

# **City of Shelbyville**

  

# **Sewer Use Ordinance**

REVISED MARCH 2008  
REVISED JUNE 2008  
AMENDED FEBRUARY 2009  
AMENDED SEPTEMBER 2010  
AMENDED APRIL 2015  
AMENDED JANUARY 2021

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Revised June 2008  
Section 10 Amended February 2009  
Sections 1 and 2 and Appendix A Amended September 2010  
Appendix A Amended April 2015  
Section 1 and 2 Amended January 2021

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## **SEWER USE ORDINANCE**

### **SECTION 1 – GENERAL PROVISIONS**

#### **1.1 Purpose and Policy**

This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Shelbyville, Tennessee, hereinafter referred to as “the City”. The Control Authority is the Shelbyville Power, Water, and Sewerage Board also referred to as “the Board”, and enables the City to comply with all applicable State laws and regulations and Federal laws required by the Federal Water Pollution Control Act of 1972 and its subsequent amendment, and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this Ordinance are:

- 1) To prevent the introduction of pollutants into the Publicly Owned Treatment Works (POTW) system which will interfere with the operation of the system or contaminate the resulting sludge;
- 2) To prevent the introduction of pollutants into the POTW system in amounts which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- 3) To protect both the POTW system personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- 4) To improve the opportunity to recycle and reclaim wastewaters and sludge from the POTW system;
- 5) To provide fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW system; and
- 6) To enable the Shelbyville Power Water and Sewerage System to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW system is subject.

This Ordinance provides for the regulation of contributors to the POTW system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other Users, authorizes monitoring and enforcement activities, requires User reporting, assumes that existing customer’s capacity will not be preempted, and provides for the setting of fees and charges for the equitable distribution of costs relating to the administration, operation, maintenance, amortization of debt and depreciation of the POTW.

This Ordinance shall apply to the City of Shelbyville and to persons outside the City who are, by contract or agreement with the Control Authority, Users of the POTW. Except as otherwise provided herein; the General Manager of the POTW shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the General Manager may be delegated by the General Manager to a Duly Authorized Representative of the City.

## 1.2 **Definitions**

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Ordinance, shall have the meaning hereinafter designated:

- 1) Act or “the Act”. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.
- 2) Approval Authority. The Tennessee Division of Water Pollution Control Director or the Director’s representative.
- 3) Authorized or Duly Authorized Representative of the User.
  - a) If the User is a corporation:
    - (i) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
    - (ii) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - b) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
  - c) If the User is a Federal, State or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

- d) The individuals described in paragraphs a through c, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Board.
- 4) Biochemical Oxygen Demand (BOD<sub>5</sub>). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20° centigrade expressed in terms of weight (lbs) and/or concentration (mg/l).
- 5) Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.3 a) and b) [Tennessee Rule 1200-4-14-.05(1)(a) and (2)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e. management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.
- 6) Board. The Shelbyville Power, Water and Sewerage Board.
- 7) Building Sewer. A sewer conveying wastewater from the premises of a User to the POTW.
- 8) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40CFR Chapter I, Subchapter N, Parts 405-471.
- 9) Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
- 10) Chemical Oxygen Demand (COD). A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- 11) Chronic Violation. 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 parameter during a six (6) month period on a rolling quarterly basis exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits.
- 12) City. City of Shelbyville.

- 13) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- 14) Control Authority. The term “control authority” shall refer to the General Manager or a Duly Authorized Representative of the Shelbyville Power, Water and Sewerage Board.
- 15) Conventional Pollutants. Biochemical Oxygen Demand (BOD<sub>5</sub>), Total Suspended Solids (TSS), fecal coliform bacteria, oil and grease, and pH (40 CFR 401.16).
- 16) Daily Maximum. The arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day.
- 17) Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- 18) Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.
- 19) Domestic Wastewater. Wastewater that is generated by a single family, apartment of other dwelling unit or dwelling unit equivalent containing sanitary facilities for the disposal of wastewater and used for residential purposes only and/or restroom wastes from commercial, institutional and Industrial Users.
- 20) Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency, or where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
- 21) Existing Source. Any source of discharge that is not a “New Source.”
- 22) Grab Sample. A sample that is collected from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- 23) Grease Interceptor. An interceptor whose rated flow exceeds 50 gpm and is located outside the building.
- 24) Grease Trap. An interceptor whose rated flow is 50 gpm or less and is typically located inside the building.
- 25) Holding (Septic) Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

- 26) Indirect Discharge or Discharge. The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b), (c), or (d) of the Act, into the POTW (including holding tank waste discharged into the system).
- 27) Industrial User (IU) or User. A source of nondomestic waste. Any nondomestic source discharging pollutants to the POTW.
- 28) Individual Wastewater Discharge and General Permit. As set forth in Section 5 of this Ordinance.
- 29) Instantaneous Maximum Limit. The maximum allowable concentration of a pollutant discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- 30) Interceptor. A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity.
- 31) Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal, or exceeds the design capacity of the treatment works or collection system.
- 32) Local Limit. Specific discharge limits developed and enforced by the Board upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Tennessee Rule 1200-4-14-.05(1)(a) and (2).
- 33) Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- 34) Monthly Average. The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- 35) Monthly Average Limit. The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- 36) National Pollutant Discharge Elimination System or NPDES Permit. A permit issued to a POTW pursuant to Section 402 of the Act.

- 37) National Pretreatment Standard, Pretreatment Standard, or Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Federal Clean Water Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 1200-4-14-.05.
- 38) National Prohibitive Discharges. Prohibitions applicable to all nondomestic dischargers regarding the introduction of pollutants into POTW's set forth in 40 CFR 403.5.
- 39) New Source.
- a) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed National Pretreatment Standards under Section 307 (c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that Section, provided that:
    - (i) The building, structure, facility or installation is constructed at a site at which no other source is located, or
    - (ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source, or
    - (iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent as to which the new facility is engaged in the same general type of activity as the Existing Source should be considered.
  - b) Construction on the 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 the aforementioned but otherwise alters, replaces, or adds to existing process or production equipment.
  - c) Construction of a new source as defined under this paragraph has commenced if the Owner or operator has:
    - (i) Begun, or caused to begin as part of a continuous on-site construction program:
      - (a) Any placement, assembly or installation of facilities or equipment; or
      - (b) Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary

for the placement, assembly or installation of new source facilities or equipment; or

- (ii) Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this paragraph.
- 40) Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- 41) North American Industry Classification System (NAICS). A classification pursuant to the North American Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 2007.
- 42) Pass Through. 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 or the City's NPDES permit, including an increase in the magnitude or duration of a violation.
- 43) Person. Any and all persons, including individuals, partnerships, copartnerships, firms, companies, public or private corporations or officers thereof, associations, joint stock companies, trusts, estates, state and federal agencies, municipalities or political subdivisions, or officers thereof, departments, agencies, or instrumentalities organized or existing under the laws of this or any state or country. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- 44) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution which is the measurement of acidity or alkalinity of a solution.
- 45) Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharge equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).
- 46) Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- 47) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a

POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except as prohibited by Tennessee Rule 1200-4-14-.06(4). 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 Tennessee Rule 1200-4-14-.06(5).

- 48) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a Pretreatment Standard imposed on a User, including but not limited to discharge, sampling requirements, analytical requirements, reporting requirements, and compliance schedules.
- 49) Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.
- 50) Process Waste Water. Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.
- 51) Process Waste Water Pollutants. Pollutants present in process waste water.
- 52) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2 of this ordinances.
- 53) Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act (33 U.S.C. section 1292), which is owned by the Shelbyville Power, Water and Sewerage Board. This definition includes any devices or systems used in collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant. For the purposes of this Ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City, who are, by contract or agreement with the City, Users of the POTW.
- 54) POTW Treatment Plant, Wastewater Treatment Plant, or Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
- 55) Sanitary Sewer. A sewer pipeline that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground-storm, and surface waters that are not admitted intentionally.

56) Sanitary Sewer System Utility Easement. A right held by one person or entity to make use of the land of another for a limited purpose including laying sewer lines and ingress/egress to monitor, operate, and maintain sewer lines. For the Shelbyville Sewer System, maintenance may include washing the sewer main through access points (manholes), clearing of debris such as trees, shrubs, underbrush or any type of vegetation, repair of the main or complete replacement of the main.

Types of cover allowed over a sewer easement include only the following: grass, pavement, sidewalks. All other items must be approved by the Control Authority. Under no circumstances will any structure be allowed to be built in the easement.

The standard width of the Shelbyville Sewerage System utility easement is 20 linear feet. The easement is centered on the sewer main and manholes. The Control Authority has obtained easements in two different ways. The first can be described as an implied easement where there is no written descriptive easement or plat recorded. The second is a recorded easement on a form provided by the Control Authority or shown on a recorded plat or descriptive easement based on bearings and distances or based on construction drawings recorded with a deed.

57) Shall is mandatory: May is permissive.

58) Significant Industrial User (SIU).

Except as provided in paragraphs (c) and (d) of this Section, a Significant Industrial User is:

- a) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and
- b) Any other industrial user that:
  - (i) Discharges an average of twenty-five thousand (25,000) gallons more per day or more of process wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater) to the POTW;
  - (ii) Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - (iii) Is designated as such by the Shelbyville Power, Water, or Sewerage Board on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement (in accordance with TCA 1200-4-14-.08(6)(f)).

- c) The Shelbyville Power, Water, and Sewerage Board may determine that an Industrial User subject to categorical Pretreatment Standards under Tennessee Rule 1200-4-14-.06 and 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
  - (i) The Industrial User, prior to the Board's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
  - (ii) The Industrial User annually submits the certification statement(s) required in Section 7.14 [Tennessee Rule 1200-4-14-.12(17)], together with any additional information necessary to support the certification statement; and
  - (iii) The Industrial User never discharges any untreated concentrated wastewater.
- d) Upon finding that a User meeting the criteria in Subsection (b) of this part has no reasonable potential for adversely affecting the POTW's operation of for violating any Pretreatment Standard or Requirement, the Board may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in Tennessee Rule 1200-4-14-.08(6) (f), determine that such User is not a Significant Industrial User.

