

ARTICLE II. SEWER SERVICE

DIVISION 1. GENERALLY

Sec. 30-19. Purpose and policy.

- (a) The purpose of this article is to set uniform requirements for all users of the city's wastewater collection system and treatment works to enable the city to comply with all applicable state, federal, and local 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.), the general pretreatment regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403), and the Metro Water Services (Nashville, TN) wastewater discharge requirements (including Chapters 15.04 and 15.60). The objectives of this article are:
- (1) To prevent the introduction of pollutants into the publicly owned treatment works (POTW) that will interfere with its operation;
 - (2) To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
 - (3) To protect both POTW's personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
 - (4) To promote reuse and recycling of industrial wastewater and sludge from the POTW;
 - (5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW.

This article establishes conditions for connection to the sanitary sewer system. Certain acts which may be detrimental to the sewer system are prohibited. This article provides a means for determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of individual wastewater discharge permits or general permits. This article also establishes effluent limitations and other discharge criteria and provides that certain users shall pretreat waste to prevent the introduction of pollutants into the POTW and meet the objectives of this article. This article provides measures for the enforcement of its provisions and abatement of violations.

- (b) Application and administration. This article shall apply to the City of Mt. Juliet and to persons outside the city limits who are, by contract or agreement with the City of Mt. Juliet, users of the Mt. Juliet publicly owned treatment works. Except as otherwise provided herein, the Mt. Juliet [Public Works Utilities](#) Director shall administer, implement, and enforce the provisions of this article.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-20. Definitions.

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

Act or the Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

Approval authority means Metro Water Services (Nashville, TN) and the Tennessee Division of Water Pollution Control Director or his/her representative(s).

Approved pretreatment program means a program administered by a publicly owned treatment works that meets the criteria established in Chapter 40 of the Code of Federal Regulations (40 Code of Federal Regulations) 403.8 and 403.9, and which has been approved by the regional administrator or state director in accordance with 40 Code of Federal Regulations 403.11.

Authorized or duly authorized representative of the user means:

- (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 city.

Availability charge means a charge to all non-exempt habitable structures, to which sewers are available, regardless of whether they actually connect to the sewer or not. The first 2,000 gallons of use is provided without charge to those who pay the availability charge. This charge was formerly called the "minimum bill" or "minimum use charge". The name was changed to reflect that this charge is also paid by people who do not use the system but could use the system. In this Code the charge is called "base charge" or service line charge.

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 [30-136] [Tennessee Rule 1200-4-14-.05(1)(a) and (2)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. Also, BMPs include alternative means (i.e. management plans) of complying with, or in place of certain established categorical pretreatment standards and effluent limits.

Board means the elected mayor and board of commissioners for the City of Mt. Juliet.

BOD⁵ means biochemical oxygen demand (five-day). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

Building sewer means a sewer conveying wastewater from the premises of a user to a community sanitary sewer.

Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

Capacity charge means Mt. Juliet has purchased a certain amount of capacity in the Metro Nashville sewer plant. To reimburse Mt. Juliet the cost of this capacity which was purchased by the residents of Mt. Juliet as the city limits were constituted on October 31, 1984, this and prior ordinances impose a charge per single-family unit (SFU) on all new development of land utilizing sewers. Building lots in existence and in Mt. Juliet on October 31, 1984, are exempt as they participated in the original purchase of the capacity. New lots created by subdivision of existing lots are subject to the capacity charge.

Categorical industrial user, or CIU means an industrial user subject to a categorical pretreatment standard or categorical standard.

Categorical standards or categorical pretreatment standard means 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.

City means City of Mt. Juliet, TN; Mt. Juliet ~~Public Works~~Utilities Department.

Combined sewer means a sewer which has been designed to carry both sanitary sewage and stormwater runoff.

Commercial (commercial user) means commercial and commercial user shall apply to any non-residential use or user.

Composite sample means sample consisting of several sample portions collected during a specified period (usually 24 hours) and combined to form a representative sample. Composite samples can be collected on a flow proportional or timed basis, depending on the nature of the discharge.

Connection charge is a fee to pay for the cost of connection and inspection of the connection to the sewer system. It includes the cost of the grinder pump, if used, and other materials and supplies used by the city.

Control authority means City of Mt. Juliet, TN.

Conventional pollutant means biochemical oxygen demand (BOD), total suspended solids (TSS), pH, fecal coliform, and oil and grease.

Daily maximum means the arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day.

Daily maximum limit means 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.

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

Director or director of ~~public works~~utilities means the person designated by the city to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this article. The term also means a duly authorized representative of the director.

Discharge monitoring report means a report submitted by an industrial user to the public works director containing information regarding the nature and concentration of pollutants and flow characteristics of a discharge by the user to the publicly owned treatment works.

Environmental protection agency or EPA means 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.

Existing source means any source of discharge that is not a "new source."

Fats, oils and grease or FOG means any fats, oils or grease residues, products, or by-products used in food preparation or manufacturing; usually organic, polar compounds derived from vegetable, or plant, and animal sources that are composed of long chain triglycerides; but monoglycerides and diglycerides may be considered FOG as well.

Food service establishment means an establishment engaged in production/clean-up of non-residential food and/or drink. Any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption.

Grab sample means a sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.

Habitable structures means structures used as dwellings or workplaces or which contain facilities for the disposal of human waste. Barns or other agricultural buildings with dirt floors shall not be considered habitable structures.

Holding tank waste means any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks. This specifically includes wastewater from industrial users conveyed to the publicly owned treatment works by any means other than by a standard sewer tie-on.

Indirect discharge or discharge means the introduction of pollutants into the POTW from any nondomestic source (including any holding tank waste discharge).

Industrial user or user means a source of indirect discharge. For the purposes of this article, an industrial user is a source of non-domestic wastes.

Infiltration means water other than wastewater that enters a sewer system from the ground through such means as defective pipes, pipe joints, connections, or manholes.

Inflow means water other than wastewater that enters a sewer system from sources such as roof leaders, cellar drains, yard drains, area drains, fountain drains, drains from springs and swamp areas, manhole covers, cross connections between storm and sanitary sewers, catch basins, stormwater, surface runoff, street wash water, and drainage.

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

Interference means a discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the publicly owned treatment works, its treatment processes or operations, or its sludge processes, use or disposal, or exceeds the design capacity of the treatment works or collection system; or contributes to a violation of any requirement of a NPDES permit, or other jurisdictional agreement or permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those

contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

Local limit means specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in section [30-136].

Mass discharge rate means the weight of material discharged to community sewer during a given time interval, normally given in pounds per day.

Medical wastes means 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. mg/l - milligrams per liter.

Monthly average means the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Monthly average limit means 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.

National Pollutant Discharge Elimination System (NPDES) means the program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to Section 402 of the Act.

National pretreatment standard means any regulations containing pollutant discharge limits promulgated by Environmental Protection Agency in accordance with Sections 307(b) and (c) of the Act which applies to industrial users. These terms also include prohibited discharges promulgated in 40 Code of Federal Regulations 403.5 and local limits adopted as part of the city's pretreatment program.

New source means:

- (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 subsection (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.

Noncontact cooling water means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Pharmaceuticals means a substance used in the treatment of disease: drug, medicament, medication, medicine. Pharmaceuticals are drugs or medicine that is prepared or dispensed in pharmacies and used in medical treatment.

Pass through means a discharge which exits the publicly owned treatment works into waters of the United States in quantities or concentrations which, alone or in conjunction with other discharges, is a cause of a violation of any requirement of the publicly owned treatment work's National Pollutant Discharge Elimination System permit, including an increase in the magnitude or duration of a violation.

Person means 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.

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

Pollution means the manmade or man induced alteration of the chemical, physical, biological, and radiological integrity of water.

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a publicly owned treatment works. The reduction or alteration may be obtained by physical, chemical, or biological processes; process change or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard. Pretreatment requirements — Any substantive or procedural requirement related to pretreatment other than a pretreatment standard.

Pretreatment standards or standards means pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

Prohibited discharge standards or prohibited discharges means absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 30-136.

Publicly owned treatment works means a treatment works as defined by Section 212 of the Act (33 U.S.C. section 1292), which is owned by Mt. Juliet or to which Mt. Juliet connects its sewer lines. This definition includes any sewers that convey wastewater to such a treatment works and any devices and systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or liquid industrial waste.

Residential (residential user) means residential use, residential user and residential occupant is defined as and shall apply to all users of the sanitary sewer service for a residential zoned property permitted for and used primarily for residential occupants where the end user and occupant has a legal fee ownership interest in the real property or dwelling and is subject to a property tax. Residential use is subject to verification as set forth in [this article] below as amended and shall include all single-family and duplex homes.

Sewers are available means when a sewer line, to which the property owner could connect, is no further than 200 feet from any part of the property line along an easement or public right-of-way.

Shall is mandatory; *may* is permissive.

Significant industrial user. 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 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - b. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designated as such by the 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) The 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 blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
 - a. The industrial user, prior to the 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 [30-224] [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, the 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.

Significant noncompliance means the director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the area served by the Mt. Juliet Public Works Department, a list of the users which, at any time during the previous 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 (3), (4) or (8) of this section) and shall mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in section [30-144] and the Mt. Juliet Local Limits Operational Division Policy No. 2008-01;
- (2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by section [30-144], multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

-
- (3) Any other violation of a pretreatment standard or requirement as defined by section [30-144] (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;
 - (4) 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;
 - (5) Failure to meet, within 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;
 - (6) Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - (7) Failure to accurately report noncompliance; or
 - (8) 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.

Single-family unit (SFU) means a single-family unit is a unit of measure for the average amount of water used by an average family. The capacity or tap charge for all users is based upon the number of SFUs. No user is charged for less than one SFU and others are charged based upon the ration of their anticipated use as compared to a SFU. A SFU is assumed to use 350 gallons of water per day.

