



City of Johnson City Tennessee

601 East Main Street • P.O. Box 2150 • Johnson City, TN 37605 • (423)434-6000

STATE OF TENNESSEE

COUNTY OF WASHINGTON

I, Janet Jennings, City Recorder of the City of Johnson City, Tennessee do hereby certify that the attached is a true and correct copy of the "Ordinance No. 4407-11," adopted the 4th day of August, 2011 in a regularly scheduled meeting of the Board of Commissioners of the City of Johnson City.

Witness my hand and official seal of the City of Johnson City, Tennessee this the 5th day of August, 2011.


Janet Jennings
City Recorder



City of Johnson City, Tennessee

Water and Sewer Services Department

Memorandum

ADMINISTRATION

601 E. Main Street

P.O. Box 2150

Johnson City, TN 37605

Phone: 423-434-6062

Fax: 423-461-1657

h2oadmin@johnsoncitytn.org

CUSTOMER SERVICE/ BILLING/METER READING

601 East Main Street

P.O. Box 2150

Johnson City, TN 37605

Phone: 423-461-1640

Fax: 423-434-6087

h2osrve@johnsoncitytn.org

ENGINEERING CONNECTIONS & EXTENSIONS

903 Riverview Drive

P.O. BOX 2466

Johnson City, TN 37605

Phone: 423-461-1646

Fax: 423-975-2653

h2oengin@johnsoncitytn.org

LINE MAINTENANCE & CONSTRUCTION

901 Riverview Drive

P.O. Box 2466

Johnson City, TN 37605

Phone: 423-461-1645

Fax: 423-975-2619

h2olmc@johnsoncitytn.org

WATERPLANT/WASTEWATER TREATMENT PLANTS & FACILITY MAINTENANCE

857 Riverview Drive

P.O. Box 2466

Johnson City, TN 37605

Phone: 423-461-1642

Fax: 423-975-2612

h2ofm@johnsoncitytn.org

CIP MANAGEMENT

203 Dalewood Drive

P.O. Box 2466

Johnson City, TN 37605

Phone: 423-975-2622

Fax: 423-975-2653

jsipe@johnsoncitytn.org

Date: June 29, 2011

To: M. Denis Peterson, City Manager

From: Jim Culbert, Environmental Specialist *J/C*

Subject: **Proposed Sewer Use Ordinance (SUO) No 4407-11,
Updating SUO No. 2908**

The attached Sewer Use Ordinance No. 4407-11 is recommended for consideration and approval by the City Commission. The State of Tennessee is requiring our ordinance to be updated due to changes in federal law.

Sewer Use Ordinances are required for all cities, to protect wastewater plants and collection systems from damage and possible pollution of our lakes and streams. An ordinance helps to insure that no harmful pollutants go down the drain in quantities or concentrations toxic to the treatment processes. Our original program and ordinance were adopted in the early 1980's, and last updated in May 1990. Changes are a result of technology and drafting of new federal laws.

Adoption of this ordinance should not affect the way we conduct operations with our sewer customers. It has undergone much review by our in-house legal department, the State of Tennessee, and discussion during a public meeting. The required 30 day Public Notice started with an advertisement in the Johnson City Press on the 15th of this month.

Our eight significant permitted industries have been advised of the changes as they have been considered for implementation. Our permitted users were also personally notified of the public meeting, which was held Tuesday June 21st at City Hall. Only one individual attended, and no comments have been received as of today regarding the new ordinance.

Attachments: SUO No. 4407-11 and Public Notice

XC: James H. Epps IV, City Associate Legal Counsel
Tom Witherspoon, Director of Water/Sewer Services
Phil Pindzola, Public Works Director
Gordon Cox, Supt. of Water/Sewer Treatment

ORDINANCE NO. 4407-11

AN ORDINANCE GOVERNING THE CONNECTION TO AND USE OF THE WASTEWATER TREATMENT (SEWER) SYSTEM OF THE CITY OF JOHNSON CITY, TENNESSEE, PROVIDING FOR THE ENFORCEMENT OF THE PROVISIONS OF THE ORDINANCE INCLUDING THE ASSESSMENT AND COLLECTION OF CIVIL PENALTIES, COSTS, FEES, AND EXPENSE.

WHEREAS, The Board of Commissioners of the City of Johnson City finds that the protection of the environment and the health, welfare and safety of this City, its citizens, the users of its wastewater system and the surrounding area requires the adoption of this ordinance;

NOW, THEREFORE, be it ordained by the City of Johnson City as follows:

That Sections 18-301 through 18-329 of the Code of the City of Johnson City are hereby repealed and replaced with the following new sections:

TABLE OF CONTENTS

SECTION 1 – GENERAL PROVISIONS

- 1.1 Purpose and Policy
- 1.2 Administration
- 1.3 Abbreviations
- 1.4 Definitions

SECTION 2—GENERAL SEWER USE REQUIREMENTS

- 2.1 Prohibited Discharge Standards
- 2.2 National Categorical Pretreatment Standards
- 2.3 State Pretreatment Standards
- 2.4 Local Limits
- 2.5 Johnson City's Right of Revision
- 2.6 Dilution
- 2.7 Requirements for Proper Wastewater Disposal
- 2.8 Physical Connection to the Publicly Owned Treatment Works
- 2.9 Inspection of Connections
- 2.10 Maintenance of Building Sewers

SECTION 3—PRETREATMENT OF WASTEWATER

- 3.1 Pretreatment Facilities
- 3.2 Additional Pretreatment Measures
- 3.3 Accidental Discharge/Slug Discharge Control Plans
- 3.4 Hauled Wastewater

