless:

- (1) an exception has been granted the user under the provisions of Section 31-52; or
- (2) the wastewater discharge permit of the user provides as a special permit condition a higher interim concentration level in conjunction with a requirement that the user construct a pretreatment facility or institute changes in operation and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in the table within a fixed period of time.

Maximum Concentration mg/l (24 Hour Flow Proportional Pollutant	Maximum Instantaneous Concentration mg/l Composite Sample)	(Grab Sample)
Cadmium (Cd)	1.0	2.0
Chromium (Cr)	5.0	10.0
Copper (Cu)	5.0	10.0
Cyanide (CN)	2.0	4.0
Lead (Pb)	1.5	3.0
Mercury (Hg)	0.1	0.2
Nickel (Ni)	5.0	10.0
Silver (Ag - free ionic)	1.0	2.0
Zinc (Zn)	5.0	10.0
pH		5-10.5 Standard units.

NOTE: All measurements for the above-listed pollutants are in the total form except for silver.

- (j) *Criteria to Protect the Treatment Plant Influent.* The superintendent shall monitor the treatment works influent for each pollutant in the following table. Industrial users shall be subject to the reporting and monitoring requirements set forth in Section 31-53 and Section 31-54 as to these pollutants. In the event that the influent at the treatment works reaches or exceeds the levels established by said table, the superintendent shall initiate technical studies to determine the cause of the influent violation, and shall recommend such remedial measures as are necessary, including but not limited to recommending the establishment of new or revised pretreatment levels for these pollutants. The superintendent shall also recommend changes to any of these criteria in the event the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or when changes are needed for more effective operation of the POTW.

Monthly Average
Maximum Concentration

<u>Pollutant</u>	<u>(mg/l)</u>
Copper (Cu)	0.40
Chromium (Cr)	0.47
Nickel (Ni)	0.35
Cadmium (Cd)	0.01
Lead (Pb)	0.10
Mercury (Hg)	0.015
Silver (Ag-free ionic)	0.036
Zinc (Zn)	0.80
Cyanide (CN)	0.05
Toluene	0.115
Benzene	0.015
1,1,1-Trichloroethane	0.167
Ethylbenzene	0.031
Carbon tetrachloride	0.015
Chloroform	0.193
Tetrachloroethylene	0.278
Trichloroethylene	0.077
1,2 Transdichloroethylene	0.150
Methylene chloride	0.111
Phenols	0.555
Naphthalene	0.011

Bis (2-ethyl hexyl) phthalate \		
Butyl benzyl phthalate \		
Di-n-butyl phthalate /	=	0.064
Diethyl phthalate /		
Chromium - Hexavalent (Cr+6)		0.02
Iron (Fe)		6.7
Manganese (Mn)		0.33
Total Kjeldahl Nitrogen (TKN)		30.0
Oil & Grease		*
MBAS		*
Total Dissolved Solids		2,500
BOD		207,420 lb/day
Suspended Solids		213,137 lb/day
Ammonia Nitrogen		14,000 lb/day
Ph		6-9 standard units
Lower Explosion Limit		10%

NOTE: All measurements for these pollutants are for the total form except as noted.

*No limit established for plant protection, however monitoring will be required to provide numerical correlation with NPDES conditions.

(k) *Pretreatment Requirements.* Industrial users of the POTW shall design, construct, operate, and maintain wastewater pretreatment facilities whenever necessary to reduce or modify the user's wastewater composition to achieve compliance with the limitations in wastewater strength set forth in paragraph (i) of this section, to meet applicable National Pretreatment Standards, to prevent slug discharge or to meet any other wastewater condition or limitation contained in the industrial user's wastewater discharge permit.

(l) *Plans and Specifications.* Plans and specifications for such wastewater pretreatment facilities shall be prepared, signed, dated, and sealed by a registered engineer, and shall be submitted to the superintendent for review in accordance with accepted engineering practices. The superintendent shall review said plans within 45 days and shall recommend to the industrial user any appropriate changes. Prior to beginning construction of said pretreatment facility, the user shall submit a set of construction plans and specifications to be maintained by the superintendent. Prior to beginning construction the industrial user shall also secure such building, plumbing, or other permits that may be required by other parts of this code. The industrial user shall construct said pretreatment facility within the time provided in the industrial user's wastewater discharge permit. Following completion of construction the

industrial user shall provide the superintendent with "as built" drawings to be maintained by the superintendent.

(m) *Prevention of Accident Discharges.* All 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 article 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 article. The wastewater discharge permit of any industrial user who has a history of significant leaks, spills or other accidental discharge of waste regulated by this article shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities or establishment of procedures which will prevent or minimize the potential for such accidental discharge. Plans,, specifications, and operating procedures for such special permit conditions shall be developed by the user and submitted to the superintendent for review under the provisions of paragraph (k) and (1) of this section.

(n) *Oil & Grease Discharge Control Program.* Disposal of "oil" by discharge to the sewer system is not permitted. oils include automotive lubricating oils, transmission and brake fluid, other industrial oils, and vegetable oils used in a restaurant or food processing facility.