Slug discharge or slug load means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in section [30-136] of this article. 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, or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

Standard industrial classification means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

Superintendent means the person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative. The Mt. Juliet Director of ~~Public Works~~Utilities shall also be the "superintendent" as the term is used in this Code unless the city manager designates someone else as superintendent.

Tap fee is the charge levied against a new sewer connection to partially pay for the cost of the overall cost of the system to which the new user is connecting. The tap fee is a privilege charge.

Total suspended solids or suspended solids means 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.

Toxic pollutants means any pollutant or combination of pollutants listed as toxic in 40 Code of Federal Regulations part 401 as promulgated by the Administrator of the Environmental Protection Agency under the provisions of the Act.

Usage charge is a fee based upon water volume to pay for the cost of processing the sewage, operation and depreciation of the system.

User or industrial user means a source of indirect discharge.

Wastewater means the liquid and water borne industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the publicly owned treatment works.

Wastewater constituents and characteristics means the individual chemical, physical, bacteriological, and radiological parameters, including toxicity, volume, and flow rate and such other parameters that serve to classify, define, or measure the contents, quality, quantity, and strength of wastewater.

Waters of the State of Tennessee means any water, surface or underground, within the boundaries of the state.

Workplace means any nonresidential building used as a place of work for more than six hours per day for more than 200 days per year.

(b) *Abbreviations.* The following abbreviations, when used in this article, 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, oils and grease
- gpd — gallons per day
- IU — Industrial user
- 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

(Ord. No. 2012-75, § 1, 12-10-2012)

Secs. 30-21—30-43. Reserved.

DIVISION 2. USE OF PUBLIC SEWERS

Sec. 30-44. Connection with sanitary sewer required.

Every building having plumbing fixtures installed and intended for human habitation, occupancy, or use on premises abutting a street, alley, or easement in which segment there is a sanitary sewer which is within 200 feet of the building drain of the parcel shall be considered as being served by the city's sanitary sewer system.

All buildings hereafter constructed on property which is served by the publicly owned treatment works shall not be occupied until connected to the public sewer. The owner or occupant of each lot or parcel of land which is now served or which may hereafter be served by the Mt. Juliet sewer system feeding into a publicly owned treatment works shall cease to use any other method for the disposal of sewage except as provided for direct discharge by the Tennessee Department of Environment and Conservation or by discharge to a properly functioning and approved septic tank. Septic tanks shall not be used where sewers are available unless the user is exempt under the following provisions. The ~~public works engineering~~ director shall decide whether sewers are available using the criteria established herein. All premises served by the publicly owned treatment works are subject to sewer use charges as described in [sections 30-356 through 30-370] unless exempt under the following exemptions.

Natural persons meeting all of the following conditions are exempt from mandatory hookup and use charges:

- (1) *Original or annexed owners*: Owners of residential property who have owned and occupied the property continuously since September 30, 1987, or who were or are annexed into the city thereafter are exempt from mandatory connection and from payment of mandatory use charges and mandatory connection (but not the availability charge) if:
 - a. They have not transferred the property or any ownership interest therein; and
 - b. Their private system is not defective and does not hereafter become defective for a continuous ten-day period; and
 - c. They have not constructed a new dwelling or workplace on the property since September 30, 1987; and
 - d. They have not voluntarily purchased a tap other than pursuant to a condemnation settlement or as a part of a settlement about sewer right-of-way acquisition by the city; and
 - e. The property is used only as the home of the owner.
- (2) *Owners of property to which sewers become available*: Owners of residential property to which sewers become available, and who do not meet the criteria of paragraph (1) above, shall pay the same charge which they would pay if connected to the sewer. They shall be required to pay connection and tap fees and shall connect to the sewer system when the first of the following events occur:
 - a. The day they sell the property; or
 - b. The occurrence of failure or defect of their septic or other alternative sewer system for a continuous period of ten days; or
 - c. The date of completion of a new dwelling.

-
- (3) *Purchasers of property to which sewer is available:* Any purchaser of property containing a habitable structure, who does not meet the exemptions contained in the preceding two paragraphs, shall immediately pay any unpaid tap or connection fees and connect the property to the sewer system. The seller of property shall be responsible to the buyer for paying the tap fee and connection charges unless they agree otherwise in writing. Both the buyer and seller shall be responsible to the city for the tap fee and all connection charges.
 - (4) *People totally exempt:* People who have owned and occupied their homes since October 31, 1984, are exempt from the availability charge and from any minimum charge on the home unless they are connected to the system or have purchased a tap or their alternative septic system is failing. This exemption is granted because it was the promise made to them at the time the system was proposed (see Ord. 87-10 Sec. 2 et. al.) and bought their acquiescence in the construction of the system, without which the system may have never been built.
 - (5) *Water not entering the sewer system.* To the extent feasible sewer use charges are based upon water placed in the sewer system by the user. The amount of water used by an owner or occupant of property shall be the amount used to establish the amount of water entering the sewer system. Any person using an unmetered source of water such as a well, shall install a meter and notify the director of ~~public works~~ utilities. Adjustments for use of water during warm weather and peak use months shall be provided for by totaling the charges billed in the months of December, January, February and March and obtaining the average of these bills by dividing the total of the four months bills by four. The amount derived shall be the amount billed during the months of June, July, August, September, October and November. The remaining months will be billed for actual use.

If a sewer user can prove to the satisfaction of the ~~public works~~ utilities director that a specific amount of water is not going to the system, and is not adjusted, the public works director is authorized, subject to approval of the city manager, to adjust the bill. If such adjustments are recurring the public works director may require the user to obtain a separate meter and system, for measuring water not going to the sewer system, as a requirement to consideration of further adjustments. (Amended by Ordinance 98-46 dated 12-7-98).

- (b) *Unconnected sewer service lines prohibited.* Except for discharge to a properly functioning septic tank system or discharges permitted by an National Pollutant Discharge Elimination System permit issued by the Tennessee Department of Environment and Conservation, the discharge of sewage into places other than the publicly owned treatment works is prohibited.
- (c) *Insufficient capacity, connection moratorium.* In those parts of the sewer system where no additional capacity exists and a sewer moratorium has been established pursuant to orders of the Tennessee Department of Environment and Conservation, no new or additional sewer connections shall be permitted. Permits issued prior to the date of the moratorium may be completed. No new plumbing permits shall be issued for new buildings in a moratorium area after the effective date of the moratorium. A moratorium shall continue to be in effect until capacity restriction has been corrected.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-45. Adequate and minimum fixtures.

- (a) *Minimum number of fixtures.* A dwelling shall have at least one commode, one bathtub or shower, one lavatory, one kitchen-type sink, and an adequate source of hot water for each family unit to meet minimum basic requirements for health, sanitation, and personal hygiene. All other buildings, structures, or premises intended for human occupancy or use shall be provided with adequate sanitary facilities as may be required by any other law or regulation, but not less than one commode and one hand washing lavatory.

(b) *Adequate water for disposal of waste.* It shall be unlawful for any person in possession of premises into which a pipe or other connection with the sanitary sewers and drains have been laid to permit the building to remain without adequate fixtures attached to allow sufficient quantity of water to be so applied as to properly carry off all waste matter and keep the same unobstructed.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-46. Right to enter and inspect connection.

The public works utilities director, building inspector, or their representative shall have free and unobstructed access to any part of the premises where house drains or other drains connected with or draining into the sanitary sewer are laid for the purpose of examining the construction, condition, and method of use of the same, upon cause of reasonable suspicion that there may be inadequate facilities, the facilities present may not be properly functioning, there is an improper discharge, or upon a periodic systematic inspection of a particular drainage basin or other large segment of the system through those facilities at any time of the day between the hours of 7:00 a.m. and 6:00 p.m. or at any other time in the event of an emergency. If such entry is refused, the sewer service may be disconnected upon reasonable notice and an opportunity for a hearing. The service may be suspended immediately in the event of an emergency if there is reasonable cause to suspect that the discharge will endanger the public health or the environment, shall have the potential to disrupt the treatment process, or shall damage the publicly owned treatment work's lines or facilities, and a hearing shall thereafter be afforded the user as soon as possible.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-47. Demolished buildings.

When a building is demolished, it shall be the responsibility of the owner to have the sewer service line plugged securely so that extraneous water will not enter the sewer. The owner of the premises or his representative shall notify the public works utilities director of the plug and have the plug inspected prior to covering any work. Before reusing a plugged line, it must first be inspected by the public works utilities director and be in conformity with the existing standards.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-48. Discharges into manholes.

No person shall discharge any substance directly into a manhole. Any holding tank waste, including septage, portable toilets, grease interceptor or trap waste, and other non-domestic waste, must be disposed at an approved location and facility.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-49. Vehicle wash racks.

All gasoline stations, garages, self-service vehicle washers, and other public wash racks where vehicles are washed shall install catch basins in conformity with the plumbing code in accordance with a permit obtained from the building official. In the event any existing premises does not have a catch basin and the sewer line servicing the facility stops up due to grit or slime in the sewer lines, then the owner or operator of such premises shall be required to modify these facilities to construct a catch basin as a condition of continuing use of the system. If such users are industrial users as defined in [division 7 of this article], a permit as specified therein will be required.

(Supp. No. 14)

Created: 2024-09-03 06:47:52 [EST]

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-50. Grease, grit, oil, and lint interceptors or traps.

Restaurants, laundries, wash racks, service stations, private multi-user systems, engine or machinery repair shops, veterinarian facilities, and other facilities that produce grease, grit, oil, lint, or other materials which accumulate and cause or threaten to cause stoppages or impair the efficiency of the publicly owned treatment works sewers or threaten the safety of its employees, shall install and maintain a grease interceptor or trap, grit trap, lint trap, oil interceptor, or other appropriate device of standard design and construction to prevent excess discharges of such materials. The design and construction of any such device shall be subject to prior approval of the ~~public works~~utilities director and constructed in accordance with applicable building codes. All food service establishments, including but not limited to, restaurants, cafes, grocery stores, hospitals, quick stop markets, nursing homes, retirement centers, prisons, mobile food units, schools and other food preparation facilities must meet the requirements of the Mt. Juliet FOG Program Operational Division Policy No. 2008-02.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-51. Multi-use private sewer systems.