SECTION 4—INDIVIDUAL WASTEWATER DISCHARGE PERMITS and GENERAL PERMITS

- 4.1 Wastewater Analysis

4.2	Individual Wastewater Discharge Permit and General Permit Requirement	21
4.3	Individual Wastewater Discharge and General Permitting: Existing Connections	
4.4	Individual Wastewater Discharge and General Permitting: New Connections	
4.5	Individual Wastewater Discharge and General Permit Application Contents	
4.6	Wastewater Discharge Permitting: General Permits	
4.7	Application Signatories and Certifications	
4.8	Individual Wastewater Discharge and General Permit Decisions	

SECTION 5—INDIVIDUAL WASTEWATER DISCHARGE AND GENERAL PERMIT ISSUANCE

5.1	Individual Wastewater Discharge and General Permit Duration
5.2	Individual Wastewater Discharge Permit and General Permit Contents
5.3	Permit Modification
5.4	Individual Wastewater Discharge Permit and General Permit Transfer
5.5	Individual Wastewater Discharge Permit and General Permit Revocation
5.6	Individual Wastewater Discharge Permit and General Permit Reissuance

SECTION 6—REPORTING REQUIREMENTS

6.1	Baseline Monitoring Reports
6.2	Compliance Schedule Progress Reports
6.3	Reports on Compliance with Categorical Pretreatment Standard Deadline
6.4	Periodic Compliance Reports
6.5	Reports of Changed Conditions
6.6	Reports of Potential Problems
6.7	Reports from Unpermitted Users
6.8	Notice of Violation/Repeat Sampling and Reporting
6.9	Analytical Requirements
6.10	Sample Collection
6.11	Date of Receipt of Reports
6.12	Recordkeeping
6.13	Certification Statements

SECTION 7—COMPLIANCE MONITORING

7.1	Right of Entry: Inspection and Sampling
7.2	Search Warrants

SECTION 8—CONFIDENTIAL INFORMATION

SECTION 9—PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

SECTION 10—ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1	Notification of Violation
10.2	Consent Orders
10.3	Show Cause Hearing
10.4	Compliance Orders
10.5	Cease and Desist Orders

- 10.6 Administrative Fines
- 10.7 Emergency Suspensions
- 10.8 Termination of Discharge

SECTION 11—JUDICIAL ENFORCEMENT REMEDIES

- 11.1 Injunctive Relief
- 11.2 Civil Penalties
- 11.3 Criminal Prosecution
- 11.4 Remedies Nonexclusive

SECTION 12—SUPPLEMENTAL ENFORCEMENT ACTION

- 12.1 Liability Insurance
- 12.2 Payment of Outstanding Fees and Penalties
- 12.3 Water Supply Severance
- 12.4 Public Nuisances

SECTION 13—AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

- 13.1 Upset
- 13.2 Prohibited Discharge Standards
- 13.3 Bypass

SECTION 14—WASTEWATER TREATMENT RATES

- 14.1 Purpose
- 14.2 Types of Charges and Fees
- 14.3 Classification of Users for Charges and Fees
- 14.4 Determination of Costs
- 14.5 Other Surcharge Fees

SECTION 15—PRIVATE DOMESTIC WASTEWATER DISPOSAL

- 15.1 Availability
- 15.2 Requirements for Private Domestic Wastewater Disposal

SECTION 16—SEVERABILITY AND EFFECTIVE DATE

- 16.1 Severability

SECTION 1—GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for Users of the wastewater treatment system; hereinafter called Publicly Owned Treatment Works for the City of Johnson City; hereinafter called Johnson City, and enables the Johnson City to comply with all applicable State and Federal laws, including the State Pretreatment Requirements (Tennessee Rule 1200-4-14), the

Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403). The objectives of this ordinance are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- F. To enable Johnson City 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 Publicly Owned Treatment Works is subject.

This ordinance provides that all persons residing within the City Limits of the City of Johnson City must have adequate wastewater treatment either in the form of a connection to the Publicly Owned Treatment Works or, where the system is not available, a private disposal system approved by the City.

This ordinance shall apply to all Users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of individual wastewater discharge permits or general permits to certain system users; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 Administration

Except as otherwise provided herein, the Director shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Director may be delegated by the Director to a duly authorized Johnson City employee.

1.3 Abbreviations

The following abbreviations, when used in this ordinance, shall have the designated meanings:

BOD – Biochemical Oxygen Demand
BMP – Best Management Practice
BMR – Baseline Monitoring Report
CFR – *Code of Federal Regulations*
CIU – Categorical Industrial User
COD – Chemical Oxygen Demand
EPA – U.S. Environmental Protection Agency
FOG – Fats, Oil and Grease
FSE – Food Service Establishment
GPD – Gallons per Day
IU – Industrial User
MGD- Million Gallons per Day
mg/l – milligrams per liter
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
TSS – Total Suspended Solids
U.S.C. – United States Code

1.4 Definitions

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

A. Act or “the Act.” The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.

B. Approval Authority. The Tennessee Division of Water Pollution Control Director or his/her representative(s).

C. Authorized or Duly Authorized Representative of the User

(1) If the User is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or

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

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to Johnson City.

D. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

E. Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [Tennessee Rule 1200-4-14-.05(1)(a) and (2)]. BMPs include, but are not limited to, treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

F. Building Inspector. The person representing the City's Building Department which is responsible for all plumbing inspection of establishments served by City utilities within the City Limits.

G. Building Sewer. A sewer conveying wastewater from the premises of a User to the POTW.

H. 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 40 CFR Chapter I, Subchapter N, Parts 405-471.

I. Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

J. Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

K. City, or Johnson City, or City of Johnson City. The City of Johnson City, Tennessee.

L. Control Authority. The City of Johnson City.

M. Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

N. 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.

O. Director of Sanitary Sewer Department or Director. The person designated by Johnson City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance. The term also means a Duly Authorized Representative of the Director.