The superintendent shall contact all city discharge permit holders, restaurants, auto shops, septic tank pumpers, commercial food processors, oil tank firms and transporters, and others as appropriate, as often as needed by letter to advise them of requirements for oil and grease discharge control. These dischargers will also be informed of approved alternate oil and grease disposal options available in the Chattanooga vicinity. The above dischargers of oil and grease waste shall be required to provide an equivalent of primary treatment based on gravity separation of visible, and floating oil and grease and oil and grease sludge from wastewater discharges. Such pretreatment processes shall be subject to the good management practices as required by sSection 31-52 and approval by the superintendent. Discharges shall also be subject to monitoring, entry, inspection, reporting and other requirements as determined by the superintendent at his discretion. These dischargers may be required by the superintendent to apply for industrial waste discharge permits if he determines that they are a source of prohibited pollutants, toxic pollutants in toxic amounts, or are otherwise controlled by federal or state regulations. All dischargers of oil and grease as listed above are subject to all enforcement and penalty provisions of this article.

(o) *Slug Discharge Control Program.*

- (1) Each industrial user shall provide protection from slug loadings and slug discharges, as defined in Section 31-50(b)(46) of this Ordinance. The superintendent will evaluate each Significant Industrial User (SIU) for the need to prepare a plan to control slug discharges within 12 months of commencing discharge, or for existing Significant Industrial Users, at least once by October 14, 2006. No user who commences discharge to the sewerage system after July 1, 1990 shall be permitted to introduce pollutants into the system until the need for slug discharge control plans or procedures has been evaluated by the superintendent.
- (2) Certain users will be required to prepare Slug Discharge Prevention and Contingency Plans (SDPC) showing facilities and operating procedures to provide this protection. These plans shall be submitted to the superintendent for review and approval. All existing users required to have SDPC Plans shall submit such a plan within three months after notification from the superintendent and complete implementation within six months. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this article.

An SDPC Plan shall address, as a minimum, the following:

- (A) Description of discharge practices, including nonroutine batch discharges;
 - (B) Description of stored chemicals;
 - (C) Procedures for immediately notifying the superintendent of any accidental or slug discharge, as required by subparagraph (o)(3) of this section.; and
 - (D) If necessary, procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
- (3) In the case of a slug discharge, it is the responsibility of the user to immediately by telephone or in person notify the POTW of the

incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective action.

Within five (5) days following a slug discharge, the user shall submit a detailed written report describing the cause of the discharge and the measures being taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the sewerage system, fish kills, or any other damage to person or property, nor shall notification relieve the user of any fines, civil penalties, or other liability which may be imposed by the article or other applicable law.

- (4) A notice shall be permanently posted on the user's premises advising employees whom to call in the event of a slug discharge. The user shall ensure that all employees who may cause, or allow such slug discharge to occur, are advised of the emergency notification procedure.
 - (5) Each Significant Industrial User shall immediately notify the superintendent of any changes at its facility affecting the potential for a slug discharge.
- (p) *Centralized Waste Treatment Facilities.* The superintendent shall establish effluent limits for centralized waste treatment facilities to insure that the level of pollution discharged from the CWT through the POTW to the environment will not exceed the level that would be allowed if the CWT discharged directly to surface waters under Ssection 301(b)(2) of the Act (33 U.S.C. § 1311). Additionally, centralized waste treatment facilities shall maintain records and submit reports as directed by the superintendent regarding the SIC codes of their customers, and the frequency, characteristics, and volume of wastes from the various categories.
- (q) *Dilution.* No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The superintendent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limits is appropriate.
- (r) *Net/Gross Calculation.* Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with this section. Any industrial user wishing to

obtain credit for intake pollutants must make application to the City. Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the following criteria are met:

- (1) Either;
 - (i) The applicable categorical pretreatment standards contained in 40 CFR Subchapter N specifically provide that they will be applied on a new basis; or
 - (ii) The industrial user demonstrates that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters
- (2) Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease will not be granted unless the industrial user demonstrates that the constituents measured in the user's effluent are substantially similar to the constituents in the intake water or unless appropriate additional limits are placed on the process water pollutants either at the outfall or elsewhere.
- (3) Credit will be granted only to the extent necessary to meet the applicable categorical pretreatment standards, up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with standards adjusted under this section.
- (4) Credit will be granted only if the user demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The City may waive this requirement if he/she finds that no environmental degradation will result.
- (s) *Combined waste stream formula.* Where process wastewater subject to a categorical pretreatment standard is mixed with wastewaters other than those generated by the regulated process, alternative discharge limits shall be derived by the City, or by the industrial user with the consent of the City. The alternative limits shall be applied to the mixed effluent. When deriving alternative categorical limits, the City or industrial user shall calculate both an alternative daily maximum value using the maximum value(s) specified in the appropriate categorical pretreatment standard(s) and an alternative consecutive sampling day average value using the monthly average value(s) specified in the appropriate categorical

pretreatment standard(s). The industrial user shall comply with the alternative daily maximum and monthly average limits fixed by the City until the City modifies the limits or approves an industrial user's modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant. An industrial user must immediately report any such material or significant change to the superintendent.