59) Significant Noncompliance (SNC). Any violation of pretreatment requirements which meet one or more of the following criteria:

- a) Violations of Wastewater Discharge Limits
  - (i) Chronic Violations,
  - (ii) Technical Review Criteria (TRC) Violations,
  - (iii) Any other violation(s) of an Industrial Wastewater Discharge Permit or General Permit effluent limit that the Control Authority believes has caused, alone or in combination with other discharges, interferences (e.g., slug loads) or pass-through; or endangered the health of the POTW personnel or the public, or
  - (iv) 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.
- b) Violations of Compliance Schedule Milestones, contained in an enforcement order by 90 days or more after the schedule date. Milestones may include but not be

limited to dates for starting construction, completing construction and attaining final compliance.

- c) Failure to provide reports for compliance schedules, self-monitoring data or categorical standards (baseline monitoring reports, 90-day compliance reports and periodic reports) within 30 days from the due date.
  - d) Failure to accurately report noncompliance.
  - e) Violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.
- 60) Significant Violation. A violation which remains uncorrected 45 days after notification of noncompliance; which is part of a pattern of noncompliance over a twelve month period; or which involves a failure to accurately report noncompliance; or which resulted in the POTW exercising its emergency authority under CFR 403.8 (f) (2) (vi) (B) and 403.8 (f) (2) (vii).
- 61) Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.
- 62) Source. Any activity, operation, construction, building, structure, facility, or installation (permanent or temporary) from which there is or may be the discharge or pollutants.
- 63) State. State of Tennessee.
- 64) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- 65) Surcharge. A fee charged to Industrial Users in excess of the normal Sewer User Charge to cover the additional expenses incurred by the POTW for treating conventional pollutants of a higher concentration than the POTW treatment plant was designed to treat.
- 66) Technical Review Criteria (TRC) Violation. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 1.2 multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other parameters except pH);

- 67) Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.
- 68) Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of Section 307 (a) of the Act (40 CFR 403 Appendix B).
- 69) Upset. An exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- 70) User or Industrial User. Any person(s), who contributes, causes or permits the contribution of wastewater into the City's POTW, including the owner of any private property having a building sewer connected to the POTW sewer system.
- 71) Wastewater. The liquid and water-carried industrial or domestic wastes from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, together with any groundwater, surface water and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- 72) Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state of any portion thereof.

### 1.3 Abbreviations

The following abbreviations shall have the designated meanings:

|                    |                                       |
|--------------------|---------------------------------------|
| ◇ BOD <sub>5</sub> | Biochemical Oxygen Demand 5-day       |
| ◇ BMP              | Best Management Practice              |
| ◇ BMR              | Baseline Monitoring Report            |
| ◇ CFR              | <i>Code of Federal Regulations</i>    |
| ◇ CIU              | Categorical Industrial User           |
| ◇ COD              | Chemical Oxygen Demand                |
| ◇ EPA              | U. S. Environmental Protection Agency |
| ◇ FOG              | Fats, Oil and Grease                  |

Revised June 2008  
Section 10 Amended February 2009  
Sections 1 and 2 and Appendix A Amended September 2010  
Appendix A Amended April 2015  
Section 1 and 2 amended January 2021

|                      |  |
|----------------------|--|
| ◇ gpd                | Gallons per day                                    |
| ◇ IU                 | Industrial User                                    |
| ◇ l                  | Liter  |
| ◇ lb                 | pounds   |
| ◇ mg                 | Milligrams   |
| ◇ mg/l               | Milligrams per liter                               |
| ◇ NAICS              | North American Industry Classification System      |
| ◇ NH <sub>3</sub> -N | Ammonia Nitrogen                                   |
| ◇ NPDES              | National Pollutant Discharge Elimination System    |
| ◇ NSCIU              | Non-Significant Categorical Industrial User        |
| ◇ POTW               | Publicly Owned Treatment Works                     |
| ◇ RCRA               | Resource Conservation and Recovery Act             |
| ◇ SIU                | Significant Industrial User                        |
| ◇ SNC                | Significant Noncompliance                          |
| ◇ SWDA               | Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq. |
| ◇ TSS                | Total Suspended Solids                             |
| ◇ U.S.C.             | United States Code                                 |

## **SECTION 2 – GENERAL SEWER USE REQUIREMENTS**

### **2.1 Use of Public Sewers**

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City of Shelbyville, or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

It shall be unlawful to discharge any wastewater to any waters of the State within the City or in any area under the jurisdiction of the City.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater within the City of Shelbyville.

The owners of all houses, building or properties used for human occupancy, employment, recreation, or other purposes, situated within the City of Shelbyville, and abutting any street, alley, right-of-way, or sanitary sewer system utility easement in which there is now located or may in the future be located a public sanitary sewer of the POTW, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper sanitary sewer by means of a building sewer in accordance with the provisions of this Ordinance within 60 days after official notice to do so. Such connection shall be made at the place and in the manner as directed by the Control Authority.

Where a POTW sanitary sewer is not available up to or even with the property line, the building sewer shall be connected to a private subsurface sewage disposal system complying with the provisions of this Ordinance and the Tennessee Department of Environment and Conservation, and Amended Rules, Regulations to Govern Subsurface Sewage Disposal Systems.

The Owner of any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation necessary to obtain a grade equivalent to 1/8-inch per foot in the building sewer, but is otherwise accessible to a public sewer as provided in this Paragraph 2.1 shall provide a private sewage pumping station (grinder pump) to convey wastewater into the POTW sanitary sewer.

### **2.2 Building Sewer and Connections**

#### **a) General**

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any POTW sanitary sewer or appurtenance thereof without first obtaining a written permit from the Control Authority.

All cost and expense incidental to the installation and connection of the building sewer to the POTW sanitary sewer shall be borne by the User. The User shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

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

Old building sewers may be used in connection with new buildings only when they are found, on examination and testing by the General Manager, meeting all requirements of this Ordinance. All others must be sealed to the specifications of the General Manager.

b) Building Sewer Construction

Building sewers shall conform to the following requirements:

- (i) The minimum size of a building sewer shall be six (6) inches for commercial and (4) inches for residential.
- (ii) The minimum depth of a building sewer shall be eighteen (18) inches.
- (iii) Six (6) inch building sewers shall be laid on a grade equal to or greater than 1/8-inch per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least 2.0 feet per second.
- (iv) Slope and alignment of all building sewers shall maintain constant horizontal alignment and vertical grade, except at bends.
- (v) Building sewers shall be constructed only of (1) cast iron soil pipe or ductile iron pipe with compression joints or (2) polyvinyl chloride pipe with rubber compression joints. Under no circumstances will cement mortar joints be acceptable.
- (vi) Cleanouts shall be located on building sewers as follows: one located no closer than (18) inches to the building and no more than (5) feet outside the building, one at the tap onto the POTW sanitary sewer if the main is on the user side of the street, if the main is on the opposite side of street the cleanout shall be placed on the right of way of the users property and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than seventy-five (75) feet apart in horizontal building sewers of six (6) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the

place where the cleanout is installed. A “Y” (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches on a six (6) inch pipe.

- (vii) Connections of building sewers to POTW sanitary sewer shall be made at the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with corrosion resisting or stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting or cutting a clean opening in the existing public sewer and installing a tee-saddle or tee-insert of a type approved by the Control Authority. All such connections shall be made gastight and watertight.
- (viii) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the POTW sanitary sewer is at a grade of 1/8-inch per foot or more, if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the User. In all buildings in which any building drain is too low to permit gravity flow to the POTW sanitary sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the Owner/User.
- (ix) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federal Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the Control Authority before installation.
- (x) Any installed building sewer shall be gastight and watertight.
- (xi) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Control Authority.
- (xii) No person shall make connection of roof downspouts, exterior foundation drains, area drains, basement drains or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a POTW sanitary sewer.

- c) Inspection of Connections
- (i) The connection to the POTW sanitary sewer and all building sewers from the building to the POTW sanitary sewer shall be inspected by the General Manager before the underground portion is covered.
  - (ii) The applicant for discharge shall notify the Control Authority when the building sewer is ready for inspection and connection to the POTW sanitary sewer. The connection shall be made under the supervision of the General Manager.
- d) Maintenance of Building Sewers. Each User shall be entirely responsible for the maintenance of the building sewer located on private property to ensure that the building sewer is watertight. This maintenance will include repair or replacement of the building sewer as deemed necessary by the Control Authority to meet specifications of the City. If upon smoke testing or visual inspection by the General Manager's representative, leaks from the building sewer, collapsed building sewers, roof downspout connections, exterior foundation drains, or other sources of rainwater, surface runoff or groundwater entry into the POTW sewer system are identified on building sewers on private property, the Control Authority shall notify the User in writing of the nature of the problem(s) identified on the User's building sewer and the specific steps required to bring the building sewer within the requirements of this Ordinance. All steps necessary to comply with this Ordinance must be complete within sixty (60) days from the date of written notice and entirely at the expense of the User. The User will be responsible for bringing any excavations back to original grade, replacing topsoil, hand raking all disturbed areas, seeding, strawing and watering to have permanent ground cover and final landscaping. For purposes of this section 2.2 (d), "private property" shall be defined as the location of the building sewer up to the right-of-way, if there is no clearly defined right-of-way, to the edge of the road or street.

If problems described in the preceding paragraph are found to exist in the right-of-way or under the road or street, all repairs shall be made by the Control Authority at its expense except as otherwise set forth herein. The Control Authority shall be responsible for restoring any excavated areas back to the original conditions except for repairs made in any areas covered by grass or vegetation. For areas covered by grass or vegetation, the Control Authority shall be responsible for bringing any excavations back to original grade, replacing topsoil, hand raking all disturbed areas, and seeding, strawing, and watering to have permanent ground cover; however, the Control Authority shall not be responsible for final landscaping, including but not limited to fertilizing, mulching, sodding, and replacing any shrubbery or trees displaced or damaged by the Control Authority during execution of the work. If feasible, the Control Authority shall install a clean-out pipe near the boundary line between the User and the right-of-way or the street or road.