P. 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.

Q. Existing Source. Any source of discharge that is not a "New Source."

R. Grab Sample. A sample that is taken from a waste-stream without regard to the flow in the waste-stream and over a period of time not to exceed fifteen (15) minutes.

S. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source.

T. Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

U. Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; or exceeds the design capacity of the treatment works or the collection system.

V. Local Limit. Specific discharge limits developed and enforced by [the City] 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).

W. 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.

X. Monthly Average. The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

Y. 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.

Z. New Source.

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

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

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or

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

(2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

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

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

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

AA. 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.

BB. 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 of Johnson City's NPDES permit, including an increase in the magnitude or duration of a violation.

CC. Person. Any and all persons, including individuals, firms, partnerships, associations, public or private institutions, state and federal agencies, municipalities or political subdivisions, or officers thereof, departments, agencies, or instrumentalities, or public or private corporations or officers thereof, organized or existing under the laws of this or any state or country.

DD. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

EE. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

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

GG. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

HH. Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

II. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this ordinance.

JJ. Publicly Owned Treatment Works or POTW. A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the City of Johnson City. This definition includes any devices or systems used in the 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.

KK. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

LL. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

MM. Significant Industrial User (SIU).

Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:

(1) An Industrial User subject to categorical Pretreatment Standards; or

(2) An Industrial User that:

(a) Discharges an average of twenty five thousand (25,000) gallons per day (GPD) or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blow-down wastewater);

(b) Contributes a process waste-stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by Johnson City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

(3) Johnson City may determine that an Industrial User subject to categorical Pretreatment Standards 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 blow-down wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

- (a) The Industrial User, prior to Johnson City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
- (b) The Industrial User annually submits the certification statement required in Section 6.14 B [see Tennessee Rule 1200-4-14-.12(17)], together with any additional information necessary to support the certification statement; and
- (c) The Industrial User never discharges any untreated concentrated wastewater.

(4) Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, Johnson City 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 should not be considered a Significant Industrial User.

NN. 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 2.1 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.

OO. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

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

QQ. User or Industrial User. A source of indirect discharge.

RR. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

SS. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

SECTION 2—GENERAL SEWER USE REQUIREMENTS

2.1 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 they are subject to categorical Pretreatment 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:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste-streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
- (2) Wastewater having a pH less than 5.0 or more than 9.5, or otherwise causing corrosive structural damage to the POTW or equipment;
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference but in no case solids greater than one-half inch ($\frac{1}{2}$ ") or one and twenty seven hundredths centimeters (1.27 cm) in any dimension;
- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
- (5) Wastewater having a temperature greater than 140 degrees F (60 degrees C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Trucked or hauled pollutants, except at discharge points designated by the Director in accordance with Section 3.4 of this ordinance;
- (9) 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, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions,

which consequently imparts color to the treatment plant's effluent, thereby violating Johnson City's NPDES permit;

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;

(12) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, de-ionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized;

(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(14) Medical Wastes, except as specifically authorized by the Director;

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;

(16) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;

(17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than one-hundred (100) mg/l for IU's. FSE's are required to comply with the rules contained in the Johnson City FOG Policy;

(18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than seven percent (7%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter;

(19) Hazardous Waste, except as specifically authorized by the Director;

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.

2.2 National Categorical Pretreatment Standards

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with Section 2.2D and 2.2E.

B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Director 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 individual Industrial Users.

C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Director shall impose an alternate limit in accordance with Tennessee Rule 1200-4-14-.06(5).

D. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that Johnson City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Director. Johnson City may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 2.2D(1)(a) through 2.2D(1)(e) below.

- (1) 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 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 waste-streams, 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.
- (2) 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 effluent flow monitoring device;
 - c. Continue to record the facility's production rates and notify the Director whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 2.2D(1)(c) of this Section. Upon notification of a revised production rate, the Director 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 2.2D(1)(a) of this Section so long as it discharges under an equivalent mass limit.
- (3) When developing equivalent mass limits, the Director:
 - 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 2.6. The Industrial User must also be in compliance with Section 13.3 regarding the prohibition of bypass.

E. The Director 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 Director.

F. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section (2.2) in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.

G. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum 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.

H. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Director 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 Director 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.

2.3 State Pretreatment Standards

Users must comply with State Pretreatment Standards as found in Tennessee Rule 1200-04-14.

2.4 Local Limits

A. The Director is authorized to establish Local Limits pursuant to Tennessee Rule 1200-4-14-.05(3).

B. The Director shall establish a policy granting Industrial Users concentration based limits based on the Allowable Headworks Loadings as periodically revised. The policy shall be developed to equitably distribute the available mass loading for each drainage basin; allow for a reasonable percentage in reserve for future Industrial Users; and allow for a reasonable safety factor to protect against Pass Through and Interference.

C. The Director may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits or general permits, to implement Local Limits and the requirements of Section 2.1.

2.5 Johnson City's Right of Revision

The City of Johnson City reserves the right to establish, by ordinance or in individual wastewater discharge permits or in general permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.

2.6 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 Director 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.

2.7 Requirements for Proper Wastewater Disposal

A. 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 Limits of the City of Johnson City, and human or animal excrement, garbage, or other objectionable waste.

B. It shall be unlawful to discharge to any water of the State of Tennessee within the City Limits of the City of Johnson City any sewage, wastewater, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

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

sewage, wastewater, or other polluted waters within the City Limits of the City of Johnson City.