Excluding those industrial waste facilities with a permit issued pursuant to [division 7], the owner or operator of a private sewer system such as, but not limited to, multi-tenant buildings, building complexes, strip malls, and shopping centers shall be responsible for the quality of wastewater discharged at the point of connection to the publicly owned treatment work's sanitary sewer system and shall be responsible for any violations of the provisions of this article, including liability for the damage or injury caused to the publicly owned treatment works as a result of any discharge through the private system. All strip malls and shopping centers must meet the requirements of the Mt. Juliet FOG Program Operational Division Policy No. 2008.02.

(Ord. No. 2012-75, § 1, 12-10-2012)

Secs. 30-52—30-75. Reserved.

DIVISION 3. BUILDING SEWERS, CONNECTIONS, AND PERMITS

Sec. 30-76. Installation, maintenance, repair of sewer service lines.

(a) *Definition.* The minimum size of a standard sanitary sewer service line shall be a four-inch pipe. A standard sanitary sewer service line shall extend from the sewer main or trunk location in a street, alley, or easement to the building served by the sewer system.

(b) *Installation of sewer service lines.*

Gravity. ~~Four-inch~~Four-inch building sewers shall be laid on a grade greater than one-eighth-inch per foot (at least one percent). Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet per second. The slope and alignment of all building sewers shall be neat and regular. The ~~land~~owner/landowner shall be responsible for hiring a licensed plumber to install gravity lines.

Pressure. The city shall install all pressure lines between the trunk and a grinder pot. The city shall install the grinder pot. The director of utilities reserves the right to require the owner to perform the installation of pressure lines and grinder pot. The owner shall be responsible for plumbing from the structure to the grinder pot. On new construction the owner shall dig all the ditch required for installation.

Building sewers shall be constructed only of one of the following approved materials: (1) cast iron soil pipe using rubber compression joints of approved type; (2) polyvinyl chloride pipe with rubber compression joints; ~~(3) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type;~~ or (34) similar materials of equal or superior quality following public works director approval. Under no circumstances will cement mortar joints be acceptable. Each connection to the sewer system must be made at a wye, or service line stubbed out, or in the absence of any other provision, by means of a saddle attached to the sewer. The city must approve the type and manner of all connections. No person may connect to the sewer by breaking into an existing sewer and inserting the service line.

The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sewer is at a grade of one percent or more. In cases where basement or floor levels are lower than the ground levels at the point of connection to the sewer the owner shall install a check valve or other back flow prevention device adequate to prevent flooding. In all buildings in which any building drain is too low to permit gravity flow to the sewer, wastes carried by such building drain shall be lifted by an approved means and discharged into the publicly owned treatment works sewer.

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

(d) *Fees.* All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The city reserves the right to impose a sewer service line charge for every sanitary sewer service line installed where a lateral sewer connection has been provided for use by the applicant. The rate of charge will be established by the public-worksutilities director.

Any person constructing lines for a subdivision shall pay an inspection fee of ~~five-ten~~ percent of the cost of constructing the sewer system. They shall sign a comprehensive contract provided by the ~~public-works director~~engineering director and shall pay the inspection fee and the capacity fee and post the ~~bond-letter of credit~~ and do the other things required in the contract prior to commencing construction. A sample contract is [available in the office of ~~the city clerk~~public works and engineering].

- (e) *Title and maintenance.* When a property owner ties into a sanitary sewer service line and pays the appropriate sewer service line fees, the city shall retain ownership of the grinder pump and pot and lines between them and the trunk lines. For gravity systems the city shall own only the trunk line. The property owner shall pay for all repairs and maintenance of the sanitary sewer service line between the user and the trunk line.
- (f) *Location of sewer stub-out.* The plumbing contractor is responsible for locating the sewer stub-out, publicly owned treatment works personnel will provide whatever information is available for this purpose. If no "Y" or tee exists within three feet of either side of the location shown on the sewer plats, then a tap will be provided by the publicly owned treatment works when the sewer main is exposed. If a manhole needed for locating a service line has been lost, then the publicly owned treatment works shall be responsible for locating the manhole.
- (g) *Taps on utility sewers.* All taps made directly into the city's sewer lines shall be made by sewer maintenance personnel. The plumbing contractor shall excavate to the city's sewer and expose the pipe in preparation for the tap. Only one service line shall be allowed to be installed in a trench. New taps shall be made using a "Y"-type connection.
- (h) *Manhole requirements.* A new manhole will be required whenever a sewer service line larger than six inches is needed to tie into the city's sewer. The plumbing contractor shall excavate to the sewer and sufficiently expose the pipe for installation of the manhole. The user's licensed plumber shall install the manhole. The user shall pay for the cost of the manhole and the inspection fee and vacuum test prior to commencing construction.
- (i) *Maintenance of service lines.* All repairs and maintenance of the sewer service line to include correction of excessive inflow or infiltration shall be the responsibility of the property owner or user of the sewer. The city shall be responsible for the maintenance of collector lines only up to the point where the owner's service line connects to the city's lines.
- (j) *Methods of installation.* The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction or repair of a building sewer which have not been described in this section shall conform to the requirements of the building or plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federation manuals. Any deviation from the prescribed procedures must be approved by the ~~public-works~~utilities director.
- (k) *Public safety.* All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from potential hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner acceptable to the city.
- (l) *Prohibitions.* No person shall make connection of roof downspouts, exterior foundation drains, area drains, basement drains, or other sources of surface run-off or groundwater to a building sewer or drain which in turn is connected either directly or indirectly to the sanitary sewer.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-77. Service line to enter sewer at junction; exceptions.

No service lines shall enter the sanitary sewer at any point except where a junction has been made unless special permission has been given by the ~~public works~~utilities director. In any case where such permission has been given, the work shall be done under the inspection of the public works director or his representative and at the risk and expense of the party making the connection.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-78. Application for discharge of domestic wastewater.

All users or prospective users which generate domestic wastewater shall make an application to the ~~public works~~engineering director for written authorization to discharge to the sanitary sewer. Applications shall be required from all new dischargers as well as for existing dischargers desiring additional service. Connection to the sanitary sewer shall not be made until the application is received and approved by the ~~public works~~utilities director, the building sewer is installed in accordance with applicable rules and regulations of the city [this division] and an inspection has been performed by the ~~public works~~utilities director or his representative.

Connections made without an approved application may be severed by order of the ~~public works~~utilities director. Such unapproved connection may be allowed to remain active if inspected and accepted; however, the owner shall be required to pay an alternative fee in lieu of the normal fees, but in an amount double the normal fees.

The receipt by the city of a prospective customer's application for service shall in no way obligate the city to render the service. If the service applied for cannot be supplied in accordance with this article and the city's rules and regulations, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service, except that conditional waivers may be granted for additional services by the ~~public engineering works~~ director for interim periods if compliance may be assured within a reasonable period of time.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-79. Acceptance of work.

All sewer construction involving interceptor lines, pump stations, metering stations, and appurtenances which shall become part of the city's sewer system shall not be constructed until the plans are approved and the construction inspected and approved by the ~~public works~~utilities director. Any construction work where sewers are opened, uncovered, or undercut must also have the prior approval of the ~~public works~~utilities director.

(Ord. No. 2012-75, § 1, 12-10-2012)

Secs. 30-80—30-101. Reserved.

DIVISION 4. PRIVATE DOMESTIC WASTEWATER DISPOSAL

Sec. 30-102. Availability.

Where a public sanitary sewer is not available under the provisions of section [30-44], the building sewer shall be connected to a private wastewater disposal system complying with the requirements of this section.

Where a public sewer shall become available, the building sewer shall be connected to the sewer within 60 days after official notification by the ~~public works director~~city manager or his representative to do so.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-103. Requirements.

- (a) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the ~~public works~~engineering director stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing sub-surface oil absorption facilities where the area of the lot is less than that specified by the City of Mt. Juliet and the Wilson County Health Department.
- (b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain written permission from the city and the Wilson County Health Department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the city and the Wilson County Health Department.
- (c) A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the city and Wilson County Health Department. They shall be allowed to inspect the work at any stage of construction and, in any event, the owner shall notify the city and Wilson County Health Department when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the city and Wilson County Health Department.
- (d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all the recommendations of the Tennessee Department of Environment and Conservation, the Wilson County Health Department, and the City of Mt. Juliet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- (e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.
- (f) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the city or the Wilson County Health Department.

(Ord. No. 2012-75, § 1, 12-10-2012)

Secs. 30-104—30-134. Reserved.

DIVISION 5. PROHIBITIONS AND LIMITATIONS

Sec. 30-135. Purpose and policy.

This section establishes limitations and prohibitions on the quantity and quality of wastewater which may be legally discharged to the publicly owned treatment works. Pretreatment of some wastewater discharges will be required to achieve the goals established by this section and the Clean Water Act. The specific limitations set forth in this section are subject to change as necessary to enable the city to provide efficient wastewater treatment, to protect the public health and environment, to enable the city to meet requirements contained in its National Pollutant Discharge Elimination System permit, or other jurisdictional wastewater permits. The ~~public~~ ~~works~~ ~~utilities~~ director shall review the limitations from time to time to ensure that they are sufficient to protect the health and safety of publicly owned treatment works personnel and the operation of the treatment works to enable the facility to comply with its National Pollutant Discharge Elimination System permit, other jurisdictional wastewater permits, provide for a cost effective means of operating the treatment works, and protect the public health and environment. The public works director shall recommend changes or modifications as necessary.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-136. Prohibited pollutants.