- (1) Alternative limit calculation. Alternative limits shall be calculated using the formula and instructions in 40 CFR 403.6(e).
- (2) Alternative limits below detection limit. An alternative pretreatment limit may not be used if the alternative limit is below the analytical detection limit of any regulated pollutants.
- (3) Choice of monitoring location. Where a regulated process waste stream is combined prior to treatment with wastewaters other than those generated by the regulated process, the industrial user may monitor either the segregated process waste stream or the combined waste stream for the purpose of determining compliance with the applicable pretreatment standards. If the industrial user chooses to monitor the segregated process waste stream, it shall apply the applicable categorical pretreatment standard. If the user chooses to monitor the combined waste stream, it shall apply the alternative discharge limit calculated using the combined waste stream formula as described in this section. The industrial user may change monitoring locations only after receiving prior approval from the City. The industrial user may not use dilution as a substitute for adequate treatment to achieve compliance with applicable standards.

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE:

SECTION 3. That Chattanooga City Code, Part II, Chapter 31, Sewers, Mains and Drainage, Article III, Div. III, Section 31-52, Temporary Exception to local wastewater strength standard, is hereby amended by adding a new subsection (g) as follows:

- (g) **Variance from Categorical Pretreatment Standards.** Industrial users subject to a categorical pretreatment standard may request a variance from the standard for fundamentally different factors from EPA or from the state director in accordance with 40 CFR 403.13.

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE:

SECTION 4. That Chattanooga City Code, Part II, Chapter 31, Sewers, Mains and Drainage, Article III, Div. 3, Permits and Administration, Section 31-53, Wastewater discharge permit; discharge reports; and administration, is hereby amended by deleting that section in its entirety and substituting in lieu thereof the following:

Sec. 31-53. Wastewater discharge permit; discharge reports; and administration.

- (a) *Applicability.* The provisions of this section are applicable to all industrial users of the POTW. The City of Chattanooga has an "Approved POTW Pretreatment Program" as that term is defined in 40 CFR Section 403.3(d), and any permits issued hereunder to industrial users who are subject to or who become subject to a "National Categorical Pretreatment Standard" as that term is defined in 40 CFR 403.3(j) shall be conditioned upon the industrial user also complying with all applicable substantive and procedural requirements promulgated by the Environmental Protection Agency or the State of Tennessee in regard to such "Categorical Standards" unless an exception for the city's program or for specific industrial categories has been authorized.
- (b) *Application and Permit Requirements for Industrial Users.* All significant industrial users of the POTW prior to discharging non-domestic waste into the POTW shall apply for and obtain a wastewater discharge permit in the manner hereinafter set forth. Prior to discharge of non-domestic wastewater into the POTW, an industrial user shall request the superintendent to determine if the proposed discharge is significant as defined in Section 31-50(b). If the discharge is determined not to be significant, then the superintendent may still establish appropriate discharge conditions for the user. Any noncategorical industrial user designated as significant may petition the superintendent to be deleted from the list of significant industrial users on the grounds that it has no potential for adversely affecting the POTW's operation or violating any pretreatment standard or requirement. All significant industrial users shall obtain an industrial wastewater discharge permit and shall complete such

forms as required by the superintendent, pay appropriate fees, and agree to abide by the provisions of this article and any specific conditions or regulations established by the superintendent. All original applications shall be accompanied by a report containing the information specified in subparagraph (c) hereof. All original applications shall also include a site plan, floor plan, mechanical and plumbing plans with sufficient detail to show all sewers and appurtenances in the user's premises by size, location, and elevation; and the industrial user shall submit to the superintendent revised plans whenever alterations or additions to the user's premises affect said plans.

- (c) *Report Requirement.* The report required by paragraph (b) above or other provisions of this article for all significant industrial users shall contain in units and terms appropriate for evaluation the information listed in subparagraphs (1) through (5) below. Industrial users subject to national pretreatment standards shall submit to the superintendent a report which contains the information listed in subparagraphs (1) through (6) below within one hundred and eighty days (180) after the promulgation by the Environmental Protection Agency of a National Pretreatment Standard under Section 307(b) or (c) (33 U.S.C. 1317 (b) or (c)) of the Act. This report is called the "Baseline Monitoring Report" or BMR. Industrial users who are unable to achieve a discharge limit set forth in section 31-51 hereof without improved operation and maintenance procedures or pretreatment shall submit a report which contains the information listed in subparagraph (1) through (7) of this paragraph.

As specified hereinabove, the report shall contain all or applicable portions of the following:

- (1) *Identifying Information.* The name and address of the industrial user; and the name(s) of the owner and operator, including contract information;
- (2) *Permits.* A list of any environmental control permits held by the user;
- (3) *Description of operations.*
 - (A) A brief description of the nature, average rate of production and standard industrial classification of the operation(s) carried out by such industrial user. The description should include a schematic process diagram which indicates points of discharge to the POTW;