D. Except as provided in paragraph 2.1F, the Owner of all houses, buildings, or properties used for human occupancy, recreation, employment, or other purposes situated within the City Limits and abutting on any street, alley, right-of-way, or easement in which there is now located a public sanitary sewer in the City Limits, is hereby required as his/her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within sixty (60) days after an official notice to do so, provided that said public sewer is within two hundred (200) feet of the building drain as defined herein. The City may begin billing monthly sewer use charges after notifying the Owner that a public sanitary sewer is available.

E. Where a public sanitary sewer is not available under the provisions of paragraph 2.7D, the building sewer shall be connected to a private sewage disposal system complying with Section 15.1 of this Ordinance.

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

2.8 Physical Connection to the Publicly Owned Treatment Works

A. No unauthorized person shall uncover, make any connection with or opening into, use, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Building Inspector for locations inside the City Limits and/or the Director for locations outside the City Limits.

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

C. Old building sewers may be used in connection with new buildings only when they are found on examination and tested by the Building Inspector or Director to meet all requirements of this Ordinance.

D. 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 City.

E. Building sewer shall conform to the following requirements:

- (1) The minimum size of a building sewer shall be four (4) inches.
- (2) The minimum dept of a building sewer shall be eighteen (18) inches.
- (3) Three (3) inch and larger building sewer shall be laid on a grade minimum of one-eighth ($1/8$) 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.
- (4) Slope and alignment of all building sewer shall be neat and regular.
- (5) Building sewer shall be constructed of (a) lined cast or ductile iron soil pipe with compression joints of approved type; (b) polyvinyl chloride (PVC) pipe with solvent welded or rubber compression joints of approved type; minimum thickness Schedule 40; (c) ABS composite sewer pipe with solvent welded or with rubber compression joints of an approved type; (d) concrete sewer pipe using rubber or neoprene compression joints of an approved type; or (e) such other material of equal or superior quality as maybe approved by the Building Inspector or Director. Cement mortar and leaded joints are expressly prohibited.
- (6) A cleanout shall be located no more than five (5) feet outside of the building, one as it taps on to the utility lateral and one at each change in direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than seventy-five (75) feet apart in horizontal building sewers of four (4) inch nominal diameter and not more than one-hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A Y and $1/8$ bend shall be used for the cleanout base. Cleanouts shall have a minimum size of four (4) inches.
- (7) Connections of building sewer to the Publicly Owned Treatment Works shall be made at the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with corrosion resistant or stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made at the tee, wye, saddle, or manhole installed or inspected by the City.
- (8) The building sewer maybe brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of one-eighth ($1/8$) inch per foot or more if possible. In cases where the basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the Owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building

drain shall be lifted by an approved means and discharged to the building sewer at the expense of the Owner.

- (9) All installed building sewer shall be gas and water tight.
- (10) 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 the appropriate ASTM and Water Pollution Control Federation Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the Building Inspector or Director before installation.

2.9 Inspection of Connections

A. The sewer connection and all building sewers from the building to the POTW shall be inspected before the underground portion is covered. Inspections are to be made by the Building Inspector inside the City Limits or the Director or duly authorized representative of the Director outside the City Limits.

B. The applicant for discharge shall notify the Building Inspector or Director when the building sewer is ready for inspection.

2.10 Maintenance of Building Sewers

Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance will include repair or replacement of the service line as deemed necessary by the Director or Building Inspector.

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 2.1 of this ordinance within the time limitations specified by EPA, the State, or the Director, 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 Director for review, and shall be acceptable to the Director 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 Johnson City under the provisions of this ordinance.

3.2 Additional Pretreatment Measures

A. Whenever deemed necessary, the Director may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste-streams from industrial waste-streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.

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

C. Grease, oil, sand interceptors shall be provided in accordance with the City's FOG Policy.

D. Users with the 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 Director shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Director 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 Director may develop such a plan for any User. 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;

C. Procedures for immediately notifying the Director of any accidental or Slug Discharge, as required by Section 6.6 of this ordinance; and

D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Hauled Wastewater

A. Septic tank waste may be introduced into the POTW only at locations designated by the Director, and at such times as are established by the Director. Such waste shall not violate Section 2 of this ordinance or any other requirements established by Johnson City. The Director will require septic tank waste haulers to obtain individual wastewater discharge permits or general permits.

B. The Director will require haulers of industrial waste to obtain individual wastewater discharge permits or general permits. The Director may require generators of hauled industrial waste to obtain individual wastewater discharge permits or general permits. The Director also may prohibit the 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 and clean equipment only at locations designated by the Director. No load may be discharged without prior consent of the Director. The Director may collect samples of each hauled load to ensure compliance with applicable Standards. The Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

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

SECTION 4—INDIVIDUAL WASTEWATER DISCHARGE PERMITS and GENERAL PERMITS

4.1 Wastewater Analysis

When requested by the Director, a User must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Director is authorized to prepare a form for this purpose and may periodically require Users to update this information.

4.2 Individual Wastewater Discharge Permit and General Permit Requirement

A. No Significant Industrial User shall discharge wastewater into the POTW without first submitting an application to and receiving approval from the Director for discharge.

B. The Director 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 a general permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of this

ordinance. Obtaining an individual wastewater discharge permit or a general permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

4.3 Individual Wastewater Discharge and General Permitting: Existing Connections

Any User required to obtain an individual wastewater discharge permit or a 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 one-hundred and eighty (180) days after said date, apply to the Director for an individual wastewater discharge permit or a general permit in accordance with Section 4.5 of this ordinance, and shall not cause or allow discharges to the POTW to continue after one (1) year of the effective date of this ordinance except in accordance with an individual wastewater discharge permit or a general permit issued by the Director.