If the Control Authority is required under this section to perform any work in the right-of-way adjacent to the User's property, but excluding the street or road, the Control Authority shall request reimbursement from the User for the reasonable costs associated with such work as determined by the Control Authority. The Control Authority is authorized to enter into agreement(s) for providing payment of such reimbursement in installments.

### **2.3 Prohibited Discharge Standards**

- a) General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not the User is subject to Categorical Pretreatments Standards or any other National, State or local Pretreatment Standards or Requirements.
- b) Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:
  - (i) Any liquids, solids or gases which, by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the POTW system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter or have a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohol's, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides and any other substance which the City, the State, or EPA has notified the User is a fire hazard or a hazard to the system.
  - (ii) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease garbage with particles greater than one-half (1/2") inch or one and 27 hundredths (1.27) centimeters in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing waxes.
  - (iii) Any wastewater having a pH less than 5.0 or wastewater having any other corrosive property (such as pH over 10) capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

- (iv) Any wastewater containing toxic pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (v) Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life (acute worker health and safety problems) or are sufficient to prevent entry into the sewers for maintenance and repair.
- (vi) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State Criteria applicable to the Sludge management method being used.
- (vii) Any substance which will cause the POTW to violate its NPDES Permit or the receiving water quality standards. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test.
- (viii) Any wastewater with objectionable color which causes discoloration of the POTW treatment plant effluent to the extent that the NPDES Permit is violated, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (ix) Any wastewater heat in amounts which will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case heat in such quantities that the temperature at the POTW exceeds 40°C (104°F).
- (x) Any pollutants, including oxygen demanding pollutants, such as BOD<sub>5</sub>, NH<sub>3</sub>-N, and Oil and Grease, released at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference to the POTW. In no case shall a discharge to the POTW have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.
- (xi) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Control Authority in compliance with applicable State or Federal regulations.
- (xii) Any wastewater which causes a hazard to human life or creates a public nuisance.
- (xiii) Any wastewater containing fats, wax, grease, petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, or other substances which may solidify

or become viscous at temperatures between 0°C (32°F) and 40°C (104°F) and/or cause interference or pass-through at the POTW treatment plant.

- (xiv) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters. Stormwater and all other unpolluted drainage shall be discharged to storm sewers, or to a natural outlet approved by the Control Authority and the Tennessee Department of Environment and Conservation. Industrial cooling water or unpolluted process waters may be discharged on approval of the Control Authority and the Tennessee Department of Environment and Conservation, to a storm sewer or natural outlet.
- (xv) Any trucked or hauled pollutants except at discharge points designated by the POTW in accordance with Section 3.4 of this ordinance.
- (xvi) Fats, Oils, and Grease, Waste Food, and Sand. Refer to Section 2.4 for guidelines.

When the Control Authority determines that a User is contributing to the POTW, any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Control Authority shall: 1) Advise the User of the impact of the contribution on the POTW; and 2) Develop effluent limitation(s) for such User to correct the Interference with the POTW.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

## **2.4 Fats, Oils, and Grease, Waste Food, and Sand Guidelines**

Fats, oil, grease, waste food, and sand in the POTW can interfere with the collection system and wastewater treatment facility by causing blockages and plugging of pipelines, problems with normal operation of pumps and their controls, and contribute waste of a strength or form that is beyond the treatment capability of the treatment plant.

### a) Interceptors

Fats, Oil, and Grease (FOG), waste food, and sand interceptors shall be installed when, in the opinion of the Control Authority, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amounts which impact the POTW. Such interceptors shall not be required of single-family residences but may be required for multiple family residences. All interceptors shall be of a type and capacity approved by the Control Authority, shall be located as to be readily and easily accessible for cleaning and inspection.

(i) Fats, Oil, Grease, and Food Waste

1.1 New Food Service Facility

On or after the effective date of this Ordinance, food service facilities which are newly proposed or constructed, shall be required to install, operate and maintain a grease interceptor with a minimum capacity of 750 gallons located on the exterior of the building. Approval of the installation of a grease trap instead of a grease interceptor at a new food service facility can be obtained for those facilities where inadequate space is available for the installation of a grease interceptor. Design criteria shall conform to the standard in accordance with any provisions of the plumbing Code as adopted by the City of Shelbyville and Tennessee Department of Environment and Conservation engineering standards or applicable local guidelines.

2.1 Existing Food Service Facilities

On or after the effective date of this Ordinance, existing food service facilities or food service facilities which will be expanded or renovated shall install a grease trap or grease interceptor when, in the opinion of the Control Authority,

necessary for the control of FOG and food waste. Upon notification, the facility must be in compliance within 90 days (unless due case of hardship may be proven). The facility must service and maintain the equipment in order to prevent adverse impact upon the POTW. If in the opinion of the Control Authority the user continues to impact the POTW, additional pretreatment measures may be required.

(ii) Sand, Soil, and Oil

All car washes, truck washes, garages, service stations, and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors when directed by the Control Authority. These interceptors shall be sized to effectively remove sand, soil, and oil at the proper flow rates. These interceptors shall be cleaned on a regular basis to prevent impact upon the POTW. Owners whose interceptors are deemed to be ineffective by the Control Authority may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities shall prevent the inflow of rainwater into the sanitary sewer.

(iii) Laundries

Where directed by the Control Authority commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the POTW of solids ½-inch or larger in size such as strings, rags, buttons, or other solids detrimental to the POTW.

The equipment or facilities installed to control FOG, food waste, sand, and soil shall be designed in accordance with Southern Plumbing Code and Tennessee Department of Environment and Conservation engineering standards or applicable local guidelines. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance and inspection. Control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer, and the accumulation of FOG in the POTW. If the Control Authority is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, or lack thereof, the owner or operator shall be required to refund the labor, equipment, materials and overhead costs to the Control Authority. Nothing in this section shall be construed to prohibit or restrict any other remedy the Control Authority has under this ordinance, or state or federal law.

The Control Authority retains the right to inspect and approve installation of the control equipment.

There shall be no charge for random inspections conducted by the Control Authority personnel on traps or interceptors. If a trap or interceptor has to be re-inspected because of deficiencies found during the previous inspection by the Control Authority personnel, and all of the deficiencies have been corrected, there shall be no charge for the re-inspection. If all of the deficiencies have not been corrected, a first re-inspection fee of \$50 shall be charged to the facility. If a second re-inspection is required, a second re-inspection fee of \$150 shall be charged to the facility if all of the deficiencies have still not been corrected. If three or more re-inspections are required, a re-inspection fee of \$300 for each successive re-inspection shall be charged to the facility in addition to other enforcement actions if all of the deficiencies have not been corrected.

b) Solvents

The use of degreasing or line cleaning products containing petroleum-based solvents is prohibited.

**2.5 National Categorical Pretreatment Standards**

Users must comply with the categorical Pretreatment Standards for new and existing sources set out in 40 CFR Chapter I, Subchapter N, Parts 405-471 and shall serve as the minimum requirements.

- a) Where a categorical Pretreatment Standard is expressed in terms of either the mass or the concentration of a pollutant in wastewater, the Control Authority may impose equivalent concentration or mass limits in accordance with Section 2.5 e) and 2.5 f) as allowed at 40 CFR 403.6(c).
- b) When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Control Authority may convert the limits

to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to the individual Industrial Users as allowed at 40 CFR 403.6(c) (2).

- c) When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Control Authority shall impose an alternate limit in accordance with Tennessee Rule 1200-4-14-.06(5).
- d) A CIU may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraphs of this Section as allowed at 40 CFR 403.15.
  - (i) 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 requirements of paragraph (ii) of this Section are met.

(ii) Criteria

- (a) Either (1) The applicable categorical Pretreatment Standards contained in 40 CFR, Chapter I, subchapter N specifically provide that they shall be applied on a net basis; or (2) 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 absence of pollutants in the intake waters.
- (b) Credit for generic pollutants such as biochemical oxygen demand (BOD<sub>5</sub>), total suspended solids (TSS), and oil and grease shall not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
- (c) Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring (at the person's, applying for credit, expense) may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.
- (d) Credit shall 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 Board may waive this requirement if it finds that no environmental degradation will result.

- e) When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the Board convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Control Authority. The Board may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 2.5e(i)(a) through 2.5e(i)(e) below.

(i) To be eligible for equivalent mass limits, the Industrial User must:

- (a) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge or general permit;
- (b) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
- (c) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
- (d) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
- (e) Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

(ii) An Industrial User subject to equivalent mass limits must:

- (a) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
- (b) Continue to record the facility's flow rates through the use of a continuous flow monitoring device;
- (c) Continue to record the facility's production rates and notify the Control Authority whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 2.5e(i)(c) of this Section. Upon notification of a revised production rate, the Control Authority will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

- (d) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 2.5e)(i)(a) of this Section as long as it discharges under an equivalent mass limit.

(iii) When developing equivalent mass limits, the Control Authority:

- (a) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
  - (b) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
  - (c) May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 2.10. The Industrial User must also be in compliance with Section 13.3 regarding the prohibition of bypass.
- f) The Control Authority may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Control Authority. When converting such limits, the Control Authority will use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited in Section 2.10 of this ordinance (see 40 CFR 403.6(d)). In addition, the Control Authority will document how the equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available (see 40 CFR 403.6(c)(7)).
- g) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section (2.5) in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.
  - h) Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second for calculating Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or

flow figure shall be used in calculating both the average and the maximum equivalent limitation.

- i) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Control Authority within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Control Authority of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

## **2.6 Modification of National Pretreatment Standards**

If the POTW system achieves consistent removal of pollutants limited by the National Pretreatment Standards, the Board may apply to the Approval Authority for modifications of specific limits in the National Pretreatment Standards. “Consistent Removal” shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the POTW system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in 40 CFR Section 403.7(a)(3)(ii) Part 403 – General Pretreatment Regulations for Existing and New Sources of Pollution, promulgated pursuant to the Act. The City may then modify pollutant discharge limits in the National Pretreatment Standards if the requirements continued in 40 CFR, Part 403, Section 403.7, are fulfilled and approval is obtained from the Approval Authority.