- (B) The types of wastes generated and a list of chemicals used and materials stored at the facility which could be accidentally discharged to the POTW;
 - (C) Number of employees, hours of operation, and actual or proposed hours of discharge to the POTW;
 - (D) Type and amount of raw materials processed (average and maximum per day), and type and amount of products produced (rate of production);
 - (E) Site plans, floor plans, and plumbing plans to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
- (4) Proposed location for monitoring for all wastes covered by the permit;
 - (5) *Flow measurement.* The measured average and maximum flow of the discharge from such industrial user to the POTW, in gallons per day;
 - (6) *Measurement of pollutants.* The nature and concentration of pollutants in the discharge from each regulated process from such industrial user and identification of any applicable pretreatment standards and requirements. The concentration shall be reported as a maximum or average level as provided for in the applicable pretreatment standard and as determined by standard methods approved by the superintendent. If an alternate or equivalent concentration limit has been calculated in accordance with any pretreatment standard, this adjusted concentration limit shall also be submitted to the superintendent for approval. Wastewater sample(s) shall be representative of daily operations. Sampling and analysis shall comply with the requirements of Section 31-53(h)(7). Whenever pH information is required in the initial report or in regular periodic self-monitoring reports, it shall be collected in the form of a chart from a continuous pH recorder;. In cases where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required to determine compliance with the standard.
 - (7) Proposed pretreatment systems or equipment and/or operation and maintenance procedures necessary to meet applicable pretreatment standards and requirements.
 - (8) Any request for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge.

- (9) Any other information as may be deemed necessary by the superintendent to evaluate the permit application.
- (10) *Certification.* A statement, reviewed by an authorized representative of the industrial user (as defined in paragraph (h)(11) below) and certified by a professional engineer indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance procedures or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements; and
- (11) *Compliance schedule.* If additional pretreatment or operation and maintenance procedure will be required to meet the pretreatment standards, then the report shall contain the shortest schedule by which the industrial 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. If a pretreatment standard has been modified or adjusted, the information in paragraphs (h)(6) and (h)(7) shall apply to the modified or adjusted limits.

All permit applications must be signed and certified in accordance with Section 31-53(h)(11).

For purposes of this paragraph when the context so indicates the phrase "pretreatment standard" shall include either a national pretreatment standard or a pretreatment standard imposed as a result of the industrial user's discharging any incompatible pollutant regulated by Ssection 31-51 hereof. For purposes of this paragraph the term "pollutant" shall include any pollutant identified in a national pretreatment standard or any incompatible pollutant identified in Ssection 31-51 hereof.

- (d) *Incomplete Applications.* The superintendent will act only on applications that are accompanied by a report which contains all the information required in paragraph (c) above. Industrial users 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 with such extended period as allowed by the superintendent, the superintendent shall deny the application and notify the applicant in writing of such action.
- (e) *Evaluation of Application Permit Conditions.* Upon receipt of complete applications, the superintendent shall review and evaluate the applications

and shall propose such special permit conditions as he deems advisable. All wastewater discharge permits shall be expressly subject to all the provisions of this article and all other applicable ordinances, laws, and regulations. All wastewater discharge permits shall contain the following:

- (1) Statement of duration (no more than five years) and effective date;
- (2) Statement of nontransferability without, at a minimum, prior notification of the superintendent and provision of a copy of the ordinance to the new owner or operator;
- (3) Effluent limits, including BMPs (if appropriate), based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law;
- (4) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements, including identification of the pollutants (or BMPs) to be monitored, sampling frequency, and sample type, based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law;
- (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend time for compliance beyond that required by applicable federal, state, or local law; and
- (6) Requirements to control slug discharges, if determined by the superintendent to be necessary.

The superintendent may also propose that the wastewater discharge permit be subject to one or more special conditions in regard to any of the following:

- (7) Pretreatment requirements;
- (8) Limits on rate and time of discharge of requirements for flow regulations and equalization;
- (9) Requirements for installation of inspection and sampling facilities; including flow measurement devices;
- (10) Development and implementation of waste minimization or pollution prevention plans to reduce the amount of pollutants discharged to the POTW;

- (11) Other conditions as deemed appropriate by the superintendent to insure compliance with this article or other applicable ordinance, law or regulation;
- (12) Requirements for the installation of facilities to prevent and control accidental discharge or "spills" at the user's premises; and
- (13) The unit charge or schedule of charges and fees for the wastewater to be discharged to a community sewer.

(f) *Applicant to be Notified of Proposed Permit Conditions; Right to Object.*

- (1) Upon completion of his evaluation, the superintendent shall notify the applicant of any special permit conditions which he proposed be included in the wastewater discharge permit;
- (2) The applicant shall have forty-five (45) days from and after the date of the superintendent's recommendations for special permit conditions to review same and file written objections with the superintendent in regard to any special permit conditions recommended by the superintendent.

The superintendent may, but shall not be required, to schedule a meeting with applicant's authorized representative within fifteen (15) days following receipt of the applicant's objections, and attempt to resolve disputed issues concerning special permit conditions;

- (3) If applicant files no objection to special permit conditions proposed by the superintendent, or a subsequent agreement is reached concerning same, the superintendent shall issue a wastewater discharge permit to applicant with such special conditions incorporated therein; otherwise, the superintendent shall submit the disputed matters to the board for resolution as hereinafter provided.