4.4 Individual Wastewater Discharge and General Permitting: New Connections

Any User required to obtain an individual wastewater discharge permit or a 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 4.5 of this ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

4.5 Individual Wastewater Discharge and General Permit Application Contents

A. All Users required to obtain an individual wastewater discharge permit or a general permit must submit a permit application. Users that are eligible may request a general permit under Section 4.6. The Director may require Users to submit all or some of the following information as part of a permit application:

(1) Identifying Information.

- a. The name and address 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;

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

(3) 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 of the operation(s) carried out by such User.

This description should 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 and type of employees, hours of operation, and proposed or actual hours of operation;
- d. Type and amount of raw materials processed (average and maximum per day);
- e. 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;

(4) Time and duration of discharges;

(5) The location for monitoring all wastes covered by the permit;

(6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste-stream formula set out in Section 2.2C (Tennessee Rule 1200-4-14-.06(5)).

(7) Measurement of Pollutants.

- a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
- b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Director, of regulated pollutants in the discharge from each regulated process.
- 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 6.10 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Director or the applicable Standards to determine compliance with the Standard.
- e. Sampling must be performed in accordance with procedures set out in Section 6.10 of this ordinance.

(8) 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 6.4 B [2300-4-14-.12(5)(b)].

(9) Any request to be covered by a general permit based on Section 4.6.

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

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

4.6 Wastewater Discharge Permitting: General Permits

A. At the discretion of the Director, the Director may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:

- (1) Involve the same or substantially similar types of operations;
- (2) Discharge the same types of wastes;
- (3) Require the same effluent limitations;
- (4) Require the same or similar monitoring; and
- (5) In the opinion of the Director, are more appropriately controlled under a general permit than under individual wastewater discharge permits.

B. To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with Section 6.4 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 Director has provided written notice to the SIU that such a waiver request has been granted in accordance with Section 6.4B.

C. The Director will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in Section 4.6A(1) to (5) 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.

D. The Director may not control an SIU through a general permit where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IU's whose limits are based on the Combined Waste-Stream Formula (Section 2.2C) or Net/Gross calculations (Section 2.2.D).

4.7 Application Signatories and Certifications

A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 6.14 A.

B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the

Director prior to or together with any reports to be signed by an Authorized Representative.

C. A facility determined to be a Non-Significant Categorical Industrial User by the Director pursuant to 1.4 MM (3) must annually submit the signed certification statement in Section 6.14 B.

4.8 Individual Wastewater Discharge and General Permit Decisions

A. The Director will evaluate the data furnished by the User and may require additional information. Within thirty (30) days of receipt of a complete permit application, the Director will determine whether to issue an individual wastewater discharge permit or a general permit. The Director may deny any application for an individual wastewater discharge permit or a general permit.

B. The receipt by the City of a prospective customer's application for a Wastewater Discharge or General permit shall not obligate the City to render the wastewater collection and treatment services. If the service applied for cannot be supplied in accordance with this ordinance or the City's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the City to the applicant of such service.

SECTION 5—INDIVIDUAL WASTEWATER DISCHARGE AND GENERAL PERMIT ISSUANCE

5.1 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. An individual wastewater discharge permit or a general permit may be issued for a period less than five (5) years, at the discretion of the Director. Each individual wastewater discharge permit or a general permit will indicate a specific date upon which it will expire.

5.2 Individual Wastewater Discharge Permit and General Permit Contents

An individual wastewater discharge permit or a general permit shall include such conditions as are deemed reasonably necessary by the Director to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Individual wastewater discharge permits and general permits must contain:

- (1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to Johnson City in accordance with Section 5.5 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- (4) 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, sampling frequency, and sample type based on Federal, State, and local law.
- (5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 6.4 B.
- (6) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- (7) Requirements to control Slug Discharge, if determined by the Director to be necessary.
- (8) Any grant of the monitoring waiver by the Director (Section 6.4 B) must be included as a condition in the User's permit or other control mechanism.

B. Individual wastewater discharge permits or general permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
- (7) A statement that compliance with the individual wastewater discharge permit or the 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
- (8) Other conditions as deemed appropriate by the Director to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

5.3 Permit Modification

A. The Director may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- (2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to Johnson City's POTW, City personnel, or the receiving waters;
- (5) Violation of any terms or conditions of the individual wastewater discharge permit;
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to Tennessee Rule 1200-4-14-.13;
- (8) To correct typographical or other errors in the individual wastewater discharge

permit; or

(9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 5.5.

B. The Director may modify a general permit for good cause, including, but not limited to, the following reasons:

(1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

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

(3) To correct typographical or other errors in the individual wastewater discharge permit; or

(4) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 5.5.

5.4 Individual Wastewater Discharge Permit and General Permit Transfer

Individual wastewater discharge permits or coverage under general permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Director and the Director approves the individual wastewater discharge permit or the general permit coverage transfer. The notice to the Director 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; and

C. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit or general permit.

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

5.5 Individual Wastewater Discharge Permit and General Permit Revocation

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

- A. Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Director of changed conditions pursuant to Section 6.5 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 Director 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 wastewater discharge permit or the general permit or this ordinance.

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

5.6 Individual Wastewater Discharge Permit and General Permit Reissuance

- A. User with an expiring individual wastewater discharge permit or general permit shall apply for individual wastewater discharge permit or general permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of this ordinance, a minimum of ninety (90) days prior to the expiration of the User's existing individual wastewater discharge permit or general permit.

SECTION 6—REPORTING REQUIREMENTS

6.1 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 Director 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 that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Director 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 applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below.

(1) All information required in Section 4.5A (1) (a), Section 4.5A (2), Section 4.5A (3) (a), and Section 4.5A (6).

(2) Measurement of pollutants.

- a. The User shall provide the information required in Section 4.5 A (7) (a) through (d).
- b. The User shall take a minimum of one representative sample to compile that 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 wastewater 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 6.10;
- e. The Director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
- f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 1.4 C 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.