General prohibitions. No person shall introduce into the publicly owned treatment works any pollutant(s) which cause 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.

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 explosion hazard in the publicly owned treatment works, including but not limited to, pollutants with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade), using the test methods specified in 40 CFR 261.21, or pollutants which cause an exceedance of ten percent of the lower explosive limit (LEL) at any point within the publicly owned treatment works.
- (2) Pollutants which cause corrosive structural damage to the publicly owned treatment works, but in no case discharges with a pH lower than 5.0 standard units or higher than 10.0 standard units.
- (3) Solid or viscous pollutants in amounts which cause obstruction to the flow of the sewers, or other interference with the operation of or which may cause damage to the publicly owned treatment works, including fats, oils, greases, waxy or other materials which tend to clog or coat a sewer line or other related appurtenances.
- (4) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge of such volume or strength (slug) so as to cause interference in the publicly owned treatment works or individual unit operations or cause adverse effects on its workers or the environment.

-
- (5) Heat in amounts which will inhibit biological activity in the publicly owned treatment works resulting in interference, but in no case heat in such quantities that the temperature at the treatment works influent exceeds 104 degrees Fahrenheit (40 degrees Centigrade).

Unless a higher discharge temperature is specified in the user's wastewater discharge permit, no user shall discharge into a sewer line or other appurtenance of the publicly owned treatment works wastewater with a temperature exceeding 150 degrees Fahrenheit (65.5 degrees Centigrade).

- (6) Pollutants which result in the presence of toxic gases, vapors, or fumes within the publicly owned treatment works in a quantity that may cause acute worker health and safety problems.
- (7) Any trucked or hauled pollutants, except at discharge points specified by the publicly owned treatment works.
- (8) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that cause interference or pass-through.
- (9) Any pollutant which causes a discoloration of the wastewater treatment plant effluent, or at the discharge point to another wastewater jurisdiction, which may result in a degradation of receiving water quality or National Pollutant Discharge Elimination System permit violation. Wastewater discharges that impart color at the city's discharge point, including but are not limited to, dye wastes, ink wastes, and vegetable tanning solutions.
- (10) 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.
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations.
- (12) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the city.
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (14) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test.
- (15) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW.
- (16) Unused or out-dated pharmaceuticals.
- (17) Antifreeze or antifreeze mixtures.

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. The foresaid pollutants represent a general description of harmful or dangerous conditions and are in addition to such specific pollutants as may be identified and added from time to time to section [30-144], or the industrial user's permit.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-137. Affirmative defenses.

A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in section [30-136] of this article where the user can demonstrate one of the following:

-
- (1) It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass-through or interference.
 - (2) A local limit designed to prevent pass through or interference, as the case may be, was developed pursuant to sections [30-144 and 30-145] of this article for each pollutant in the user's discharge that caused pass-through or interference and the user was in compliance with each such local limit directly prior to and during the pass-through or interference.
 - (3) If a local limit designed to prevent pass-through or interference, as the case may be, has not been developed for the pollutant(s) that caused the pass-through or interference and the user's discharge directly prior to and during the pass-through or interference did not change substantially in nature of constituents from the user's prior discharge activity when the publicly owned treatment works was regularly in compliance with its National Pollutant Discharge Elimination System permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-138. Wastewater constituent evaluation.

The wastewater of every industrial user shall be evaluated using the following criteria:

- (1) Wastewater containing any element or compound which is known to be an environmental hazard and which is not adequately removed by the treatment works.
- (2) Wastewater causing a pass-through, discoloration, foam, floating oil and grease, or any other condition in the quality of the treatment works effluent such that receiving water quality requirements established by law cannot be met or the city's National Pollutant Discharge Elimination System permit requirements are violated.
- (3) Wastewater causing conditions at or near the city's treatment works which violate any statute, rule, or regulation of any public agency of Tennessee or the United States.
- (4) Wastewater containing any element or compound known to act as a lacrimator, known to cause nausea, or known to cause odors constituting a public nuisance.
- (5) Wastewater causing interference with the effluent or any other product of the treatment process, residues, sludge, or scum causing them to be unsuitable for reclamation, reuse, causing interference with the reclamation process, or causing them to be unsuitable for disposal.
- (6) Wastewater discharged at a point in the collection system that is upstream of any overflow, bypass, or combined sewer overflow and which may thereby cause special environmental problems or specific discharge limitations.
- (7) Wastewater having constituents and concentrations which cause an exceedance of the limits in Mt. Juliet Local Limits Operational Division Policy No. 2008-01, referenced at section [30-144].
- (8) The capacity of existing sewer lines to carry the anticipated wastewater flow, particularly with respect to any problems, overflows, or overloads caused by heavy rain infiltration.
- (9) The toxicity of each wastewater shall be evaluated by an appropriate biomonitoring technique to determine if a specific discharge may significantly affect the overall toxic level of the publicly owned treatment works influent.

The public works director shall establish reasonable limitations, prohibitions, or monitoring requirements in addition to the limits established pursuant to sections [30-139 and 30-144] of this article in the wastewater discharge permit of any industrial user that discharges wastewater violating any of the above criteria, or that has

processes that generate wastewater that could violate any of the above criteria, as shall be reasonably necessary to achieve the purpose and policy of this section.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-139. National pretreatment standards.

Certain industrial users are now or hereafter shall become subject to National Pretreatment Standards promulgated by the Environmental Protection Agency specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into the publicly owned treatment works. All industrial users subject to such a standard shall comply with all requirements and with any additional or more stringent limitations contained in the General Pretreatment Regulations (40 CFR Part 403), the Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471, in this article, in their permit, or this article. Compliance with national pretreatment standards for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall be within three years following promulgation of the standards unless a shorter compliance time is specified in the standard. Compliance with national pretreatment standards for new sources shall be required upon promulgation of the standard. Except where expressly authorized by an applicable national pretreatment standard, no industrial user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with such standard.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-140. Dilution.

Except where expressly authorized by an applicable national pretreatment standard, no industrial user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with any local, state or federal standard.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-141. Limitations on radioactive waste.

No person shall discharge or permit to be discharged any radioactive waste into a community sewer, except as follows:

- (1) When the person is authorized to use radioactive materials by the Tennessee Department of Environment and Conservation or the Nuclear Regulatory Commission (NRC).
- (2) When the waste is discharged in strict conformity with applicable laws and regulations of the agencies having jurisdiction.
- (3) When a copy of permits received from regulatory agencies has been filed with the ~~public works~~utilities director.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-142. Septic tank hauling, pumping, and discharge.

No person owning vacuum, or cesspool pump trucks, or grease waste trucks, or other liquid waste transport trucks shall discharge sewage directly or indirectly into the publicly owned treatment works. The operator of such trucks shall haul the wastes to Metropolitan Nashville, or other approved hauled waste facilities.

(Supp. No. 14)

Created: 2024-09-03 06:47:52 [EST]

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-143. Other holding tank wastes.

No user shall discharge any other holding tank wastes, including hauled industrial waste, into the publicly owned treatment works.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-144. Restrictions on wastewater strength.

No person or user shall discharge wastewater in excess of the pollutant concentrations identified in the Mt. Juliet Local Limits Operational Division Policy No. 2008-01 (Table A). The city shall monitor the wastewater to Metro Water Services, City of Nashville collection system for each pollutant in Table A of the Mt. Juliet Local Limits Operational Division Policy No. 2008-01. Industrial users shall be subject to reporting and monitoring requirements as set forth in this article and the Mt. Juliet Local Limits Operational Division Policy No. 2008-01. In the event that the discharge to the Metro Water Services, City of Nashville collection system reaches or exceeds the levels set forth in this table, the ~~public works~~utilities director shall initiate technical studies to determine the cause of the exceedance and shall recommend to the city the necessary remedial measures. The ~~public works~~utilities director may also recommend changes to these criteria, or establish new local limits, in the event that the City of Mt. Juliet permit limits are changed, there are changes in applicable laws or regulations, or changes are needed for more effective operation of the publicly owned treatment works.

The city may develop best management practices (BMPs) by policy, or in individual wastewater discharge permits, or general permits, to implement local limits and the requirements of ordinance. All users subject to BMP requirements must provide documentation to show compliance with BMPs. Any categorical industrial user or significant industrial user subject to BMP requirements must submit documentation to the city to show compliance with BMPs. The BMP documentation must be retained by the user for at least four years.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-145. Storm drainage, ground, unpolluted and contaminated stormwater.

- (a) No stormwater, ground water, rain water, street drainage, rooftop drainage, basement drainage, subsurface drainage, foundation drainage, yard drainage, swimming pool drainage, process water drainage, cooling water, or other unpolluted or minimally polluted water shall be discharged into the city's sewer unless no other reasonable alternative is available, except with permission from the ~~public works~~utilities director. Reasonable conditions shall be prescribed, and a sewer service charge will be issued based upon the quantity of water discharged as measured by a flow meter or a reasonable estimate accepted by the ~~public works~~utilities director. All users shall be required to maintain their private sewer lines so as to prevent infiltration of ground or stormwater as a condition of use of the system and shall immediately replace or repair any leaking or damaged lines.
- (b) The publicly owned treatment works will accept discharge of contaminated stormwater if the following criteria are met: (1) all known and available technology will not prevent contamination or treat contaminated water to meet state standards for discharge to receiving waters or will cause unreasonable financial burden; (2) the contaminated stormwater meets the publicly owned treatment work's discharge limits and all state and federal pretreatment requirements; and (3) the volume of discharge will not exceed the hydraulic loading in the collection system or the treatment plant.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-146. Use of garbage disposals.