(g) *Board to Establish Permit Conditions; Hearing.*

- (1) In the event the superintendent cannot issue a wastewater discharge permit pursuant to paragraph (f) above, the superintendent shall submit to the board his proposed permit conditions and the applicant's written objections thereto at the next regularly scheduled meeting of the board or a specially called meeting;

- (2) The board shall schedule a hearing within ninety (90) days following the meeting referred to hereinabove unless such time be extended for just cause shown to resolve any disputed matters relevant to such permit;
 - (3) The superintendent shall notify the applicant of the date, time, place, and purpose of the hearing scheduled by the board. The applicant and the superintendent shall have the right to participate in such hearing and present any relevant evidence to the board concerning proposed special permit conditions or other matters being considered by the board;
 - (4) Following such hearing or such additional hearings as shall be deemed necessary and advisable by the board, the board shall establish such special permit conditions as it deems advisable to insure the applicant's compliance with this article or other applicable law or regulation and direct the superintendent to issue a wastewater discharge permit to the applicant accordingly.
- (h) *Compliance Schedule and Reporting Requirements.* The following conditions shall apply to the schedules and reports required by paragraphs (c), (e), or (g) of this section:
- (1) Schedule components. 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 requirements for the industrial user to meet the applicable pretreatment standards (e.g. hiring an engineer, completing the engineering report, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.)
 - (2) Schedule intervals. No increment referred to in subparagraph (h)(1) shall exceed nine (9) months.
 - (3) Compliance schedule progress reports. No later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the superintendent.

(4) 90 Day compliance. Within ninety (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 industrial user subject to pretreatment standards and requirements shall submit to the superintendent a report containing the information described in sSection 31-53(c)(4)-(6). For users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 31-53(h)(11) of this ordinance. All sampling shall be performed in accordance with Section 31-53(h)(7).

(5) Compliance Monitoring Reports.

- (i) All significant industrial users 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 their permit. In addition, this report shall include a record of average and maximum daily flows. In cases where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the user must submit documentation necessary to determine the compliance status of the user. 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.
- (ii) In cases where the superintendent or a pretreatment standard has imposed mass limitations, the report required by subparagraph (i) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the industrial user.
- (iii) Reporting requirements for industrial users not subject to categorical pretreatment standards. In cases where the permit requires compliance with a BMP or pollution prevention alternative, the user must submit documentation as required by the city to determine the compliance status of the user. These reports must be based on sampling and analysis in the period covered by the report, and in

accordance with the techniques described in 40 CFR Part 136.

- (iv) All monitoring and compliance reports must be certified and signed in accordance with the requirements of Section 31-53(h)(11).
- (6) *Accidental and Slug Discharge Reporting and Notification.* The industrial user shall notify the POTW immediately by telephone in the event of an accidental discharge, slug loading, or slug discharge, as defined in Section 31-50(46) of this ordinance. The notification shall include the location of the discharge, type of waste, concentration and volume (if known), and corrective action taken by user. Each significant industrial user shall also immediately notify the superintendent of any changes at the facility affecting the potential for a slug discharge.
- (7) The reports required in this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production rates and mass limits where requested by the superintendent, as applicable, of pollutants contained therein which are limited by the applicable pretreatment standards or industrial permit. For industrial users subject to equivalent mass or concentration limits established by the superintendent as alternative standards, the report required by paragraph (h)(5) shall contain a reasonable measure of the user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by paragraph (h)(5) shall include the user's actual average production rate for the reporting period. The frequency of monitoring shall be prescribed in the applicable treatment standard. All analyses shall be performed in accordance with procedures established by the Environmental Protection Agency under the provisions of Section 304(h) of the Act (33 U.S.C. 1314 (h)) and contained in 40 C.F.R. Part 136 and amendments thereto or with any other test procedures approved by the Environmental Protection Agency or the superintendent. Sampling shall be performed in accordance with the techniques approved by the Environmental Protection Agency, or the superintendent. All wastewater samples must be representative of the user's actual discharge.
- (i) Except as indicated in Subparagraphs (ii) and (iii) below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless

time-proportional composite sampling or grab sampling is authorized by the superintendent. Where time-proportional composite sampling or grab sampling is authorized, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in a laboratory or in a 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 superintendent, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

- (ii) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (iii) For sampling required in support of baseline monitoring and 90-day compliance reports required in Sections 31-53(c) and (h)(4) and 40 CFR 503.12(b) and (d), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfides, and volatile organic compounds for facilities for which historical sampling data do not exist. For facilities with historical sampling data available, the superintendent may authorize a lower minimum. For reports required by Section 31-53(h)(5) and 40 CFR 403.12(e) and (h), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards.
- (iv) The superintendent shall inspect and sample the effluent from each significant industrial user at least once every 12 months.

(8) Notification of the discharge of hazardous wastes.

- (i) The industrial user shall notify, as soon as practicable, the POTW, the EPA Regional Waste Management Division Director, and the State hazardous waste authorities of any

discharge into the POTW of a substance which is a listed or characteristic waste under section 3001 of RCRA (42 USCA §6921). Such notification must include a description of any such wastes discharged, specifying the volume and concentration of such wastes and the type of discharge (continuous, batch, or other), identifying the hazardous constituents contained in the listed wastes, and estimating the volume of hazardous wastes expected to be discharged during the following twelve months. The notification must take place within 180 days after notification by the superintendent. This requirement shall not apply to pollutants already reported under the self-monitoring requirements of Section 31-53.