(4) 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 6.2 of this ordinance.

(5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 6.14 A of this ordinance and signed by an Authorized Representative as defined in Section 1.4C.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(B)(4) 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 without approval of the Director;

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

6.3 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 Director a report containing the information described in Section 4.5A(6) and (7) and 6.1(B)(2) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 2.2, 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 6.14 A of this ordinance. All sampling will be done in conformance with Section 6.10.

6.4 Periodic Compliance Reports

A. All Significant Industrial Users must, at a frequency determined by the Director submit no less than twice per year 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 Director or the Pretreatment Standard necessary to determine the compliance status of the User.

B. The City of Johnson City may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated 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. [see Tennessee Rule 1200-4-14-.12(5)(b)] This authorization is subject to the following conditions:

(1) 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.

(2) 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 for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 4.5A(8).

- (3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
- (4) The request for a monitoring waiver must be signed in accordance with Section 1.4C, and include the certification statement in 6.14 A (Tennessee Rule 1200-4-14-.06(1)(b)2).
- (5) 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.
- (6) Any grant of the monitoring waiver by the Director 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 Director for 3 years after expiration of the waiver.
- (7) Upon approval of the monitoring waiver and revision of the User's permit by the Director, the Industrial User must certify on each report with the statement in Section 6.14 C below, that there has been no increase in the pollutant in its waste-stream due to activities of the Industrial User.
- (8) 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 6.4 A, or other more frequent monitoring requirements imposed by the Director, and notify the Director.
- (9) 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 6.14 A of this ordinance.

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 Director, using the procedures prescribed in Section 6.11 of this ordinance, the results of this monitoring shall be included in the report.

F. If a User opts to send electronic (digital) documents to the City to satisfy the requirements of this Section, the User must confirm with the Director the most recent form of transmittal accepted.

6.5 Reports of Changed Conditions

Each User must notify the Director of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.

- A. The Director may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this ordinance.
- B. The Director may issue an individual wastewater discharge permit or a general permit under Section 5.7 of this ordinance or modify an existing wastewater discharge permit or a general permit under Section 5.4 of this ordinance in response to changed conditions or anticipated changed conditions.

6.6 Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Director 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.
- B. Within seven (7) days following such discharge, the User shall, unless waived by the Director, 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 might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the 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, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

6.7 Reports from Unpermitted Users

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

6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the Director 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 Director within thirty (30) days after becoming aware of the violation. Re-sampling by the Industrial User is not required if Johnson City performs sampling at the User's facility at least once a month, or if Johnson City performs sampling at the User between the time when the initial sampling was conducted and the time when the User or Johnson City receives the results of this sampling, or if Johnson City has performed the sampling and analysis in lieu of the Industrial User.

6.9 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 by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director or other parties approved by EPA.

6.10 Sample Collection

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

A. Except as indicated in 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 Director. Where time-proportional composite sampling or grab sampling is authorized by Johnson City, the samples must be representative of the discharge. Using protocols, including appropriate preservation, specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile 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 Johnson City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

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 6.1 and 6.3 [Tennessee Rule 1200-4-12-.12(2) and (4)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by paragraphs Section 6.4 (Tennessee Rule 1200-4-14-.12(5) and (8)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

6.11 Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

6.12 Recordkeeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 2.4 C. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or Johnson City, or where the User has been specifically notified of a longer retention period by the Director.

6.13 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 4.7; Users submitting baseline monitoring reports under Section 6.1 B (5); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3; Users submitting periodic compliance reports required by Section 6.4 A–D, and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 6.4B(4). The following certification statement must be signed by an Authorized Representative as defined in Section 1.4 C:

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

B. Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by the Director pursuant to 1.4 MM(3) and 4.7 must annually submit the following certification statement signed in accordance with the signatory requirements in 1.4 C. This certification must accompany an alternative report required by the Director:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

(a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 1.4 MM (3);

(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) 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 6.4 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 or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 6.4.A.

SECTION 7—COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

The Director 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 permit or general permit or order issued hereunder. Users shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director shall be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The Director shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

C. The Director may require the 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 to ensure their accuracy or as required by the Director.

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 Director and shall not be replaced. The costs of clearing such access shall be born by the User.

E. Unreasonable delays in allowing the Director access to the User's premises shall be a violation of this ordinance.

7.2 Search Warrants

If the Director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of Johnson City designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Director may seek issuance of a search warrant from the appropriate court of jurisdiction.

SECTION 8—CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, general permits, and monitoring programs, and from the Director's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. 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 request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

SECTION 9—PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric

Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 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 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Director determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of its emergency authority to halt or prevent such a discharge;

E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or a 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, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation(s), which may include a violation of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 10—ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation

When the Director finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may serve upon that User a written Notice of Violation. Within seven (7) days of the receipt of such notice, an

explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Director. Submission of 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 authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.2 Consent Orders

The Director may enter into Consent Orders, assurances of 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 specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this ordinance and shall be judicially enforceable.

10.3 Show Cause Hearing

The Director may order a User which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Director 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 the 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 thirty (30) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 1.4 C and required by Section 4.7 A. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

10.4 Compliance Orders

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

10.5 Cease and Desist Orders

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

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

10.6 Administrative Fines

- A. When the Director finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may fine such User in an amount not to exceed ten thousand dollars (\$10,000) or the maximum fine allowed under State of Tennessee law, whichever is greater at the time of violation. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within fifteen (15) days of being notified of the fine. Where a request has merit, the Director may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- C. Other fines maybe levied in accordance with the City's Enforcement Response Plan.
- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.7 Emergency Suspensions

The Director 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 Director may also immediately suspend a User's discharge, after notice

and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Section 10.8 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 a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of this ordinance.