No waste from garbage disposals shall be discharged into the publicly owned treatment work's sewers except from private garbage disposals used in an individual residence or upon permit issued by the ~~public~~ worksutilities director for preparation of food consumed on premises, and then only when applicable fees are paid. It shall be unlawful for any person to use a garbage disposal grinder connected to the sewer system for the purpose of grinding and discharging plastic, paper products, inert materials, or anything other than the waste products from normal food preparation and consumption.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-147. Human blood and tissue waste.

It shall be unlawful for any person to dispose of human blood or tissue in excess of nine ounces per four-hour period into the sewer. Any such waste shall be diluted by water of 20 times the volume of the waste.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-148. Obstruction or damage to sewer.

It shall be unlawful for any person to deposit or cause to be deposited any waste which may obstruct or damage storm or sanitary sewer lines or which may inhibit, disrupt, or damage either system, including the sewage treatment process and operations. This prohibition includes all substances, whether liquid, solid, gaseous, or radioactive and whether associated with human habitation, of human or animal origin, or from any producing, manufacturing, or processing. It shall be unlawful to block or obstruct any catch basin, sewer line, or other appurtenance; or to break, injure, or remove any portion from any part of a sewer, drain, or catch basin, including plates covering manholes.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-149. State pretreatment standards.

Industrial users must comply with state pretreatment requirements (Tennessee Rule 1200-4-14).

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-150. Additional pretreatment requirements.

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

(Ord. No. 2012-75, § 1, 12-10-2012)

Secs. 30-151—30-179. Reserved.

DIVISION 6. CONTROL OF PROHIBITED POLLUTANTS

Sec. 30-180. Pretreatment requirements.

Industrial users of the publicly owned treatment works shall design, construct, operate, and maintain wastewater pretreatment facilities when necessary to reduce or modify the user's wastewater composition to achieve compliance with the limitations in wastewater strength set forth in sections 30-144 and 30-145] of this article, to meet applicable national pretreatment standards, to prevent slug discharges or to meet any other wastewater condition or limitation contained in the industrial user's wastewater discharge permit.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-181. Plans and specifications.

Plans and specifications for wastewater monitoring and pretreatment facilities shall be prepared, signed, and dated by a competent environmental professional, and be submitted to the ~~public works engineering~~ director for review in accordance with accepted practices. The ~~public works engineering~~ director shall review the plans within 30 days of receipt and recommend to the user any appropriate changes. Prior to beginning construction of a monitoring or pretreatment facility, the user shall submit a set of construction plans and specifications to be maintained by the ~~public works utilities~~ director. Prior to beginning construction, the industrial user shall also secure all necessary permits.

The user shall construct the pretreatment facility within the time frame specified in the compliance schedule of the wastewater discharge permit. Following completion of construction, the user shall provide the ~~public works utilities~~ director with as-built drawings to be maintained by the ~~public works utilities~~ director. The review of such plans and specifications will in no way relieve the user from the responsibility of modifying the facilities as necessary to produce effluent complying with the provisions of this article. Any subsequent changes in the pretreatment facilities or methods of operations shall be reported to and approved by the ~~public works engineering~~ director prior to implementation.

All new food service establishments, or existing food service establishments that are being upgraded or remodeled, must meet the requirements of the Mt. Juliet FOG Program Operational Division Policy No. 2008-02.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-182. Prevention of accidental discharges.

All users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the publicly owned treatment works of waste regulated by this article from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this article. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of regulated waste shall be subject on a case by case basis to a special permit condition or requirement for the construction of facilities or establishment of procedures which will prevent or minimize the potential for accidental discharge. Plans, specifications, and operating procedures shall be developed by the user

and submitted to the ~~public works~~engineering director for review. Section [30-184] includes slug discharge control program requirements.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-183. Oil and grease control program.

Disposal of oil by discharge to the sewer system is not permitted. Oils include automotive lubricating oils, transmission fluid, coolants, including anti-freeze, brake fluid, cutting oils, other industrial oils, pure vegetable oils, and yellow grease (oils or greases that can be recycled) used in a restaurant or food processing facility.

All food service establishments, including but not limited to, restaurants, cafes, grocery stores, hospitals, quick stop markets, nursing homes, retirement centers, prisons, mobile food units, schools and other food preparation facilities must meet the requirements of the Mt. Juliet FOG Program Operational Division Policy No. 2008-02.

Oil and grease waste pretreatment shall be required to provide an equivalent of primary treatment based on gravity separation of visible and floating oil and grease sludge from wastewater discharges. Such treatment processes shall be subject to best management practices and approved by the ~~public works~~utilities director. Discharges shall also be subject to monitoring, entry, inspection, reporting, and other requirements as determined by the ~~public works~~utilities director. These dischargers may be required to apply for industrial waste discharge permits if it is determined that the dischargers are a source of prohibited pollutants, toxic pollutants, or are otherwise controlled by federal or state regulations. All dischargers of oil and grease as listed above are subject to all enforcement and penalty provisions of this article.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-184. Slug discharge control program.

- (a) For the purposes of this section, 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. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this permit from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, from diked areas or holding ponds. The permittee shall notify the POTW immediately (within 30 minutes of becoming aware of the slug discharge) by telephone, or in person, of any slug loadings, spills, bypasses, upsets, etc., and a follow up written notification within five days, as prescribed in 40 CFR 403.8(f)(2)(v).

*Significant industrial users are required to notify the city immediately of any changes at its facility affecting the potential for a slug discharge. The city must evaluate all SIUs for the need for a slug control plan or other actions at least one time. Should the city decide that a slug control plan is needed by the industrial user, the plan shall contain, at a minimum, the following elements;

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5 (b), with procedures for follow-up written notification within five days;
- (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations,

control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

- (b) Certain users will be required to prepare spill response plans showing facilities and procedures for providing this protection. These plans shall be submitted to the public works utilities director for review and approval. All users required to have such a plan shall submit it within 30 days of notification by the public works utilities director and complete implementation within 90 days of notification.
- (c) In the case of a slug discharge, it is the responsibility of the user to immediately (within 30 minutes of becoming aware of the slug discharge) notify the publicly owned treatment works of the incident by telephone or in person. Information concerning the location of the discharge, type of waste, concentration and volume, and corrective action shall be provided by the user.

Within five days following a slug discharge, the user shall submit a detailed written report describing the cause of the discharge and the measures being taken by the user to prevent 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 publicly owned treatment works, fish kills, or any other damage to persons or property, nor shall notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

- (d) A notice shall be permanently posted on the user's premises advising employees of a contact to call in the event of a slug discharge. The user shall ensure that all employees who may cause or allow such slug discharge to occur are advised of the proper emergency notification procedure.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-185. Prohibition of bypass.

- (a) Except as allowed in paragraph (c) below, bypass is prohibited, and the public works utilities director may take enforcement action against an industrial user for a bypass, unless:
 - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
 - (2) 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 backup equipment should have been installed.
 - (3) The user submitted notices as required in section [30-263].
- (b) The public works utilities director may approve an anticipated bypass after considering its adverse effect if the public works utilities director determines that it will meet the three conditions listed in paragraph (a) of this section.
- (c) An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation. These bypasses are not subject to the reporting provisions of section [30-263].

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-186. Exceptions to wastewater limitations.

- (a) *Applicability.* This section provides a method for industrial users subject to the limitation on wastewater pollutants listed in sections [30-144 and 30-145] to apply for and receive a temporary exemption to the discharge level for one or more pollutants or parameters.

-
- (b) *Time of application.* Applicants shall apply for a temporary exemption when they are required to apply for a wastewater discharge permit or renewal provided that the public works utilities director allows applications at any time unless the applicant has submitted the same or substantially similar application within the preceding year that was denied by the board.
- (c) *Written applications.* All applications for an exception shall be in writing and shall contain sufficient information for evaluation of each of the factors to be considered by the utilities public works director pursuant to paragraph (d) of this section.
- (d) *Review by the utilities public works director.* All applications for an exception shall be reviewed by the utilities public works director. If the application does not contain sufficient information for complete evaluation, the public works utilities director shall notify the applicant of the deficiencies and request additional information. The applicant shall have 30 days following notification by the utilities public works director to correct such deficiencies. This 30-day period may be extended by the utilities public works director upon application and for just cause. Upon receipt of a complete application, the utilities public works director shall evaluate it within 30 days and approve or deny the application based upon the following factors:
- (1) The public works utilities director shall consider if the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in sections [30-144 and 30-145] and grant an exception only if such exception is within limitations of applicable federal regulations.
 - (2) The public works utilities director shall consider if the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of Section 307(a) of the Act, or similar state regulation, and then grant an exception only if such exception may be granted within the limitations of federal and state regulations.
 - (3) The public works utilities director shall consider if the exception would create conditions or a hazard to city personnel that would reduce the effectiveness of the publicly owned treatment works taking into consideration the concentration of the pollutant in the treatment works' influent and the design capability of the treatment works.
 - (4) The public works utilities director shall consider the possibility of the exception causing the publicly owned treatment works to violate its National Pollutant Discharge Elimination System permit.
 - (5) The public works utilities director shall consider if the exception would cause elements or compounds to be present in the sludge of the treatment works which would prevent sludge use or disposal by the publicly owned treatment works or which would cause the publicly owned treatment works to violate any regulation promulgated by Environmental Protection Agency under the provisions of Section 405 of the Act or similar state regulatory measure.
 - (6) The public works utilities director may consider the cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive cost alone shall not be the basis for granting an exception.
 - (7) The public works utilities director may consider the age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge.
 - (8) The public works utilities director may consider the process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge.
 - (9) The public works utilities director may consider the engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge.