## **2.7 State Pretreatment Standards**

Users must comply with Tennessee Pretreatment Standards codified at *T.C.A §§ 69-3-101 et seq.* and *4-5-201 et seq.*

## **2.8 Local Limits**

- a) The Control Authority is authorized to establish Local Limits pursuant to Tennessee Rule 1200-4-14-.05(3).
- b) Specific Pollutant Limitations  
Pollutant limits are established to protect against Pass Through and Interference no Person shall discharge wastewater containing in excess of the limits for each pollutant. Refer to Appendix A (latest revision), TABLE A1: Specific Pollutant Limitations for a list of the specific pollutants and respective concentrations.
- c) Criteria to Protect the POTW Treatment Plant Influent

The General Manager and/or his designated representative shall monitor the POTW treatment plant influent for each parameter in TABLE A2: Criteria to Protect the POTW Treatment Plant Influent contained in Appendix A (latest revision). Analyses

for all pollutants listed at TABLE A2 shall be conducted in accordance with the requirements of 40 CFR Part 136 or equivalent methods approved by the United States Environmental Protection Agency. All Industrial Users shall be subject to the reporting and monitoring requirements set forth in Section 7, Reporting Requirements, and Section 8, Compliance Monitoring, as to these parameters. In the event that the influent at the POTW treatment plant reaches or exceeds the levels established by said table, the Control Authority shall initiate technical studies to determine the cause of the influent violation, and shall recommend to the Shelbyville Power, Water and Sewerage Board such remedial measures as are necessary, including, but not limited to recommending the establishment of new or revised pretreatment levels for these parameters. The Control Authority shall also recommend changes to any of these criteria in the event the POTW effluent standards are changed or in the event that there are changes in any applicable law or regulation affecting same or in the event changes are needed for more effective operation of the POTW.

d) Conventional Pollutants

i) BOD<sub>5</sub>, TSS and NH<sub>3</sub>-N

The POTW treatment plant was designed to accommodate specific waste load concentrations and mass amounts of Biochemical Oxygen Demand (BOD<sub>5</sub>), Total Suspended Solids (TSS), and Ammonia Nitrogen (NH<sub>3</sub>-N). If an Industrial User discharges concentrations of these pollutants in excess of the Criteria to Protect the POTW Treatment Plant influent listing at TABLE A2 in the Appendix (latest revision) of this Ordinance, added operation and maintenance costs will be incurred by the POTW. Therefore, any Industrial User who discharges concentrations in excess of the Criteria to Protect the POTW Treatment Plant influent listed at TABLE A2 in the Appendix (latest revision) of this Ordinance for any of the conventional pollutants such as BOD<sub>5</sub>, TSS, and/or NH<sub>3</sub>-N will be subject to a surcharge. The formula for this surcharge is listed in Section 4.3 of this Ordinance. The Board also reserves the right to, at any time, place specific mass or concentration limits for BOD<sub>5</sub>, TSS and/or NH<sub>3</sub>-N on the Industrial User if the Industrial User's discharge of the excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit.

ii) Oil and Grease

Oil and Grease loadings were not taken into account in the design of the POTW treatment plant; however, oil and grease are regulated under this Ordinance as conventional pollutants.

If an Industrial user discharges concentrations of Total Oil and Grease in excess of the Criteria to Protect the POTW Treatment Plant influent listed in Section 2.7 c) of this Ordinance for Total Oil and Grease, added operation and maintenance cost will be incurred by the POTW. Therefore, any Industrial User who discharges

concentrations in excess of the Criteria to Protect the POTW Treatment Plant influent listed in Section 2.7 c) for Total Oil and Grease will be subject to a surcharge. The formula for this surcharge is listed in Section 4.3 of this Ordinance. The Board also reserves the right to, at any time, place specific mass or concentration limits for Total Oil and Grease on the Industrial User if the Industrial User's discharge of the excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit.

- e) The Control Authority and/or his designated representative may develop Best Management Practices (BMPs), in individual wastewater discharge permits or in general permits, to implement Local Limits and the requirements of Section 2.3.

## **2.9 Board's Right of Revision**

The Board reserves the right to petition the City of Shelbyville to establish, by ordinance or in individual wastewater discharge permits or in general permits, more stringent Standards or Requirements on Users of the POTW system if deemed necessary to comply with the objectives presented in this Ordinance.

## **2.10 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 Control Authority and/or his designated representative may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases when the imposition of mass limitations is appropriate.

## **2.11 Accidental Discharges**

- a) Protection from Accidental Discharge

Each Industrial User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Industrial User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Control Authority for review and shall be approved by the Control Authority before construction of the facility. No Industrial User who commences contribution to the POTW after the effective date of this Ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Control Authority. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the Industrial User's facility as necessary to meet the requirements of this Ordinance.

b) Notification of Accidental Discharge

In the case of an accidental discharge, it is the responsibility of the Industrial User to immediately telephone and notify the POTW of the incident. The notification shall be within 24 hours of becoming aware of the violation and shall include location of discharge, type of waste, concentration and volume, and corrective actions. The Industrial User shall repeat the sample within 5 days, perform an analysis, and report the results of the sample analysis to the Control Authority within 30 days of becoming aware of the violation [(40 CFR 403.12) (g)].

i) Written Notice

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

ii) Notice to Employees

A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees whom to call in the event of a dangerous accidental discharge. Industrial Users shall insure that all employees who may cause such a dangerous discharge to occur or may suffer such are advised of the emergency notification procedure.

## **SECTION 3 – PRETREATMENT OF WASTEWATER**

### **3.1 Pretreatment Facilities**

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2 of this ordinance within the time limitations specified by EPA, the State, or the Control Authority and/or his designated representative, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Control Authority for review and shall be acceptable to the Control Authority before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Board under the provisions of this ordinance.

### **3.2 Additional Pretreatment Measures**

- a) Whenever deemed necessary, the Control Authority and/or his designated representative may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.
- b) The Control Authority may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit or a general permit may be solely for flow equalization.
- c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Control Authority and/or his designated representative, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Control Authority and/or his designated representative, shall comply with Section 2.4 of this ordinance, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with Section 2.4 by the User at their expense.
- d) Users with potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

### **3.3 Accidental Discharge/Slug Discharge Control Plans**

The Control Authority shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Control Authority may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Control Authority may develop such a plan for any User at the User's expense. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- a) Description of discharge practices, including non-routine batch discharges;
- b) Description of stored chemicals (which shall include cleaning supplies);
- c) Procedures for immediately notifying the Control Authority of any accidental or Slug Discharge, as required by Section 7.6 of this ordinance; and
- d) Procedures to prevent adverse impact from any incidental 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 pollutants, including solvents, and/or measures and equipment for emergency response.

### **3.4 Hauled Wastewater**

- a) Septic tank waste may be introduced into the POTW only at locations designated by the Control Authority, and as such times as established by the Control Authority and/or his designated representative. Such waste shall not violate Section 2 of this ordinance or any other requirements established by the Board. The Control Authority may require septic tank haulers to obtain individual wastewater discharge permits or general permit.
- b) The Control Authority may require haulers of industrial waste to obtain individual wastewater discharge permits or general permits. The Control Authority may require generators of hauled industrial waste to obtain individual wastewater discharge permits or general permits. The Control Authority may also prohibit disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.
- c) Industrial waste haulers may discharge loads only at locations designated by the Control Authority and/or his designated representative. No load may be discharged without prior consent of the Control Authority and/or his designated representative. The Control Authority and/or his designated representative may collect samples of each hauled load to ensure compliance with applicable Standards. The Control Authority and/or his designated representative may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

## **SECTION 4 – FEES**

### **4.1 Purpose**

It is the purpose of this chapter to provide for the recovery of costs from Users of the Board's wastewater disposal system for the administration, operation, maintenance, amortization of debt, and depreciation of the POTW. The applicable charges or fees are set forth by the Board's Schedule of Charges and Fees.

### **4.2 Charges and Fees**

The Board may adopt charges and fees which may include:

- a) Fees for reimbursement of costs of setting up and operating the POTW's Pretreatment Program;
- b) Fees for monitoring, inspections and surveillance procedures associated with Industrial Users;
- c) Fees for reviewing accidental/slug discharge procedures/control plans and construction plans and specifications for Industrial Users;
- d) Fees for permit applications;
- e) Fees for FOG Plan submittals;
- f) Fees for inspection of building sewer connections
- g) Fees for cleaning/removing stoppages from FOG, sand, soil, oil, and laundry interceptors;
- h) Fees for filing appeals of enforcement actions taken by the Board;
- i) Fees for treating conventional pollutants discharged to the POTW by Industrial Users with strengths in excess of the design capacity of the POTW treatment plant for individual conventional pollutants:
- j) Charges to Users for recovery of costs associated with normal operation, maintenance, administration, amortization of debt and depreciation of the POTW.
- k) Other fees as the Board may deem necessary to carry out the requirements contained herein.

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

Revised June 2008  
Section 10 Amended February 2009  
Sections 1 and 2 and Appendix A Amended September 2010  
Appendix A Amended April 2015  
Section 1 and 2 amended January 2021

### 4.3 Surcharge Fees

If an Industrial User discharges in excess of the Criteria to Protect the POTW Treatment Plant Influent set out for the conventional pollutants BOD<sub>5</sub>, TSS, NH<sub>3</sub>-N, and/or oil and grease in Table A2 of Appendix A (latest revision), additional operation and maintenance costs will be incurred by the Shelbyville Power, Water and Sewerage Board. Therefore, any User who discharges in excess of the limits for any of these parameters will be subject to a surcharge. Surcharges shall be in addition to normal user fees. The formula for this surcharge is listed below.

$$\left\{ \begin{array}{l} \text{Base Sewer Bill for} \\ \text{Monthly Usage} \end{array} \right\} \times \frac{\text{Actual Average BOD} \\ \text{Concentration (mg/L)}}{350 \text{ mg/L}} \left\{ \begin{array}{l} \\ \end{array} \right\} - \text{Base Sewer Bill for} \\ \text{Monthly Usage}$$

As an alternate to this formula, the Shelbyville Power, Water and Sewerage Board may calculate surcharge fees based on actual cost caused by the discharge of excessive strength conventional pollutants. The Shelbyville Power, Water and Sewerage Board also reserves the right to, at any time, place limits which may not be exceeded on the Industrial User's discharge if the Industrial User's discharge of the excessive strength wastewater cause to the POTW treatment plant to violate its NPDES permit.