- (ii) Dischargers are exempt from the requirements of this paragraph during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in any calendar month, or any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), Discharge of more than 15 kilograms of nonacute hazardous wastes in any calendar month, or any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of hazardous waste do not require additional notification, except for the acute hazardous wastes.
- (iii) In the case of new regulations under Section 3001 of RCRA (42 USCA 56921) identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW of the discharge of such substance within 90 days of the effective date of such regulations, except for the exemption in paragraph (ii) of this section.
- (iv) In the case of any notification made under this paragraph, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of wastes generated to the degree it has determined to be economically practicable and that it has selected the method of treatment, storage, or disposal currently available which minimizes the present and future threat to human health and the environment.

- (v) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable federal or state law.
- (9) Notification of Changed Discharge. All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under paragraph (8) above.
- (10) Provisions Governing Fraud and False Statements. The reports required to be submitted under this section shall be subject to the provisions of 18 U.S.C. §1001 relating to fraud and false statements and the provisions of Sections 309(c)(4) and (6) of the Act (33 USCA §1311), as amended, governing false statements, representation or certifications in reports required under the Act.
- (11) Signatory requirements for permit applications, user reports, and initial monitoring waiver. The following certification statement must be signed and submitted by users submitting permit applications and monitoring and compliance reports.

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.

The applications and reports shall be signed as follows:

- (A) By a responsible corporate officer, if the industrial user submitting the reports required by this section is a corporation. For the purpose of this paragraph, a responsible corporate officer means (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions

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

- (B) By a general partner or proprietor if the industrial user submitting the reports required by this section is a partnership or sole proprietorship respectively.
- (C) By a duly authorized representative of the individual designated in subparagraph (A) or (B) of this section if:
 - (i) The authorization is made in writing by the individual described in subparagraph (A) or (B);
 - (ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - (iii) The written authorization is submitted to the superintendent.
- (D) If an authorization under subparagraph (C) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of subparagraph (C) of this section must be submitted to the superintendent prior to or together with any reports to be signed by an authorized representative.

(12) Reporting of Violation. If sampling performed by an industrial user indicates a violation, the user shall notify the superintendent within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the superintendent within 30 days after becoming aware of the violation, except the industrial user is not required to resample if:

(A) The city performs sampling at the industrial user at a frequency of at least once per month, or

(B) The city performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling, or

(C) The city has performed the sampling and analysis in lieu of the industrial user. If the city has performed the sampling and analysis in lieu of the industrial user, the city must repeat the sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis.

(13) If an industrial user subject to the reporting requirement in paragraph (e) of this section monitors any pollutant more frequently than required by the superintendent, using approved procedures prescribed in this section, the results of this monitoring shall be included in the report.

(i) *Bypass.*

(1) Definitions.

(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.

(2) Bypass not violating applicable Pretreatment Standards or Requirements. 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 provision of paragraphs (3) and (4) of this section.

(3) Notice.

- (i) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the superintendent, if possible at least ten days before the date of the bypass.
- (ii) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the superintendent within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within 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 superintendent may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(4) Prohibition of Bypass.

- (i) Except as allowed in (2) above, bypass is prohibited, and the superintendent 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 preventative maintenance; and

- c) The industrial user submitted notices as required under subparagraph (3) of this section.
- (ii) The superintendent may approve an anticipated bypass, after considering its adverse effect, if the superintendent determines that it will meet the three conditions listed in subparagraph (4)(i) of this section.
- (j) *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:
 - (1) The date, exact place, method, and time of sampling and the names of the persons taking the samples;
 - (2) The dates analyses were performed;
 - (3) Who performed the analyses;
 - (4) The analytical techniques/methods; and
 - (5) The results of such analyses.
- (k) *Retention Period.* Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of three (3) years any 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 Pollution Control Tennessee Department of Health and Environment, 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 Director, or the Environmental Protection Agency. This requirement shall also apply to documentation associated with any BMPs established in connection with a pretreatment standard.
- (l) *Duration of Permit.* All existing permits for significant industrial users shall be reviewed and reissued with revisions as necessary to comply with new regulatory measures of this article on or before June 30, 1991.

Wastewater discharge permits shall be issued for a period of three (3) years. Provided that permits issued prior to June 30, 1991, may be issued for a period between two (2) and three (3) years for the administrative convenience of the superintendent so as to stagger the renewal dates of the permits. Provided further that permits issued to industrial users granted an

exception pursuant to sSection 31-52 shall be issued for a period of one (1) year. Notwithstanding the foregoing, industrial users becoming subject to a national pretreatment standard shall apply for new permits on the effective date of such national pretreatment standards. The superintendent shall notify in writing any industrial user whom he has cause to believe is subject to a national pretreatment standard of the promulgation of such federal regulations, but any failure of the superintendent in this regard shall not relieve the industrial user of the duty of complying with such national pretreatment standards. An industrial user must apply in writing for a renewal permit within the period of time not more than ninety (90) days and not less than thirty (30) days prior to expiration of the current permit. Provided further that limitations or conditions of a permit are subject to modification in accordance with Section 31-53(o), industrial users shall be notified of any proposed changes in their permit by the superintendent at least thirty (30) days prior to the effective date of the change. Any change or new condition in a permit shall include a provision for a reasonable time schedule for compliance. The industrial user may appeal the decision of the superintendent in regard to any changed permit conditions as otherwise provided in this article. Wastewater discharge permits are 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.