-
- (10) ~~The public works~~utilities director may consider an application for exception based upon the fact that water conservation measures instituted or proposed by the user result in a higher concentration of particular pollutants in the wastewater discharge of the user without increasing the amount of mass pollutants discharged. To be eligible for an exception under this subparagraph, the applicant must show that except for wastewater conservation measures, the applicant's discharge has been or would be in compliance with the limitations on wastewater strength set forth in section [30-144]. No such exception shall be granted if the increased concentration of pollutants in the applicant's wastewater would have significant adverse impact upon the operation of the publicly owned treatment works.
- (e) *Review by wastewater hearing authority board.* The board shall review any appeal to a denial by the ~~public works~~utilities director of an application for an exception and shall take into account the same factors considered by the ~~public works~~utilities director. At such a hearing, the applicant and the ~~public works~~utilities director shall have the right to present relevant proof by oral or documentary evidence. The procedure set forth in section [30-296] shall be applicable to such a hearing. The applicant shall bear the burden of proof in an appeal hearing.
- (f) *Best management practices.* The ~~public works~~utilities director or board shall not grant an exception unless the applicant demonstrates to the board that best management practices are being employed to reduce or prevent the contribution of pollutants to the publicly owned treatment works. Best management practices include, but are not limited to, preventive operating and maintenance procedures, schedule of activities, process changes, prohibiting activities, and other management practices to reduce the quantity or increase the quality of effluent discharged and to control plant site runoff, spillage, leaks, and drainage from raw material storage.

(Ord. No. 2012-75, § 1, 12-10-2012)

Secs. 30-187—30-210. Reserved.

DIVISION 7. WASTEWATER DISCHARGE PERMITS

Sec. 30-211. Applicability.

The provisions of this article are applicable to all industrial users of the publicly owned treatment works. The city has an "approved publicly owned treatment works pretreatment program" as that term is defined in 40 Code of Federal Regulations, Part 403(c)(d) and any permits issued hereunder to industrial users who are subject to or who become subject to a National Categorical Pretreatment Standard shall be conditioned upon the industrial user also complying with all applicable substantive and procedural requirements promulgated by the Environmental Protection Agency or the State of Tennessee regarding such categorical standards unless an exception for the city's program or for the specific industrial categories is authorized.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-212. Application and permit requirements.

Prior to discharging non-domestic waste into the publicly owned treatment works, all significant industrial users of the publicly owned treatment works shall obtain a wastewater discharge permit. The industrial user shall request that the public works director determine if the proposed discharge is significant as defined in section [30-20]. If the discharge is determined not to be significant, ~~the public worksthe utilities~~ director may still establish appropriate discharge conditions for the user. Any uncategorized industrial user designated as significant may petition the public works director to be deleted from the list as significant on the grounds that there exists no potential for adverse effect on the publicly owned treatment work's operation or violation of any pretreatment standard or requirement.

All significant industrial users shall obtain an industrial wastewater discharge permit and shall complete such forms as required by the ~~public works~~utilities director, pay appropriate fees, and agree to abide by the provisions of this article and any specific conditions or regulation established by the ~~public works~~utilities director. All original applications shall be accompanied by a report containing the information specified in section [30-213]. All original applications shall also include a site plan, floor plan, and mechanical and plumbing plans with sufficient detail to show all sewers and appurtenances in the user's premises by size, location, and elevation. The industrial user shall also submit revised plans to the ~~utilities public works~~ director when alterations or additions to the user's premises affect the plans.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-213. Report requirements.

The report required for all significant industrial users by section [30-212] or other provisions of this article shall contain in units and terms appropriate for evaluation the information listed in subparagraphs (a) through (e) below. Industrial users subject to national pretreatment standards shall submit to the ~~utilities~~public works director a report which contains the information listed in subparagraphs (a) through (f) below within 180 days after the promulgation by the Environmental Protection Agency of a National Pretreatment Standard under Section 307(b) or (c) of the Act. This report is called the baseline monitoring report (BMR). Industrial users who are unable to achieve a discharge limit set forth in sections [30-135 through 30-148] without improved operation and

maintenance procedures or pretreatment shall submit a report which contains the information listed in subparagraphs (a) through (g) of this section.

As specified, the report shall contain the following:

- (1) The name and address of the industrial user.
- (2) The location of the industrial user.
- (3) The nature, average rate of production, and standard industrial classification of the operation(s) carried out by the industrial user.
- (4) The average and maximum flow in gallons per day of discharge from the industrial user to the publicly owned treatment works.
- (5) The nature and concentration of pollutants in the discharge from each regulated process from the industrial user and identification of any applicable pretreatment standards and requirements. The concentration shall be reported as a maximum or average level as provided for in the applicable pretreatment standard and as approved by standard methods approved by the ~~utilities~~public works director. If an equivalent concentration limit has been calculated in accordance with any pretreatment standard, this adjusted concentration limit shall also be submitted to the ~~public works~~utilities director for approval.
- (6) A statement that has been reviewed by an authorized representative of the industrial user and certified by an environmental professional indicating if pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance procedures or additional pretreatment is required for the industrial user to achieve compliance.
- (7) If additional pretreatment or operation and maintenance procedures will be required to meet the pretreatment standards, the report shall contain the shortest schedule by which the industrial user will provide the additional pretreatment. The completion date in the schedule shall be no later than the compliance date established for the applicable pretreatment standard.
- (8) The location for monitoring all wastes covered by the permit.
- (9) 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 city, 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 [30-254] of this article. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the city or the applicable standards to determine compliance with the standard.
- (10) Any other information as may be deemed necessary by the city to evaluate the permit application.

For purposes of this paragraph when the context so indicates, the phrase "pretreatment standard" shall include either a national pretreatment standard or a pretreatment standard imposed as a result of the industrial user's discharging any incompatible pollutant regulated by sections [30-135 through 30-148]. For purposes of this paragraph, the term "pollutant" shall include any pollutant identified in a national pretreatment standard or any incompatible pollutant identified in sections [30-135 through 30-148].

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-214. Incomplete applications.

The ~~public works~~utilities director will act only on applications that are accompanied by a report which lists all the information required in section [30-213]. Industrial users who have filed incomplete applications will be notified by the ~~public works~~utilities director that the application is deficient and the nature of the deficiency and will be given 30 days to correct such. If the deficiency is not corrected within that period or with such extended time as allowed by the ~~public works director~~utilities director, the ~~public works~~utilities director shall deny the application and notify the applicant in writing of such action.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-215. Evaluation of application.

Upon receipt of completed applications, the ~~utilities~~public works director shall review and evaluate the applications and shall propose such special permit conditions as the ~~utilities~~public works director deems advisable. All wastewater discharge permits shall be expressly subject to all the provisions of this article and all other applicable laws and regulations. The ~~utilities~~public works director may also propose that the wastewater discharge permit be subject to one or more special conditions in regard to any of the following:

- (1) Pretreatment requirements.
- (2) The average and maximum wastewater constituents.
- (3) Limits on rate and time of discharge for flow equalization.
- (4) Requirements for installation of inspection and sampling facilities.
- (5) Specifications for self-monitoring procedures.
- (6) Requirements for submission of technical or discharge reports.
- (7) Requirements for records maintenance.
- (8) Average and maximum mass emission rates, or other appropriate limits when toxic pollutants are proposed or present in the industrial user's wastewater discharge.
- (9) Other conditions deemed appropriate by the ~~utilities~~public works director to ensure compliance with the ordinance or other applicable law or regulation.
- (10) A reasonable compliance schedule, as determined by the ~~utilities~~public works director, up to one year in duration or such earlier date as may be required by other applicable law or regulation, whichever is sooner, to ensure the industrial user's compliance with pretreatment requirements or improved methods of operation and maintenance.
- (11) Requirements for the installation of facilities to prevent and control accidental discharges or spills at the user's premises.
- (12) The unit charge or schedule of charges and fees for the wastewater to be discharged to a community sewer.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-216. Notification of proposed permit conditions.

- (a) Upon completion of the evaluation, the public works director shall notify the applicant of any special permit conditions proposed for inclusion in the wastewater discharge permit.

-
- (b) The applicant shall have 45 days from and after the date of the ~~utilitiespublic works~~ director's recommendations for special permit conditions to review same and file written objections with the ~~utilitiespublic works~~ director in regard to any special permit conditions recommended. The ~~utilities public works director~~ may, but is not required, to schedule a meeting with applicant's authorized representative within 15 days following receipt of the applicant's objections, to attempt to resolve disputed issues concerning special permit conditions.
 - (c) If applicant files no objection to special permit conditions proposed by the ~~utilitiespublic works~~ director or a subsequent agreement is reached concerning same, the ~~utilitiespublic works~~ director shall issue a wastewater discharge permit to applicant with such special conditions incorporated therein.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-217. Board to establish permit conditions.

- (a) In the event that the ~~utilitiespublic works~~ director cannot issue a permit pursuant to section [30-216] above, the public works director shall submit to the board the proposed permit conditions and the applicant's written objections at the next regularly scheduled meeting of the board or at a specially convened meeting.
- (b) The board shall schedule a hearing within 30 days following the meeting referred to above unless such time is extended for just cause shown to resolve any disputed matters relevant to such permit.
- (c) The ~~utilitiespublic works~~ director shall notify the applicant of the date, time, place, and purpose of the hearing scheduled by the board. The applicant and the ~~utilitiespublic works~~ director shall have the right to participate in the hearing and present any relevant evidence to the board concerning proposed special permit conditions or other matters being considered by the board.
- (d) Following the hearing or additional hearings deemed necessary and advisable by the board, the board shall establish special permit conditions deemed advisable to ensure the applicant's compliance with this article or other applicable laws or regulations and direct the ~~utilitiespublic works~~ director to issue a wastewater discharge permit to the applicant accordingly.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-218. Individual wastewater discharge permits.

An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by 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. Individual wastewater discharge permits must contain:

- (1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date. No permit is to exceed a five-year duration;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the city, 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, local limits, state or local law;
- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practices) to be

monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law.

- (5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge.
- (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. All SIU permits must contain immediate notification requirements of any changes affecting potential to slug as per 40 CFR 403.8(f)(2)(v).
- (8) Any grant of the monitoring waiver by the director must be included as a condition in the user's permit.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-219. General wastewater discharge permits.