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

10.8 Termination of Discharge

In addition to the provisions in Section 5.6 of this ordinance, any User who violates the following conditions is subject to discharge 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 volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards in Section 2 of this ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the User.

SECTION 11—JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief

When the Director finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may petition the appropriate court of jurisdiction through Johnson City's legal counsel for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, the general permit, order, or other requirement imposed by this ordinance on activities of the User. The Director 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.

11.2 Civil Penalties

A. A User who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to Johnson City for a maximum civil penalty of ten thousand dollars (\$10,000) or the maximum fine allowed under State of Tennessee law, whichever is greater at the time of violation but not less than \$1,000 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 Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by Johnson City.

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 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.

11.3 Criminal Prosecution

A. A User who willfully or negligently violates any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than ten thousand dollars (\$10,000) or the maximum fine allowed under State of Tennessee law, whichever is greater at the time of

violation per violation, per day, or imprisonment for not more than the maximum allowed under State of Tennessee law, or both.

B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a monetary penalty, or be subject to imprisonment, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge permit, or general permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than thousand dollars (\$10,000) or the maximum fine allowed under State of Tennessee law, whichever is greater at the time of violation per violation, per day, or imprisonment, or both.

D. In the event of a second conviction, a User shall be punished by a fine of not more than ten thousand dollars (\$10,000) or the maximum fine allowed under State of Tennessee law, whichever is greater at the time of violation per violation, per day, or imprisonment, or both.

11.4 Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with Johnson City's enforcement response plan. However, the Director may take other action against any User when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant User.

SECTION 12—SUPPLEMENTAL ENFORCEMENT ACTION

12.1 Liability Insurance

The Director may decline to issue or reissue an individual wastewater discharge or a general permit to any User who has failed to comply with any provision of this ordinance, a previous individual wastewater discharge permit, or a previous general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

12.2 Payment of Outstanding Fees and Penalties

The Director may decline to issue or reissue an individual wastewater discharge permit or a general permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous individual wastewater discharge permit, or a previous general permit or order issued hereunder.

12.3 Water Supply Severance

Whenever a User has violated or continues to violate any provision of this ordinance, an individual wastewater discharge permit, a general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply.

12.4 Public Nuisances

A violation of any provision of this ordinance, an individual wastewater discharge permit, a general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Director. Any person(s) creating a public nuisance shall be subject to the provisions of the City's Ordinances governing such nuisances, including reimbursing Johnson City for any costs incurred in removing, abating, or remedying said nuisance.

SECTION 13—AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13.1 Upset

A. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.

C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and the User can identify the cause(s) of the upset;

(2) 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

(3) The User has submitted the following information to the Director within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days:

- (a) A description of the indirect discharge and cause of noncompliance;
- (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

F. 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 2.1(A) of this ordinance or the specific prohibitions in Sections 2.1(B)(3) through 2.1(B)(19) 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 discharged 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 Johnson City was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

13.3 Bypass

A. For the purposes of this Section,

(1) Bypass means the intentional diversion of waste-streams from any portion of a User's treatment facility.

(2) 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. 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 Notifications

(1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Director, at least ten (10) days before the date of the bypass, if possible.

(2) A User shall submit oral notice to the Director of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. Bypass

(1) Bypass is prohibited, and the Director may take an enforcement action against a User for a bypass, unless

- (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of

reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
(c) The User submitted notices as required under paragraph (C) of this section.

(2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

SECTION 14—WASTEWATER TREATMENT RATES

14.1 Purpose

It is the purpose of this section to provide for the equitable and reasonable recovery of costs from Users of the POTW, including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

14.2 Types of Charges and Fees

A. Fees and charges are payable at a time deemed appropriate by the Director for the specific charge or fee. The charges and fees established by the City may include, but are not limited to:

- (1) Building and sewer permit and inspection fees;
- (2) Tapping fees;
- (3) Sewer use charges;
- (4) Surcharge fees;
- (5) Fees for applications to discharge;
- (6) Industrial wastewater discharge permit fees;
- (7) Fees for industrial discharge monitoring;
- (8) Fees for reviewing and responding to accidental discharge procedures and construction;
- (9) Fees for filing appeals;
- (10) Fees to recover administrative and legal costs associated with the enforcement activity taken by the Director to address noncompliance;

(11) Fees for hauled waste; and

(12) Other fees as Johnson City 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 Johnson City.

14.3 Classification of Users for Charges and Fees

A. Users of the wastewater system shall be classified into two (2) general classes or categories depending on the Users' contribution of wastewater loads. The classes are defined in general terms. The Director may decide to select the class for a User based on loading conditions not specifically defined. Each class User is identified as follows;

(1) Class I or Domestic- Those Users whose average BOD demand is two hundred milligrams per liter (200 mg/l) by weight or less, and whose suspended solids discharge is two hundred milligrams per liter (200 mg/l) by weight or less).

(2) Class II or Non-Domestic- Those Users whose BOD demand exceeds two hundred milligrams per liter (200 mg/l) by weight and whose suspended solids discharge exceeds two hundred milligrams per liter (200 mg/l).

14.4 Determination of Costs

A. The Board of Commissioners shall establish monthly rates and charges for the use of the POTW and the services supplied by the POTW. Said charges shall be based upon the cost categories of administrative costs, including but not limited to, billing and accounting costs; operation and maintenance costs of the POTW; and debt service costs.

B. The determination of costs will be made on an annual basis. Adjustments to charges and fees may be made at any time in the fiscal year at the discretion of the Director with the approval of the Board of Commissioners.