## **SECTION 5 – INDIVIDUAL WASTEWATER DISCHARGE PERMITS AND GENERAL PERMITS**

### **5.1 Wastewater Analysis**

When requested by the Control Authority and/or his designated representative, a User must submit information on the nature and characteristics of its wastewater within 15 days of the request. The Control Authority or his designated representative is authorized to prepare a form for this purpose and may periodically require Users to update this information.

There shall be two classes of building sewer permits: (a) for connection of residential, commercial and institutional users to the POTW, and (b) for connection of Industrial Users to the POTW. In either case, the owner of the facility or residence wishing to connect a building sewer to the POTW or his agent shall make application on a special form furnished by the Shelbyville Power, Water and Sewerage Board. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Control Authority. A permit and inspection fee shall be paid to the Shelbyville Power, Water and Sewerage Board at the time the application is filed as set out in the Shelbyville Power, Water and Sewerage Board's schedule of charges and fees.

### **5.2 Individual Wastewater Discharge Permit and General Permit Requirement**

- a) No Significant Industrial User shall discharge wastewater to the POTW without first obtaining an individual wastewater discharge permit or general permit from the Control Authority, except that a Significant Industrial User that has filed a timely application pursuant to Section 5.3 of this ordinance may continue to discharge for the time period specified therein.
- b) The Control Authority may require other Users to obtain individual wastewater discharge permits or general permits as necessary to carry out the purposes of this ordinance.
- c) Any violation of the terms and conditions of an individual wastewater discharge permit or general permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Section 10 through 12 of this ordinance. Obtaining an individual wastewater discharge permit or general permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements with any other requirements of Federal, State, and local law.

### **5.3 Individual Wastewater Discharge and General Permitting: Existing Connections**

Any User required to obtain an individual wastewater discharge permit or general permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Control Authority for an individual wastewater discharge permit or general permit in accordance with Section 5.5 of this ordinance, and

shall not cause or allow discharges to the POTW to continue after forty-five (45) days of the effective date of this ordinance except in accordance with an individual wastewater discharge permit or general permit issued by the Control Authority.

#### **5.4 Individual Wastewater Discharge and General Permitting; New Connections**

Any User required to obtain an individual wastewater discharge permit or general permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit or general permit, in accordance with Section 5.5 of this ordinance, must be filed ninety (90) days prior to the date upon which any discharge will begin or recommence.

#### **5.5 Individual Wastewater Discharge and General Permit Application Contents**

##### a) General

All Users required to obtain an individual wastewater discharge permit or general permit must submit a permit application. The Control Authority may require Users to submit all or some of the following information as part of the permit application:

##### (i) Identifying information

- (a) The name, address, and location of the facility, including the name of the operator and owner.
- (b) Contact information, description of activities, facilities, and plant production processes on the premises.

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

##### (iii) Description of Operations

- (a) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications (SIC or NAICS code) of the operation(s) carried out by such User. This description shall include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
- (b) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (c) Number of employees, shifts, contact per shift (if applicable), hours of operation, and proposed or actual hours of operation;
- (d) Type and amount of raw materials processed (average and maximum per day);

- (e) Each product produced by type, amount process or processes and rate of production;
- (f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (iv) Time and duration of discharges;
- (v) The location for monitoring all wastes covered by this permit;
- (vi) Flow Measurement – Information showing the measured average daily, maximum daily flow, and 30-minute peak flow in gallons per day, (including daily, monthly and seasonal variations, if any) to the POTW from regulated process streams and other streams, as necessary to allow use of the combined wastestream formula set out in Section 2.5 c) (Tennessee Rule 1200-4-14-.06(5)).
- (vii) Measurement of Pollutants
  - (a) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
  - (b) Wastewater constituents and characteristics (nature and concentration, and/or mass) in the discharge from each regulated process including but not limited to those mentioned in Section 2 and Appendix A of this Ordinance as determined by a reliable analytical laboratory; sampling and analyses shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended.
  - (c) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
  - (d) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 7.10 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Control Authority or the applicable Standards to determine compliance with the Standard.
  - (e) Sampling must be performed in accordance with procedures set out in Section 7.11 of this ordinance.
  - (f) Where known, the nature and concentration of any pollutants in the discharge which are limited by any local, State or National Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the industrial User to meet applicable Pretreatment Standards.

(viii) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 7.4 b) [2300-4-14-.12(5)(b)].

(ix) Statement of Duly Authorized Representative(s)

Wastewater constituents and characteristics including but not limited to those mentioned in Section 2 of this Ordinance as determined by a reliable analytical laboratory; sampling and analyses shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;

(x) Any other information as may be deemed necessary by the Control Authority to evaluate the permit application.

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

**5.6 Wastewater Discharge Permitting: General Permits**

- a) At the discretion of the Control Authority, the Control Authority may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:
- (i) Involve the same or substantially similar types of operations;
  - (ii) Discharge the same types of wastes;
  - (iii) Require the same effluent limitations;
  - (iv) Require the same or similar monitoring; and
  - (v) In the opinion of the Control Authority, are more appropriately controlled under a general permit than under individual wastewater discharge permits.
- b) To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with Section 7.4 b) for a monitoring waiver for a pollutant neither present nor expected to be present in the Discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the Control Authority has provided written notice to the SIU that such a waiver request has been granted in accordance with Section 7.4 b).
- c) The Control Authority will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in Section 5.6 a)(i)-(v) and applicable State regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the general permit.

Revised June 2008  
Section 10 Amended February 2009  
Sections 1 and 2 and Appendix A Amended September 2010  
Appendix A Amended April 2015  
Section 1 and 2 amended January 2021

- d) The Control Authority may not control an SIU through a general permit where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the Combined Wastestream Formula (Section 2.5c) or Net/Gross calculations (Section 2.5d).

### **5.7 Application Signatories and Certifications**

- a) All wastewater discharge permit applications, User reports and certification statements must be signed by a Duly Authorized Representative or the User and contain the certification statement in Section 7.14 a).
- b) If the designation of a Duly Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Control Authority prior to or together with any reports to be signed by a Duly Authorized Representative.
- c) A facility determined to be a Non-Significant Categorical Industrial User by the Control Authority pursuant to Section 1.2 (57) (c) must annually submit the signed certification statement in Section 7.14 b).

### **5.8 Individual Wastewater Discharge and General Permit Decisions**

The Control Authority will evaluate the data furnished by the User and may require additional information. If sufficient data was not received to determine an industry's category, the Control Authority may submit a Category Determination Request to the Approval Authority as set out in Tennessee Rule 1200-4-14-.06(1). After evaluation and acceptance of the data furnished, the Control Authority will determine whether to issue an individual wastewater discharge permit or a general permit. The Control Authority may deny any application for an individual wastewater discharge permit or a general permit.

## **SECTION 6 – INDIVIDUAL WASTEWATER DISCHARGE AND GENERAL PERMIT ISSUANCE**

### **6.1 Individual Wastewater Discharge and General Permit Duration**

An individual wastewater discharge permit or a general permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A permit may be issued for less than a year or may be stated to expire on a specific date. The User shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the User's existing permit. The terms and conditions of the permit may be subject to modifications as limitations or requirements are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change unless this allows federal due dates to be violated. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. Each individual wastewater discharge permit or general permit will indicate a specific date upon which it will expire.

### **6.2 Individual Wastewater Discharge and General Permit Contents**

An individual wastewater discharge permit or a general permit shall include such conditions as are deemed reasonably necessary by the Control Authority and/or his designated representative to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. Individual wastewater discharge permits or general permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulation, charges and fees established by the Shelbyville Power, Water and Sewerage Board.

- a) Individual wastewater discharge permits or general permits shall contain:
- (i) Statement that indicates the wastewater discharge permit issuance date, expiration date, and effective date;
  - (ii) Statement that the wastewater discharge permit is nontransferable without prior notification to the Board in accordance with Section 6.4 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
  - (iii) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
  - (iv) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, frequency of sampling, and sample type based on Federal, State, and local law;

- (v) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge according to Section 7.4 b)
  - (vi) Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by Federal, State, or local law;
  - (vii) Requirements to control Slug Discharge, if determined by the Control Authority to be necessary;
  - (viii) Any grant of the monitoring waiver by the Control Authority (Section 7.4 b)) must be included as a condition in the User's permit.
  - (ix) Requirements for notification of the Control Authority of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW;
  - (x) Requirements for notification of excessive discharges such as described in Section 2.10 of this Ordinance;
  - (xi) Requirement to immediately report any noncompliance to the Control Authority, and to immediately resample for parameter out of compliance in accordance with 40 CFR 403.12 (g);
- b) Individual wastewater discharge permits or general permits may contain, but need not be limited to, the following conditions:
- (i) Limits on average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulations and equalization;
  - (ii) Requirements for installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
  - (iii) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
  - (iv) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
  - (v) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;

- (vi) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
- (vii) A statement that compliance with the individual wastewater discharge permit or general permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit or the general permit; and
- (viii) Other conditions as deemed appropriate by the Control Authority to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

### **6.3 Permit Modifications**

The Control Authority may modify an individual wastewater discharge permit or a general permit for good cause, including, but not limited to, the following reasons:

- a) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- b) 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 or the general permit issuance;
- c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- d) Information indicating that the permitted discharge poses a threat to the City's POTW, City Personnel, or the receiving waters;
- e) Violation of any terms or conditions of the individual wastewater discharge permit or the general permit;
- f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- g) Revision of a grant of variance from categorical Pretreatment Standards pursuant to Tennessee Rule 1200-4-14-.13;
- h) To correct typographical or other errors in the individual wastewater discharge permit or the general permit; or
- i) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 6.4.