- (m) *Transfer of a Permit.* Wastewater discharge permits are issued to a specific industrial user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, or for different premises, or a new or changed operation, without the prior approval of the superintendent. The new owner or operator must state to the superintendent that it plans no change to the facility's operations and processes and must provide the specific date on which the transfer is to occur. Upon approval of a permit transfer, the superintendent will provide the new owner or operator with a copy of the wastewater discharge permit.

- (n) *Revocation of Permit.* Any permit issued under the provisions of this article 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 law or regulation;
 - (2) Obtaining of a permit by misrepresentation or failure to disclose fully all relevant facts; or

- (3) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
 - (4) Refusal of reasonable access to the user's premise for the purpose of inspection or monitoring.
 - (5) Failure to notify the superintendent of significant changes to the wastewater prior to changed discharge;
 - (6) Falsifying self-monitoring reports and certification statements;
 - (7) Tampering with monitoring equipment;
 - (8) Failure to comply with the requirements of an enforcement notice or order;
 - (9) Operating with an expired wastewater discharge permit (unless timely application for renewal has been submitted); or
 - (10) Failure to provide advance notice of the transfer of business ownership.
- (o) *Modification of Permit.* The superintendent may modify an individual wastewater discharge permit for good cause, including but not limited to, the following:
- (1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
 - (2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
 - (3) A change in the POTW that requires either a temporary or a permanent reduction of the authorized discharge;
 - (4) Information indicating that the permitted discharge poses a threat to the POTW, City personnel, or the receiving waters;
 - (5) Violation of the terms or conditions of the wastewater discharge permit;
 - (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in required reporting;

- (7) Revision or a grant of a variance from categorical pretreatment standards;
 - (8) To correct typographical or other errors in the wastewater discharge permit; or
 - (9) To reflect transfer of facility ownership or operation to a new owner or operator.
- (p) **Electronic Reporting.** Electronic reporting, if allowed by the superintendent shall comply with the requirements of 40 CFR Part 3.

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE:

SECTION 5. That Chattanooga City Code, Part II, Chapter 31, Sewers, Mains and Drainage, Article III, Div. 1, Section 31-54, Inspections, monitoring, entry, and confidentiality, is hereby amended by deleting subsection (f) in its entirety and substituting in lieu thereof the following:

- (f) All significant industrial users shall install a monitoring station of a standard design or be designed in a manner that is satisfactory to the superintendent by June 30, 1991. Monitoring stations and flow measurement facilities must be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring station in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE:

SECTION 6. That Chattanooga City Code, Part II, Chapter 31, Sewers, Mains and Drainage, Article III, Div. 5, Section 31-58, Superintendent, is hereby amended by deleting that section in its entirety and substituting in lieu thereof the following:

Sec. 31-58. Superintendent.

- (a) *Superintendent and Staff.* The superintendent and his staff shall be responsible for the administration of all sections of this chapter. Administratively, he shall be appointed by the mayor.
- (b) *Authority of Superintendent.* The superintendent shall have the authority to enforce all sections of this chapter. He shall be responsible and have the authority to maintain and operate the various treatment works, sewer lines, pump stations, and other appurtenances. He shall be responsible for the preparation of operating budgets subject to the normal budgetary processes of the City.
- (c) *Records.* The superintendent shall keep in this office or at an appropriate storage facility all applications required under this chapter, a complete record thereof, including a record of all wastewater discharge permits. He shall also maintain the minutes and other records of the Wastewater Regulations and Appeals Board.
- (d) *Superintendent to Assist Board.* The superintendent shall attend all meetings of the Wastewater Regulations and Appeals Board, or whenever it is necessary for him to be absent he shall send a designated representative, and shall make such reports to and assist said board in the administration of this article.
- (e) *Notice of National Pretreatment Standard.* The superintendent shall notify industrial users identified in 40 CFR 403.8(f)(2) of any applicable pretreatment standards or other applicable requirements promulgated by the Environmental Protection Agency under the provisions of sSection 204(b) of the Act (33 U.S.C. 1284), Section 405 of the Act (33 U.S.C. 1345), or under the provisions of Sections 3001 (42 U.S.C. 6921), 3004 (42 U.S.C. 6924) or 4004 (42 U.S.C. 6944) of the Solid Waste Disposal Act. Failure of the superintendent to so notify industrial users shall not relieve said users from the responsibility of complying with said requirements.
- (f) *Public Participation Notice.* The superintendent shall comply with the public participation requirements of 40 CFR Part 25 in the enforcement of National Pretreatment Standards. The superintendent shall at least annually provide meaningful public notification, in a newspaper of general circulation within the jurisdictions served by the POTW of any industrial users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards or other pretreatment requirements. For the purposes of this provision, a significant industrial user (or any other user that violates subparagraphs [3], [4], or [8] is in significant noncompliance if its violations meet one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant during a six-month period exceed (by any magnitude) the daily maximum limit (including an instantaneous limit) or the average limit for the same pollutant parameter;
 - (2) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements taken for the same pollutant during a six-month period equal or exceed the product of the daily average maximum limit (including an instantaneous limit) or the average limit times the applicable TRC (TRC = 1.4 for BOD, TSS, and oil and grease, and [TRC=1.2 for all other pollutants except pH];
 - (3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the superintendent believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
 - (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
 - (5) Violation, by ninety (90) days or more after the schedule date, of a compliance schedule milestone contained in a permit or enforcement order, for starting construction, completing construction, or attaining final compliance;
 - (6) Failure to provide required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules within thirty (30) days of the due date;
 - (7) Failure to accurately report noncompliance; or
 - (8) Any other violation or group of violations, which may include a violation of a BMP, which the superintendent determines may adversely affect the operation or implementation of the local pretreatment program.
- (g) *Regulations and Standards Authorized.* The superintendent may promulgate rules, regulations and design criteria not inconsistent with this chapter and have them printed for distribution. These rules may include