C. All Users shall pay a single unit charge expressed as dollars per thousand of gallons (\$/1000 gallons) purchased. The rate shall be the total cost to pay debt service, operate, and maintain the POTW divided by the total volume of wastewater from all Users per year as determined from one fiscal year to the next.

D. The volume of water purchased which is used in the calculation of sewer use charges may be adjusted by the Director if a User purchases a significant volume of water for consumptive use and does not discharge it to the public sewer such as filling swimming pools, industrial heating and humidifying equipment, ect.). The User shall be responsible

for documenting the quantity of waste discharged to the POTW and applying for a reduction.

E. All Class II Users shall pay a surcharge rate on the excessive amounts of pollutants discharged in direct proportion to the actual discharge quantities. The surcharges include but are not limited to any pollutant that increases the costs of operating and maintaining the POTW.

- (1) The surcharge cost shall be determined by multiplying the volume of wastewater discharged by the difference between the actual and maximum discharge pollutant concentrations. The pollutant mass discharged is then multiplied by the cost to treat the pollutant.

- (2)

14.5 Other Surcharge Fees

If it is determined by the City that the discharge of other loading parameters or wastewater substances are creating excessive operation and maintenance costs within the wastewater system, whether collection or treatment, then the monetary effect of such a parameter or parameters shall be borne by the dischargers of such parameters in proportion to the amount of discharge.

SECTION 15—PRIVATE DOMESTIC WASTEWATER DISPOSAL

15.1 Availability

A. Where a public sanitary sewer is not available under the provisions of 2.7D, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section and all other applicable local, state, and federal regulations.

B. When a public sewer becomes available, the building sewer shall be connected to the POTW within sixty (60) days of official notice to do so.

15.2 Requirements for Private Domestic Wastewater Disposal

A. A private domestic wastewater disposal system shall not be constructed within the City Limits unless and until a certificate is obtained from the Director stating that the POTW is not accessible to the property and no such sewer is proposed for construction in the immediate future.

B. The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Environment and Conservation for

the State of Tennessee. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

C. Before commencement of construction of a private sewage disposal system, the Owner shall first obtain written permission from the Director. The owner shall supply any plans, specifications, and other information deemed necessary by the Director.

D. A private sewage disposal system shall not be placed in operation until the installation is complete to the satisfaction of the Director. They shall be allowed to inspect the work at any stage of construction and, in any event, the Owner shall notify the Director when the work is ready for final inspection, and before any underground portions are covered. The inspection will be made within a reasonable period of time after the receipt of notice by the Director.

E. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manor at all times, at no expense to the City. If the system is not maintained to the satisfaction of the Director, the City reserves the right to remedy the situation by discontinuing water or other services.

F. No statement contained in this article shall be constructed to interfere with any additional requirements that maybe imposed by the local County Health Department, State of Tennessee, or Federal Government.

SECTION 16—SEVERABILITY AND EFFECTIVE DATE

16.1 Severability

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

SECTION 17. BE IT FURTHER ORDAINED that all ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 18. BE IT FURTHER ORDAINED that in accordance with Section 34 of the Charter of the City of Johnson City, Tennessee, the Board of City Commissioners finds that, in view of the length of this ordinance, newspaper publication is unnecessarily expensive, and that this ordinance shall be published by posting a certified copy hereof on a bulletin board in the main foyer of the Municipal and Safety Building (City Hall) at 601 E. Main Street, Johnson City, Tennessee, for no less than ten (10) days, after which this ordinance shall be in full force and effect.

SECTION 19. BE IT FURTHER ORDAINED that this ordinance shall take effect after its passage on third and final reading and publication as set forth in Section 18 as required by law, the public welfare requiring it.

PASSED IN OPEN, PUBLIC MEETING
ON THE FIRST READING 07 JULY 2011

PASSED IN OPEN, PUBLIC MEETING
ON THE SECOND READING 21 JULY 2011

PASSED IN OPEN, PUBLIC MEETING
ON THE THIRD READING 4 AUG. 2011

APPROVED AND SIGNED IN OPEN
MEETING ON THE 4th DAY OF
AUGUST, 2011

FOLLOWING PASSAGE ON THIRD
READING.

Bill Karing
VICE MAYOR

ATTEST:

Julie Janning
CITY RECORDER

APPROVED AS TO FORM:

James H. Gysel
ATTORNEY FOR THE CITY

Public Notice to Amend Johnson City's Sanitary Sewer Use Ordinance (SUO) No. 2908 to adopt Environmental Protection Agency updates that have occurred since May of 1990

To comply with federal and state regulatory guidelines for updating the City of Johnson City's legal authority for protecting and operating our sanitary sewer system the City Water/Sewer Department is proposing that the SUO be updated by three readings of the Johnson City Commission. The Water/Sewer Department will have a public meeting at City Hall, 601 East Main Street, Johnson City, Tennessee, 37601 to hear comments and address questions regarding this. The public meeting will be held at 6:00 pm EST on Tuesday June 21, 2011, in the City Commission Chambers.

User(s) and/or citizens interested in this Ordinance or changes being made to our Local User Limits and Wastewater Treatment Plant Protection Limits being adopted at this time should attend this meeting and/or contact Jim Culbert, City Environmental Specialist. The SUO is an ordinance governing the connection to and use of the wastewater treatment (sewer) system of the City of Johnson City, Tennessee; providing for the enforcement of the provisions of the ordinance including the assessment and collection of civil penalties, costs, fees, and expenses.

The changes are in order to meet the newest *EPA Streamlining Guidelines*. You are invited to comment on any change. Comment period to reply in writing will run thirty days from this date. Contact information is, City of Johnson City, Attn. Jim Culbert, Environmental Specialist, P.O. Box 2150 Johnson City, Tennessee, 37605, or electronically, jculbert@johnsoncitytn.org.