#### **6.4 Individual Wastewater Discharge and General Permit Transfer**

Individual Wastewater Discharge and General Permits are issued to a specific User for a specific operation. An Individual Wastewater Discharge Permit or a General Permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without prior notice and approval of the Control Authority, and provision of a copy of the existing control mechanism (SIU permit) to the new owner or operator. Any succeeding owner or User shall also comply with the terms and conditions of the existing permit. The notice to the Control Authority must include a written certification by the new owner or operator which:

- a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- b) Identifies the specific date on which the transfer is to occur;
- c) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit or the existing general permit; and
- d) Submits a Duly Authorized to Sign.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit or the general permit void as of the date of facility transfer.

#### **6.5 Individual Wastewater Discharge and General Permit Revocation**

The Control Authority may revoke an individual wastewater discharge permit or a general permit for good cause, including, but not limited to, the following reasons:

- a) Failure to notify the Control Authority of significant changes to the wastewater prior to the changed discharge;
- b) Failure to provide prior notification to the Control Authority of changed conditions pursuant to Section 7.5 of this ordinance;
- c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- d) Falsifying self-monitoring reports and certification statements;
- e) Tampering with monitoring equipment;
- f) Refusing to allow the Control Authority timely access to the facility premises and records;
- g) Failure to meet effluent limitations;

- h) Failure to pay fines;
- i) Failure to pay sewer charges;
- j) Failure to meet compliance schedules;
- k) Failure to complete a wastewater survey or the wastewater discharge permit application;
- l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- m) Violation of any Pretreatment Standard or Requirement, or any terms of the individual wastewater discharge permit, the general permit, or this ordinance.

Individual wastewater discharge and general permits shall be subject to void upon cessation of operations or transfer of business ownership. All individual wastewater discharge and general permits issued to a User are void upon the issuance of a new individual wastewater discharge or general permit to that User.

#### **6.6 Individual Wastewater Discharge and General Permit Reissuance**

A User with an expiring individual discharge or general permit shall apply for permit reissuance by submitting a complete permit application in accordance with Section 5.5 of this ordinance, a minimum of ninety (90) days prior to the expiration of the User's existing individual wastewater discharge or general permit. The terms and conditions of the permit may be subject to modification by the Control Authority during the term of the permit as limitations or requirements as identified in Section 2 are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change unless this allows federal due dates to be violated. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

#### **6.7 Regulation of Waste Received from Other Jurisdictions**

- a) If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Control Authority shall enter into an intermunicipal agreement with the contributing municipality.
- b) Prior to entering into an agreement required by paragraph a), above, the Control Authority shall request the following information from the contributing municipality:
  - (i) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

- (ii) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
  - (iii) Such other information deemed necessary by the Control Authority.
- c) An intermunicipal agreement, as required by paragraph a), above, shall contain the following conditions:
- (i) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 2.8 of this ordinance. The requirement shall specify that such an ordinance and limits must be revised as necessary to reflect changes made to the Board's ordinance and Local Limits;
  - (ii) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
  - (iii) A provision specifying which pretreatment implementation activities, including individual wastewater discharge or general permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Control Authority; and which of these activities will be conducted jointly by the contributing municipality and the Control Authority;
  - (iv) A requirement for the contributing municipality to provide the Control Authority with access to all information that the contributing municipality obtains as part of its pretreatment activities;
  - (v) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
  - (vi) Requirements for monitoring the contributing municipality's discharge;
  - (vii) A provision ensuring the Control Authority access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Control Authority; and
  - (viii) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

The intermunicipal agreement may contain provisions for the Control Authority has the right to take action to enforce the terms of the contributing municipality's ordinances or to impose and enforce Pretreatment Standards and Requirements directly against discharges of the contributing municipality.

## **SECTION 7 – REPORTING REQUIREMENTS**

### **7.1 Baseline Monitoring Reports**

- a) Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under Tennessee Rule 1200-4-14-.06(1)(d), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Control Authority a report which contains the information listed in paragraph b), below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources becoming Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Control Authority a report which contains the information listed in paragraph b), below. A New Source shall report the method of pretreatment it intends to use to meet the applicable categorical Standard(s). A New Source shall also give estimates of its anticipated flow and quantity of pollutants to be discharged.
- b) Users described above shall submit the information set forth below.
  - (i) All information required in Section 5.5 a)(i)(a), Section 5.5 a)(ii), Section 5.5 a)(iii)(a), and Section 5.5 a)(vi).
  - (ii) Measurement of pollutants
    - (a) The User shall provide the information required in Section 5.5 a)(vii)(a) through (d);
    - (b) The User shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this paragraph;
    - (c) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in Tennessee Rule 1200-4-14-.06(5) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with Tennessee Rule 1200-4-14-.06(5) this adjusted limit along with supporting data shall be submitted to the Control Authority;
    - (d) Sampling and analysis shall be performed in accordance with Section 7.10;

- (e) The Control Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
- (f) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.
- (iii) Compliance Certification – A statement, reviewed by the User’s Authorized Representative as defined in Section 1.2 3) and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
- (iv) Compliance Schedule – If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 7.2 of this ordinance.
- (v) Signature and Report Certification – All baseline monitoring reports must be certified in accordance with section 7.14 a) of this ordinance and signed by an Authorized Representative as defined in Section 1.2 3).

## **7.2 Compliance Schedule Progress Reports**

The following conditions shall apply to the compliance schedule required by Section 7.1 b) (iv) of this ordinance:

- a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- b) No increment referred to above shall exceed nine (9) months;
- c) The User shall submit a progress report to the Control Authority no later than fourteen (14) days following each date in the schedule and the final date of compliance

including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

- d) In no event shall more than nine (9) months elapse between such progress reports to the Control Authority.

### **7.3 Reports on Compliance with Categorical Pretreatment Standard Deadline**

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Control Authority a report containing the information described in Section 5.5 a) (vi) and (vii) and 7.1 b) (ii) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 2.5, this report shall contain a reasonable measure of the User's long-term production rate. For all other 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 7.14 a) of this ordinance. All sampling will be done in conformance with Section 7.11.

### **7.4 Periodic Compliance Reports**

All SIUs and Non-Significant Categorical Industrial Users are required to submit periodic compliance reports.

- a) All Users must, at a frequency determined by the Control Authority, submit no less than twice per year (on dates specified) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Control Authority or the Pretreatment Standard necessary to determine the compliance status of the User.
- b) The Control Authority may authorize an Industrial User subject to a categorical Pretreatment Standard (upon the Approval Authority's approval) to forego sampling of a pollutant by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. [Tennessee Rule 1200-4-14-.12(5)(b)] This authorization is subject to the following conditions:

- (i) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
- (ii) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request (including the requirements of Section 7.4 b) (iii) for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 5.5 a) (viii).
- (iii) In making a demonstration that a pollutant is not present, the Industrial User must provide sufficient data of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
- (iv) The request for monitoring waiver must be signed in accordance with Section 1.2 3) and include the certification statement in 7.14 a) [Tennessee Rule 1200-4-14-.06(1) (b) (2)].
- (v) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
- (vi) Any grant of the monitoring waiver by the Control Authority must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Control Authority and the User for 3 years after the expiration of the waiver.
- (vii) Upon approval of the monitoring waiver and revision of the User's permit by the Control Authority, the Industrial User must include on each submitted report the certification statement in Section 7.14 c) below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
- (viii) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately comply with the monitoring requirements of Section 7.4 a), or other more frequent monitoring requirements imposed by the Control Authority, and notify the Control Authority.
- (ix) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

- c) All periodic compliance reports must be signed and certified in accordance with Section 7.14 a) of this ordinance. A chain of custody form must be submitted with all reports.
- d) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- e) If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Control Authority, using the procedures prescribed in Section 7.11 of this ordinance; the results must included in the report for the corresponding reporting period.

### **7.5 Reports of Changed Conditions**

Each User must notify the Control Authority of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least one hundred eighty (180) days before the change.

- a) The Control Authority may require the User to submit such information as may be deemed as necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 5.5 of this ordinance.
- b) The Control Authority may issue an individual wastewater discharge permit or general permit under Section 6.6 of this ordinance or modify an existing wastewater discharge permit under Section 6.3 of this ordinance in response to changed conditions or anticipated changed conditions.

### **7.6 Reports of Potential Problems**

- a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a uncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Control Authority of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User. The Control Authority may request a sample for analysis be collected at the moment of accidental discharge.
- b) Within five (5) days following such discharge, the User shall, unless waived by the Control Authority, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may incur as a result of damage to the POTW, natural

resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

- c) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph a), above. Employers shall ensure that all employees are advised of the emergency notification procedure.
- d) Significant Industrial Users are required to notify the Control Authority immediately of any changes at its facility affecting the potential for a Slug Discharge.

### **7.7 Reports from Non-permitted Users**

All Users not required to obtain an individual wastewater discharge permit or general permit shall provide appropriate reports to the Control Authority as may be required.

### **7.8 Notice of Violation/Repeat Sampling and Reporting**

If sampling performed by a User indicates a violation, the User must notify the Control Authority within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within thirty (30) days after becoming aware of the violation. Repeat sampling by the Industrial User is not required if the Control Authority performs sampling at the User's facility at least once a month, or if the Control Authority performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Control Authority receives the results of this sampling, or if the Control Authority has performed the sampling and analysis in lieu of the Industrial User. If sampling performed by the Control Authority indicates a violation, the Control Authority may opt to notify the User of the violation and require the User to perform the repeat sampling and analysis [40 CFR 403.12 (g) (2)].

### **7.9 Notification of the Discharge of Hazardous Waste**

- a) Any User who commences the discharge of hazardous waste shall notify the Control Authority, the EPA Regional Water Management Division Director, and State hazardous waste authorities, in writing, of any discharge to the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during

that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 7.5 of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Section 7.1, 7.3, and 7.4 of this Ordinance.

- b) Discharges are exempt from the requirements of paragraph a), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.20(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of 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 User discharges more than such quantities of any hazardous waste do not require additional notification.
- c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Control Authority, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- d) In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- e) 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.

## **7.10 Analytical Requirements**

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical

methods or any other applicable sampling and analytical procedures, including procedures suggested by the Control Authority or other parties approved by EPA.