At the discretion of the director, general permits may be used to control SIU, industrial user, or commercial user 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.
 - a. 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, 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.
 - b. 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 this section and applicable state regulations, and a copy of the user's written request for coverage for three years after the expiration of the general permit.
 - c. General permits will contain the same required information as listed in section [30-218].

The city may not control an SIU through a general permit where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the combined wastestream formula or net/gross calculations.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-220. Compliance schedule and reporting requirements.

SIU compliance monitoring reports: All significant industrial users must, at a frequency determined by city submit no less than twice per year, on dates specified, reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user must submit documentation required by the city or the pretreatment standard necessary to determine the compliance status of the user.

All periodic compliance reports must be signed and certified in accordance with section [30-244].

The following conditions shall apply to the schedules required by section [30-215] of this article:

- (1) *Schedule components.* The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment requirements for the industrial user to meet the applicable pretreatment standards.
- (2) *Schedule intervals.* No such increment shall exceed nine months.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-221. Duration of permits.

Wastewater discharge permits shall be issued for a time period not to exceed five years. Permits issued to industrial users pursuant to section [30-186] may be issued for a period of one year.

Industrial users subject to a national pretreatment standard shall apply for new permits on the effective date of such standards. The ~~utilitiespublic works~~ director shall notify in writing any industrial user whom the ~~utilitiespublic works~~ director has cause to believe is subject to a national pretreatment standard of the promulgation of such regulations, but any failure of the ~~utilitiespublic works~~ director in this regard shall not relieve the user of the duty of complying with such standards. An industrial user must apply in writing for a renewal permit within a period of time not more than 90 days and not less than 30 days prior to expiration of the current permit.

Limitations or conditions of a permit are subject to modification or change as such changes become necessary due to changes in applicable water quality standards, changes in the city's National Pollutant Discharge Elimination System permit, changes in section [30-144 or 30-145], changes in other applicable law or regulation, or for other just cause. Users will be notified of any proposed changes in their permit by the ~~utilitiespublic works~~ director at least 30 days prior to the effective date of the change. Any change or new condition in the permit shall include a provision for a reasonable time schedule for compliance. The user may appeal the decision of the ~~utilitiespublic works~~ director in regard to any changed permit conditions as otherwise provided for in this article.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-222. Transfer of permit.

Wastewater discharge permits are issued to a specific industrial user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation, unless as approved by the ~~utilitiespublic works~~ director.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-223. Revocation of a permit.

Any permit issued under the provisions of this article is subject to modification, suspension, or revocation in whole or in part during its term for cause, including but not limited to, the following:

- (1) Violation of any terms or conditions of the wastewater discharge permit or other applicable law or regulation.
- (2) Obtaining of a permit by misrepresentation or failure to disclose fully all relevant facts.
- (3) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
- (4) Refusal of reasonable access to the user's premises for the purpose of inspection and monitoring.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-224. 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 following certification statement:

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 must annually submit the following certification statement signed by an authorized representative of the user.

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.*
 - (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.*
 - (c) *This compliance certification is based on the following information.*
- (c) 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 city prior to or together with any reports to be signed by an authorized representative.

(Ord. No. 2012-75, § 1, 12-10-2012)

Secs. 30-225—30-250. Reserved.

DIVISION 8. INSPECTIONS, MONITORING, AND ENTRY

Sec. 30-251. Inspections, monitoring, and entry.

- (a) When required to carry out the objective of this article, including but not limited to: (1) developing or assisting in the development of any effluent limitation, or other limitation, prohibition, or effluent standard, pretreatment standard, standard of performance, or permit condition under this article; (2) determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition, or effluent standard, pretreatment standard, standard of performance, or permit condition; (3) any requirement established under this section.
- (b) The ~~utilities~~public works director shall require any industrial user to: (1) establish and maintain records; (2) make reports; (3) install, use, and maintain monitoring equipment or methods, including biological monitoring methods when appropriate; (4) sample effluent in accordance with these methods, at such locations and intervals and in such a manner as the ~~utilities~~public works director shall prescribe; (5) provide such other information as the ~~utilities~~public works director may reasonably require.
- (c) Specific requirements under the provisions of paragraph (b) of this section shall be established by the ~~public works~~utilities director, or the board as applicable, for each industrial user, and such requirements shall be included as a condition of the industrial user's wastewater discharge permit. The nature of any requirement under this provision shall depend on the nature of the user's discharge, the impact of the discharge upon the publicly owned treatment works, the volume of water discharged, and the technical feasibility of an economic reasonableness of any such requirement.
- (d) The ~~public~~utilities works director or his authorized representative, employees of the State of Tennessee, and employees of the Environmental Protection Agency shall, upon presentation of credentials:
 - (1) Have a right of entry to, upon, or through any user's premises in which an effluent source is located or in which any records are required to be maintained under this article are located.
 - (2) Have access at reasonable times to copy any records, inspect any monitoring equipment or method required of the user, and sample any discharge which the owner or operator of such source is required to sample.
- (e) In the event any user denies the right of entry for inspection, sampling, inspecting and copying records, or verifying that a user is not discharging industrial wastes or performing other duties as shall be imposed upon the ~~public works~~utilities director by this article, the ~~public works~~utilities director shall seek a warrant or use such other legal procedures as advisable and reasonably necessary to perform the duties of this article.
- (f) Any user failing or refusing to perform any duty imposed upon the user under the provisions of this section, or who denies the right to enter the user's premises for purposes of inspection, sampling, inspecting and copying records, or other such duties as may be imposed upon the user by this section, shall be deemed to have violated the conditions of the wastewater discharge permit and such permit shall be subject to modification, suspension, or revocation under the procedures established in this article. A user who does not have an industrial waste discharge permit and denies the right to inspect as described herein is subject to having the sewer service in question terminated.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-252. Reports.

- (a) *Progress reports.* No later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the [public-worksutilities](#) director, including as a minimum, whether it complied with the increment of progress to be met on such a date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the [public-worksutilities](#) director.
- (b) *90-day compliance report.* Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the publicly owned treatment works, any industrial user subject to pretreatment standards and requirements shall submit to the [public-worksutilities](#) director a report containing the information described in section [30-213(4)—(6)].
- (c) *Self-monitoring reports.*
 - (1) All significant industrial users shall submit to the [public-worksutilities](#) director during the months of June and December, unless required more frequently in the pretreatment standard or in the industrial user's permit, a report indicating the nature and concentration of pollutants in the effluent which are limited by their permit. In addition, this report shall include a record of average and maximum daily flows. At the discretion of the [public-worksutilities](#) director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the [public-worksutilities](#) director may agree to alter the months during which the above reports are submitted.
 - (2) The [public-worksutilities](#) director, as applicable, may impose limitations on industrial users employing dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by paragraph (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.
- (d) The reports required in this section shall contain the results of sampling and analysis of the discharge, including the flow and nature and concentration or production rates and mass limits where requested by the [public-worksutilities](#) director, as applicable, of pollutants contained therein which are limited by the applicable pretreatment standards or industrial permit. For industrial users subject to equivalent mass or concentration limits established by the [public-worksutilities](#) director as alternative standards, the report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measured operation), the report shall include the user's actual average production rate for the reporting period. The frequency of monitoring shall be prescribed in the applicable treatment standard.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-253. Monitoring facilities.

- (a) All significant industrial users shall install a monitoring station of a standard design or one satisfactory to the [public-worksutilities](#) director.

All users who propose to discharge or who in the judgment of the publicly owned treatment works could now or in the future discharge wastewater with constituents and characteristics different from that produced by a domestic premise may be required to install a monitoring facility.

-
- (b) Installation. Required monitoring facilities shall be constructed, operated, and maintained at the user's expense. The purpose of the facility is to allow inspection, sampling, and flow measurement of wastewater. If sampling or metering equipment is also required by the publicly owned treatment works, it shall be provided, installed, and operated at the user's expense. The monitoring facility will normally be required to be located on the user's premises outside the building. The publicly owned treatment works may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.
 - (c) Access. If the monitoring facility is inside the user's fence, there shall be accommodations to allow safe and immediate access for publicly owned treatment works, State of Tennessee, or Environmental Protection Agency personnel. There shall be ample room in or near such a facility to allow accurate sampling and compositing of samples for analysis. The entire facility and any sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition by and at the expense of the user.
 - (d) The industrial user shall be required to design any necessary facility and to submit according to the permit compliance schedule an engineering report, including detailed design plans and operating procedures to the ~~public works~~utilities director for review in accordance with accepted engineering practices. The ~~public works~~utilities director shall review the plans and other documents within 30 days and shall recommend any change deemed appropriate.
 - (e) Upon approval of plans and other documents, the industrial user shall secure all building, electrical, plumbing, and other permits required and proceed to construct any necessary facility and establish required operating procedures within the time provided in the industrial user's wastewater discharge permit.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-254. Sampling and analysis.

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. 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 Metro, using the procedures prescribed in this section, the results of this monitoring shall be included in the report submitted to the city. Where the categorical pretreatment standard, local limit, or permit requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the city or the applicable standards to determine compliance with the standard.

- (1) *Sample collection and analyses.* Samples and measurements taken in compliance with the monitoring requirements of this permit shall be representative of the volume and nature of the monitored discharge during a normal production day and shall be taken as follows:
 - a. Be performed on composite and if applicable, grab samples, representative of the total wastewater flow discharged to the POTW with the maximum time interval between samples no longer than 60 minutes.
 - b. Be conducted in accordance with the U.S. Environmental Protection Agency protocol. The results must be reported to the lowest detectable limit of the methodology. Samples are to be analyzed by a laboratory, certified by Metro Water Services (Nashville, TN) for the required parameters.
 - c. Provide the flow rate for which the results are indicative to the nearest 100 gallons per day.