requirements for performing wastewater characterizations, analysis and other measurements by standard methods approved by the superintendent. Such rules and regulations shall be ratified and adopted by the city council.

- (h) *Certification of Wastewater Laboratories.* On and after July 1, 1991, all wastewater monitoring and preparation of reports required in sSections 31-53 or 31-54 shall be done by laboratories approved and certified by the superintendent. Laboratories aspiring to be approved for purposes of submitting such monitoring reports shall submit to an inspection by the superintendent or his representative, and to annual reinspections thereafter. Such laboratories shall for a period of one (1) year maintain records of all monitoring activities for users of the city's sewer system containing the information specified in Ssection 31-53. Such laboratories shall agree with and shall utilize the analytical test procedures described in Ssection 31-53 and shall implement and maintain a reasonable quality control-quality assurance program. As a further condition of certification, such laboratories shall agree to and shall participate in a program of blind cross-check analyses with the city's laboratory at no cost to the City of Chattanooga.
- (i) *Sewer Credits.* Approves secondary meters and determines other kinds of sewer user charge credits.
- (j) *Approves New Construction.* Gives approval in acceptance of newly constructed sanitary sewer lines, pump stations and other appurtenances.
- (k) *Regulation of Wastewater Received from Other Jurisdictions.* If another municipality or governmental entity with a satellite sewer collection system contributes wastewater to the POTW, the superintendent or authorized representative of the board shall enter into an intergovernmental agreement with the contributing municipality or governmental entity.
 - (1) Prior to entering into such an agreement, the superintendent shall request the following information from the contributing municipality or entity;
 - (i) A description of the quality and quantity of wastewater discharged to the POTW by the contributing municipality or entity;
 - (ii) An inventory of all industrial users located within the contributing municipality or entity that are discharging to the POTW; and

- (iii) Such other information as the superintendent may deem necessary.
- (2) The intergovernmental agreement as required herein shall contain, at a minimum, the following conditions;
- (i) A requirement for the contributing municipality or entity to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits which are at least as stringent as those set out in this ordinance. The requirement must specify that such ordinance and limits must be revised as necessary to reflect changes made to this ordinance or local limits;
 - (ii) A requirement for the contributing municipality or entity to submit a revised user inventory, at least on an annual basis;
 - (iii) A provision specifying which pretreatment program implementation activities, if any, including individual wastewater discharge permit issuance, inspection, sampling, and enforcement, will be conducted by the contributing municipality or entity;
 - (iv) A requirement for the contributing municipality or entity to provide the superintendent with access to all information that the contributing municipality or entity obtains as part of its pretreatment activities;
 - (v) Limits on the nature, quality, and volume of the wastewater from the contributing municipality or entity at the point at which it discharges into the POTW;
 - (vi) Requirements for monitoring the contributing municipality's or entity's discharge;
 - (vii) A provision ensuring the superintendent access to the facilities of industrial users located within the contributing municipality's or entity's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the superintendent; and
 - (viii) A provision specifying remedies available for breach of the terms of the intergovernmental agreement.

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE:

SECTION 7. That Chattanooga City Code, Part II, Chapter 31, Sewers, Mains and Drainage, Article III, Div. 5, Section 31-61, is hereby amended by adding a new subsection (c) as follows:

- (c) Criminal Penalties. In addition to Civil Penalties imposed by the superintendent and the State of Tennessee, any person who willfully and negligently violates permit conditions is subject to criminal penalties imposed by the State of Tennessee and the United States.

SECTION 8. BE IT FURTHER ORDAINED, That this Ordinance shall become effective two (2) weeks from and after its passage.

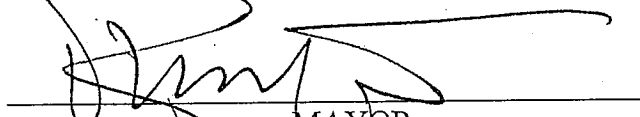
PASSED on Second and Final Reading

August 31, 2010


CHAIRPERSON

APPROVED: DISAPPROVED:

DATE: _____, 2010


MAYOR

/mms