### **7.11 Sample Collection**

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

- a) Except as indicated in Section b) and c) 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 Control Authority. Where time proportional sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Control Authority, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits [40 CFR 403.12 (g) (3)].
- b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- c) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 7.1 and 7.3 [Tennessee Rule 1200-4-14-.12 (2) and (4)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical data are available, the Control Authority may authorize a lower minimum. For the reports required by Section 7.4 paragraphs [Tennessee Rule 1200-4-14-.12 (5) and (8)], the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

### **7.12 Date of Receipt of Reports**

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed using the U. S. Postal Service, the date of receipt of the report shall govern.

### **7.13 Retention of Records**

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices, as set out in individual wastewater discharge or general permits. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years after the expiration date of the User's permit. This period shall be automatically extended for the duration of any litigation concerning the User or the Control Authority, or where the User has been specifically notified of a longer retention period by the Control Authority.

### **7.14 Certification Statements**

- a) Certification of Permit Applications, User Reports and Initial Monitoring Waiver – The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 5.6; Users submitting baseline monitoring reports under Section 7.1 b)(v)[40 CFR 403.12 (l)]; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 7.3 [40 CFR 403.12 (d)]; Users submitting periodic compliance reports required by Section 7.4 a)-c) [40 CFR 403.12 (e) and (h)], and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 7.4 b)(iv) [40 CFR 403.12 (e) (2) (iii)]. The following certification statement must be signed by an Authorized Representative as defined in Section 1.2 3):

***“I certify under the 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(s) who manage the system, or the person(s) 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.”***

- b) Annual Certification for Non-Significant Categorical Industrial Users – A facility determined to be a Non-Significant Categorical Industrial User by the Control Authority pursuant to Section 1.2 (57) c) and Section 5.6 c) [40 CFR 403.3 (v) (2)] must annually submit the following certification statement signed in accordance with the signatory requirements in Section 1.2 (3) [40 CFR 403.120 (l)]. This certification must accompany an alternative report required by the Control Authority:

Revised June 2008  
Section 10 Amended February 2009  
Sections 1 and 2 and Appendix A Amended September 2010  
Appendix A Amended April 2015  
Section 1 and 2 amended January 2021

***“Based on my inquiry of the person(s) directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR Part \_\_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ [month, days, year(s)]:***

- (i) The facility described as \_\_\_\_\_ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 1.2(57) c);***
- (ii) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and***
- (iii) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.***

***This compliance certification is based on the following information:***

\_\_\_\_\_  
\_\_\_\_\_”

c) Certification of Pollutants not Present

Users that have an approved monitoring waiver based on Section 7.4 b) must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

***“Based on my inquiry of the person(s) directly responsible for managing compliance with the Pretreatment Standard for 40 CFR Part(s) \_\_\_\_\_, I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 7.4 a).”***

## **SECTION 8 – COMPLIANCE MONITORING**

### **8.1 Right of Entry: Inspection and Sampling**

The Control Authority shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge and general permit or order issued hereunder. Users shall allow the Control Authority or his representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- a) Where a User has security measures in force which would require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guard(s) so that, upon presentation of suitable identification, personnel from the Control Authority, Approval Authority and EPA shall be permitted to enter, without delay, for the purposes of performing their specific responsibilities (40 CFR 403.12).
- b) The Control Authority, Approval Authority and EPA shall have the right to set up on the Industrial User's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering of the User's operations.
- c) The Control Authority may require the User to install monitoring equipment as necessary. The facility's sampling, and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually, unless specified otherwise) to ensure their accuracy. The location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and on-site analysis (where necessary), whether constructed on public or private property. The monitoring facilities should be provided in accordance with the Control Authorities requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such manner so as to enable the Control Authority to perform independent monitoring activities.
- d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Control Authority and shall not be replaced. The costs of clearing such access shall be borne by the User.
- e) Unreasonable delays in allowing the Control Authority access to the User's premises shall be a violation of this ordinance.

Revised June 2008  
Section 10 Amended February 2009  
Sections 1 and 2 and Appendix A Amended September 2010  
Appendix A Amended April 2015  
Section 1 and 2 amended January 2021

## **SECTION 9 – CONFIDENTIAL INFORMATION**

Information and data on a User obtained from reports, surveys, permit applications, individual wastewater discharge or general permits and monitoring programs, and from the Control Authority's inspections and sampling activities, shall be available to the public or other governmental agency without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Control Authority, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User under applicable State law. Any such request must be asserted at the time of submission of the information or data.

When requested and demonstrated by the User furnishing a report, that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, and/or the State Pretreatment Program, and that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302, shall not be recognized as confidential information and shall be available to the public without restriction.

**SECTION 10 – PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE**

The Control Authority shall publish, at least annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of Users, which at any time during the previous twelve months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, a significant industrial user (or any user which violates subparts (c), (d), or (h) of this part) is in significant noncompliance if its violation meets one or more of the following criteria:

- a) 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 parameter during a six (6) month period exceed on a rolling quarterly basis (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 1.2;
- b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 1.2 multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other parameters except pH);
- c) Any other violation of a Pretreatment Standard or Requirement as defined by Section 1.2 (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the Control Authority determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel and/or the general public);
- d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8 (f)(1)(vi)(B) to halt or prevent such a discharge;
- e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in an individual wastewater discharge permit or general permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- f) Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- g) Failure to accurately report non-compliance; or
- h) Any other violation or group of violations, which may include a violation of Best Management Practices, which the Control Authority determines will adversely, affect the operation or implementation of the local Pretreatment program.

## **SECTION 11 – ADMINISTRATIVE ENFORCEMENT REMEDIES**

All administrative enforcement actions taken against a Significant Industrial User, including procedures, orders, and complaints, shall be in accordance with the Tennessee Water Quality Control Act of 1977 and its amendments, specifically TCA 69-3-123, and enforcement per the Enforcement Response Plan (ERP).

### **11.1 Notification of Violation**

When the Control Authority finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit or general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Control Authority may serve upon that User a written Notice of Violation. Within 10 days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Control Authority. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the Control Authority to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

### **11.2 Consent Orders**

The Shelbyville Power, Water and Sewerage Board is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period also specified by the document. Consent Orders shall have the same force and effect as the administrative orders issued pursuant to Sections 11.4 and 11.5 of this ordinance and shall be judicially enforceable.

### **11.3 Show Cause Hearing**

The Control Authority may order a User which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit or general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement to appear before the Shelbyville Power, Water and Sewerage Board and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 1.2 3) and required by Section 5.7. A show cause hearing shall not be a bar

against, or prerequisite for, taking any other action against the User. Whether or not a duly notified User appears as noticed, immediate enforcement action may be pursued. Hearings shall be conducted in accordance with the provisions of TCA 69-3-124.

#### **11.4 Compliance Orders**

When the Control Authority finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit or general permit, order issued hereunder, or any Pretreatment Standard or Requirement, the Shelbyville Power, Water & Sewerage Board may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time period. If the User does not show compliance within the specified time period, sewer service may be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated to allow compliance with this ordinance. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, the installation of pretreatment systems(s), and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. A compliance order may also contain a fine for noncompliance with the ordinance or an individual wastewater discharge permit or general permit. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

#### **11.5 Cease and Desist Orders**

When the Control Authority finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit or general permit, order issued hereunder, any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Shelbyville Power, Water and Sewerage Board may issue an order to the User directing it to cease and desist all such violations and directing the User:

- a) Immediately comply with all requirements; and
- b) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

#### **11.6 Administrative Penalties**

- a) Notwithstanding any other section of this ordinance, when the Control Authority finds that a User has violated, or continues to violate, any provision of this ordinance,

individual wastewater discharge permit or general permit, and/or orders issued hereunder, any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Control Authority may penalize such a User in an amount not to exceed Ten Thousand Dollars (\$10,000.00). Such penalties shall be assessed on a per violation, per day basis in accordance with the provisions of TCA 69-3-125, 126, 128 and 129 and 40 CFR 403.8 (f)(1)(vi)(A). In the case of monthly or other long-term average discharge limits, penalties shall be assessed for each day during the period of violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the User's next scheduled sewer service charge and the Shelbyville Power, Water and Sewerage Board shall have such other collection remedies as are available to collect other service charges.

- b) Unpaid charges and penalties shall constitute a lien against the individual Significant Industrial User's property.
- c) Users desiring to dispute such penalties must file a written request for the Shelbyville Power, Water & Sewerage Board to reconsider the fine along with full payment of the penalty amount within thirty (30) days of being notified of the penalty. Where the Shelbyville Power, Water & Sewerage Board believes a request has merit, the Shelbyville Power, Water & Sewerage Board shall convene a hearing on the matter within fifteen (15) days of receiving the request from the Significant Industrial User and a hearing will be held before the Shelbyville Power, Water & Sewerage Board in accordance with the provisions of TCA 69-3-124. The Control Authority may add the costs of preparing administrative enforcement actions, such as notices and orders, to the penalty.
- d) Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the User.

### **11.7 Emergency Suspensions**

The Shelbyville Power, Water & Sewerage Board may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

- a) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution of process wastewater to the POTW. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Control Authority may take such steps as deemed necessary, including immediate severance of the building sewer connection to the POTW, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Shelbyville Power, Water and Sewerage Board may allow the User to recommence its discharge when the User

has demonstrated to the satisfaction of the Control Authority that the period of endangerment has passed, unless the termination proceedings set forth in Section 11.8 of this ordinance are initiated against the User.

- b) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit to the Control Authority a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence within five days after notification of suspension of service or prior to the date of any show cause or termination hearing under Sections 11.3 or 11.8 of this ordinance.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

### **11.8 Termination of Discharge**

In addition to the provision in Section 7.6 of this ordinance, any User who violates the following conditions is subject to permit termination:

- a) Violation of individual wastewater discharge permit or general permit conditions;
- b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- c) Failure to report significant changes in operations or wastewater constituents and characteristics;
- d) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring or sampling; or
- e) Violation of the Pretreatment Standards in Section 2 of this ordinance.

Such User(s) will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 11.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the Control Authority shall not be a bar to, or a prerequisite for, taking any other action against the User.

## **SECTION 12 – JUDICIAL ENFORCEMENT REMEDIES**

### **12.1 Injunctive Relief**

- a) If any Person discharges sewage, industrial wastes, or other wastes into the POTW contrary to the provisions of this Ordinance or any order or Individual Wastewater Discharge Permit or General Permit issued hereunder, the Shelbyville Power, Water and Sewerage Board, through the Board Attorney, may commence an action for appropriate legal and/or equitable relief in the Chancery Court of Bedford County. Any judicial proceedings and relief shall be in accordance with the provisions of TCA 69-3-127.
- b) When the Control Authority finds that a User has violated, or continues to violate, any provisions of this ordinance, an individual wastewater discharge permit or general permit, order issued hereunder, or any other Pretreatment Standard or Requirement, the Shelbyville Power, Water and Sewerage Board, through the Board Attorney, may petition the Court for the issuance of a temporary or permanent injunction or both (as may be appropriate) which restrains or compels the specific performance of the individual wastewater discharge or general permit, order, or other requirement imposed by this ordinance on activities of the User.
- c) The Shelbyville Power, Water, and Sewerage Board may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

### **12.2 Civil Penalties**

- a) A User who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit or general permit, an order issued hereunder, or any Pretreatment Standard or Requirement shall be liable to the Shelbyville Power, Water, and Sewerage Board for a maximum civil penalty of ten thousand dollars (\$10,000.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- b) The Shelbyville Power, Water, and Sewerage Board may recover reasonable attorneys' fees, court costs, engineering fees, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Board.
- c) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained

Revised June 2008  
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through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

- d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

### **12.3 Criminal Prosecution**

Any violation of this ordinance is subject to criminal prosecution as ascertained in TCA § 40-35-3.

### **12.4 Remedies Nonexclusive**

The remedies provided for in this ordinance are not exclusive. The Control Authority may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the Shelbyville Power, Water and Sewerage Board enforcement response plan. However, the Control Authority may take other action against any User when the circumstances warrant. Further, the Control Authority is empowered to take more than one enforcement action against any noncompliant User.

## **SECTION 13 – AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

### **13.1 Treatment Upset**

- a) Any Significant Industrial User which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation, shall inform the Control Authority thereof immediately upon becoming aware of the upset.
- b) A User who wishes to establish affirmative defense of a treatment upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (i) An upset occurred and the User can identify the cause(s) of the upset;
  - (ii) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
  - (iii) The User has submitted the following information to the Control Authority within twenty-four (24) hours of becoming aware of the upset (where such information is provided orally, a written report thereof shall be filed by the User within five days).

The report shall contain:

- (a) A description of the indirect discharge and cause of noncompliance.
  - (b) The duration of noncompliance, including exact dates and times of noncompliance, and, if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored.
  - (c) All steps taken or planned to reduce, eliminate and prevent recurrence of such an upset.
- c) A Significant Industrial User which complies with the notification provisions of this Section in a timely manner shall have an affirmative defense to any enforcement action brought by the Shelbyville Power Water and Sewerage Board for any noncompliance with this Ordinance, or an Order or Industrial Wastewater Discharge or General Permit issued hereunder to the Significant Industrial User, which arises out of violations attributable and alleged to have occurred during the period of the documented and verified upset.
  - d) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is

provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

### **13.2 Prohibited Discharge Standards**

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.3 a) of this ordinance or the specific prohibitions in Sections 2.3 b) (i) through b) (xvi) of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

- a) A Local Limit exists for each pollutant discharge and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or
- b) No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the Control Authority was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

**The affirmative defense outlined in this Section does not apply to the specific prohibitions in Sections 2.3 b) (i), (iii), and (xv) of this ordinance.**

### **13.3 Bypass**

- a) For the purposes of this Section:
  - (i) Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.
  - (ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- b) Bypass not violating applicable Pretreatment Standards or Requirements. A 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 c) and d) of this section.

c) Bypass Notification

- (i) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Control Authority, if possible, at least ten (10) days before the date of the bypass.
- (ii) A User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Control Authority within 24 hours from the time the User becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration to 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 Control Authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

d) Prohibition of a bypass.

- (i) Bypass is prohibited, and the Control Authority may take enforcement action against a User for a bypass, unless;
  - (a) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (b) There was no feasible alternative to the bypass, including the use of auxiliary treatment facilities, retention of untreated wastes, or maintenances during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - (c) The User properly notified the Control Authority as required by paragraph 13.3 c).

The Control Authority may approve an anticipated bypass, after considering its adverse effects, if the Control Authority determines that it will meet the three conditions listed in paragraph d)(i) of this section.

## **SECTION 14 – MISCELLANEOUS PROVISIONS**

### **14.1 Pretreatment Charges and Fees**

The Shelbyville Power, Water and Sewerage Board may adopt reasonable fees for reimbursement of costs of setting up and operating the Board's Pretreatment Program, which may include:

- a) Fees for wastewater discharge permit applications including the cost of processing such applications;
- b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing the User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
- c) Fees for reviewing and responding to accidental discharge procedures and construction;
- d) Fees for filing appeals;
- e) Fees to recover administrative and legal costs (not included in Section 14.1 b)) associated with the enforcement activity taken by the Control Authority to address User noncompliance; and
- f) Other fees the Board may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the Board.

### **14.2 Severability**

If any provision, paragraph, word, Section or Article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

### **14.3 Conflict**

All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

### **14.4 Effective Date**

This Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

Revised June 2008  
Section 10 Amended February 2009  
Sections 1 and 2 and Appendix A Amended September 2010  
Appendix A Amended April 2015  
Section 1 and 2 amended January 2021

## APPENDIX A

**APPENDIX A – POLLUTANT PARAMETERS (Subject to Change by Addenda applicable to “Pass Through Limitations” issued by the State. The year for each revision will be indicated in the top left hand corner of Appendix A.)**

TABLE A1: Industrial Wastewater Specific Pollutant Limitations (2015)

| Pollutant  | Daily Average* Maximum Concentration (mg/L) | Instantaneous Maximum Concentration (mg/L) |
|--|---|--|
| 1,1,1-Trichloroethane  | 3.70  | 7.40                                       |
| 1,2 Transdichloroethylene  | 0.07  | 0.14                                       |
| Benzene  | 0.26  | 0.52                                       |
| Cadmium  | 0.14  | 0.28                                       |
| Carbon Tetrachloride   | 2.70  | 5.40                                       |
| Chloroform   | 4.50  | 9.00                                       |
| Copper   | 6.00  | 12.00                                      |
| Chromium III   | 5.00  | 10.00                                      |
| Chromium VI  | 5.00  | 10.00                                      |
| Cyanide  | 2.40  | 4.80                                       |
| Ethylbenzene   | 0.50  | 1.00                                       |
| Lead   | 3.00  | 6.00                                       |
| Mercury  | 0.03  | 0.06                                       |
| Methylene Chloride   | 2.30  | 4.60                                       |
| Naphthalene  | 0.84  | 1.68                                       |
| Nickel   | 5.00  | 10.00                                      |
| Selenium   | 0.10  | 0.20                                       |
| Silver   | 0.71  | 1.42                                       |
| Tetrachloroethylene  | 2.30  | 4.60                                       |
| Toluene  | 3.85  | 7.70                                       |
| Total Phenols  | 8.50  | 17.00                                      |
| Total Phthalates   | 3.00  | 6.00                                       |
| Trichloroethylene  | 1.70  | 3.40                                       |
| Zinc   | 10.00                                       | 20.00                                      |
| Threshold Limitations on Wastewater Strength Exceedances may be subject to surcharge** |   |  |
| Ammonia as N (NH <sub>3</sub> -N)  | 30  | 60   |
| BOD <sub>5</sub>   | 350   | 400  |
| TSS  | 200   | 400  |
| Total Kjeldahl Nitrogen (TKN)  | 45  | 90   |
| Oil & Grease   | 200   | 200  |

\*Based on 24-hour flow proportional composite samples except for parameters that should be grab sampled.

\*\* Threshold Limitations on Wastewater Strength are not deemed a violation, but are open for review if the exceedance causes the POTW to violate its NPDES Permit. The Control Authority reserves the right to place limits on an Industrial User as stated at Section 14.1.

Analyses for all pollutants listed in TABLE A1 shall be conducted in accordance with the requirements of 40 CFR Part 136 or equivalent methods approved by the United States Environmental Protection Agency. The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless otherwise indicated.

Revised June 2008  
 Section 10 Amended February 2009  
 Sections 1 and 2 and Appendix A Amended September 2010  
 Appendix A Amended April 2015  
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TABLE A2: Criteria to Protect the POTW Treatment Plant Influent (2015)

| Parameter                 | Max. Concentration in 24 Hour Flow Proportional Composite Sample (mg/l) | Maximum Instantaneous Concentration Grab Sample (mg/L) |
|---------------------------|---|--|
| Arsenic                   | 0.0133  | 0.0266   |
| Benzene                   | 0.015   | 0.030  |
| Cadmium                   | 0.015   | 0.030  |
| Carbon Tetrachloride      | 0.02  | 0.04   |
| Chloroform                | 0.2576  | 0.5152   |
| Chromium III              | Report  | Report   |
| Chromium VI               | Report  | Report   |
| Copper                    | 0.5714  | 1.1428   |
| Cyanide                   | 0.0664  | 0.1328   |
| Ethylbenzene              | 0.02857   | 0.05714  |
| Lead                      | 0.115   | 0.230  |
| Mercury                   | 0.001   | 0.002  |
| Methylene Chloride        | 0.13  | 0.26   |
| Naphthalene               | 0.0045  | 0.009  |
| Nickel                    | 0.310   | 0.620  |
| Phenols, Total            | 0.50  | 1.00   |
| Phthalates, Total         | 0.169   | 0.338  |
| Selenium                  | 0.564   | 1.128  |
| Silver                    | 0.02  | 0.04   |
| Tetrachloroethylene       | 0.125   | 0.250  |
| Toluene                   | 0.214   | 0.428  |
| Trichloroethylene         | 0.09  | 0.18   |
| Zinc                      | 0.952   | 1.904  |
| 1,1,1-Trichloroethane     | 0.20  | 0.40   |
| 1,2 Transdichloroethylene | 0.004   | 0.008  |

The above limits apply at the point where the wastewater enters the POTW treatment plant. All concentrations for metallic substances are for total metal unless otherwise indicated.