-
- d. Except as indicated in subsection (1)e. below or if designated different in the user's permit, 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 city. Where time-proportional composite sampling or grab sampling is authorized by the 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, upon approval from the director, may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.
 - e. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
 - f. For sampling required in support of baseline monitoring and 90-day compliance reports [40 CFR 403.12(g)(4) and Tennessee Rule 1200-4-14-.12(2) and (4)], a minimum of four 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 city may authorize a lower minimum. For the reports required by section [30-220] [40 CFR 403.12(g)(4) and Tennessee Rule 1200-4-14-.12(5) and (8)], the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.
- (2) *Sample location.* All approved sampling shall be collected from the sample collection point as designated in the industrial user's permit as issued by the city.
 - (3) *Test procedures.*
 - a. Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304(h) of the Clean Water Act of 1977, under which such procedures may be required.
 - b. Unless otherwise noted in the permit, 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 city or other parties approved by EPA.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-255. Dangerous discharge notification.

- (a) *Telephone notification.* Any person or user causing or suffering any discharge, whether accidental or not, which presents or may present an imminent or substantial endangerment to human health and welfare or the environment, or which is likely to cause interference with the publicly owned treatment works, shall notify the ~~public works~~utilities director immediately (within 30 minutes of becoming aware of the discharge) by telephone. In the absence of the ~~public works~~utilities director, notification shall be given to the publicly

owned treatment works employee then in charge of the treatment works. Such notification will not relieve the user from any expense, loss, liability, fines, or penalty which may be incurred as a consequence of the discharge.

- (b) *Written report.* Within five days following such an occurrence, the user shall provide the public works utilities director with a detailed written report describing the cause of the dangerous discharge and measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the publicly owned treatment works, fish kills, or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.
- (c) *Notice to employees.* A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of a contact in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-256. Slug reporting.

The industrial user shall notify the publicly owned treatment works immediately (within 30 minutes of becoming aware of the discharge) by telephone of any slug loading, as defined by section [30-184], by the industrial user.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-257. Notification of hazardous waste discharge.

- (a) The industrial user shall notify the city (department of public works utilities), the EPA regional waste management division director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and type of discharge. Additional notification requirements may apply as required by 40 CFR 403.12(p).
- (b) Discharges are exempt from the requirements of this paragraph during a calendar month in which they generate no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 Code of Federal Regulations 261(e)(2), (f), (g), and (j). Generation of more than 15 kilograms of hazardous waste do not require additional notification, except for the acute hazardous wastes specified in 40 Code of Federal Regulations 261.5(3), (f), (g), and (j).
- (c) In the case of new regulations under Section 3001 of Resource Conservation and Recovery Act identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the publicly owned treatment works of the discharge of such substance within 90 days of the effective date of such regulations, except for the exemption in paragraph (b) of this section.
- (d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of wastes generated to the degree it has determined to be economically practicable and that it has selected the method of treatment, storage, or disposal currently available which minimizes the present and future threat to human health and the environment.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-258. Notification of changed discharge.

All industrial users shall promptly notify the publicly owned treatment works in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes, for which the user has submitted initial notification under section [30-257].

- (1) The permittee shall notify the City of Mt. Juliet Department of ~~Public Works~~Utilities on any of the following changes to the system no later than 180 days prior to change of discharge;
 - a. New introduction into such works of pollutants from any source which would be a new source, if such source were discharging pollutants.
 - b. New introduction of pollutants into such works from a source which would be subject to the Sewer Use Ordinance - Title 30 if it were discharging such pollutants.
 - c. A substantial change in the volume or character of pollutants being discharged into such works at the time the permit is issued.
- (2) This notice will include information on the quality and quantity of the wastewater introduced by the new source into the publicly owned treatment works, and on any anticipated impact on the effluent discharged from such works.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-259. Provisions governing fraud and false statements.

The reports required to be submitted under this section shall be subject to the provisions of 18 U.S.C. 1001 relating to fraud and false statements and the provisions of Sections 309(c)(4) and (6) of the Act, as amended, governing false statements, representation, or certifications in reports required by the Act.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-260. Signatory requirements.

The reports required by this section shall include a certification statement as follows:

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

The reports shall be signed as follows:

- (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 city.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-261. Reporting of violation and repeat sampling.

If sampling performed by a user indicates a violation, the user must notify the city within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the city within 30 days after becoming aware of the violation. Resampling by the industrial user is not required if the city performs sampling at the user's facility at least once a month, or if the city performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the city receives the results of this sampling, or if the city has performed the sampling and analysis in lieu of the industrial user. If the city performed the sampling and analysis in lieu of the industrial user, the city will perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-262. Reporting of all monitoring.

If an industrial user subject to the reporting requirements in section [30-213] of this article monitors any pollutant more frequently than required by the ~~public works~~ utilities director using approved procedures prescribed in this article, the results of this monitoring shall be included in the report.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-263. Notice of bypass.

- (a) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the public works director.
- (b) An industrial user shall submit oral notice to the ~~public works~~ utilities director of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time the user becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; and, if the bypass has not been corrected, the

(Supp. No. 14)

Created: 2024-09-03 06:47:53 [EST]

anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The [public works utilities](#) director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-264. Maintenance of records.

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

- (1) The date, exact place, method, and time of sampling and the names of the persons taking the samples.
- (2) The dates analyses were performed.
- (3) Who performed the analyses.
- (4) The analytical techniques/methods.
- (5) The results of the analyses.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-265. Records retention period.

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of four years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make these records available for inspection and copying by the [public works utilities](#) director, Tennessee Department of Environment and Conservation Director of the Division of Water Pollution Control, and Environmental Protection Agency. The retention period shall be extended during the course of any unresolved litigation regarding the user or upon request from the [public works utilities](#) director, the director, or the Environmental Protection Agency.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-266. Confidential information.

Any records, reports, or information obtained under this section shall (1) in the case of effluent data, be related to any applicable effluent limitations, toxic, pretreatment, or permit condition, and (2) be available to the public to the extent provided by 40 Code of Federal Regulations, part 232. If, upon showing to the [public works utilities](#) director by any person that, if made public, records, reports, information, or particular parts (other than effluent data) to which the [public works utilities](#) director has access under this section, would divulge methods or processes entitled to protection as trade secrets of such person, the [public works utilities](#) director shall consider such record, report, or information, or particular portion thereof confidential in accordance with the purposes of this article. Such record, report, or information may be disclosed to officers, employees, or authorized representatives of the United States or the State of Tennessee concerned with carrying out the provisions of the Act or when relevant in any proceeding under this article or other applicable laws.

(Ord. No. 2012-75, § 1, 12-10-2012)

Secs. 30-267—30-295. Reserved.

DIVISION 9. ENFORCEMENT

Sec. 30-296. Hearings.

- (a) Any hearing or re-hearing brought before the board, as defined in section [30-395], shall be conducted in accordance with following:
- (1) Upon receipt of a written petition from the alleged violator pursuant to this section, the ~~public works~~utilities director shall give the petitioner ten days written notice of the time and place of the hearing.
 - (2) The hearing provided may be conducted by the board at a regular or special meeting. A quorum (two members) of the board must be present at the regular or special meeting in order to conduct the hearing.
 - (3) A verbatim record of the proceedings of the hearings shall be made and filed with the board in conjunction with the findings of fact and conclusions of law made pursuant to subsection [(a)(6) of this section]. The transcript shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the ~~public works~~utilities director to cover preparation fees.
 - (4) In connection with the hearing, the chairperson of the board shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In the case of refusal to obey a notice of hearing or subpoena issued under this section, the chancery court of Wilson County shall have the jurisdiction upon the application of the ~~public works~~utilities director to issue an order requiring such person to appear and testify or produce evidence as the case may require. Failure to obey such an order of the court is punishable by the court as contempt.
 - (5) On the basis of the evidence produced at the hearing, the board shall make findings of fact and conclusions of law and enter such decisions and orders as in its opinion will best further the purposes of the pretreatment program and shall give written notice of such decisions and orders to the alleged violator. The order issued under this subsection shall be issued no later than 30 days following the close of the hearing by the person or persons designated by the chairperson.
 - (6) The decision of the board shall become final and binding on all parties unless appealed to the courts as provided in [this section and section 30-297].
 - (7) Any person to whom an emergency order is directed shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible, but in no case shall such a hearing be held later than three days from the receipt of such a petition by the board.
 - (8) Upon agreement of all parties, the testimony of any person may be taken by deposition or written interrogatories. Unless otherwise agreed, the deposition shall be taken in a manner consistent with Rules 26 through 33 of the Tennessee Rules of Civil Procedure, with the chairperson to rule on such manners as would require a ruling by the court under the rules.
 - (9) The ~~public works~~utilities director shall first call witnesses, which shall be followed by witnesses called by the other party. Rebuttal witnesses shall be called in the same order. The chairperson shall rule on any evidentiary questions arising during such hearing and shall make other rulings necessary or advisable to facilitate an orderly hearing subject to approval of the board. The board, the ~~public~~

~~works~~~~utilities~~ director, his representative, and all parties shall have the right to examine any witness. The board shall not be bound by or limited to rules of evidence applicable to legal proceedings.

- (10) Any person aggrieved by an order or determination of the ~~utilities~~~~public works~~ director where an appeal is not otherwise provided by this section may appeal the order or determination to the board. A written notice of appeal shall be filed with the ~~utilities~~ ~~public works~~ director, and the notice shall set forth with particularity the action or inaction of the ~~utilities~~~~public works~~ director complained of and the relief being sought by the person filing the appeal. A special meeting of the board may be called by the chairperson upon the filing of such an appeal, and the board may, at member's discretion, suspend the operation of the order or determination of the ~~utilities~~ ~~public works~~ director on which is based the appeal until such time as the board has acted upon the appeal.
- (b) An appeal may be taken from any final order or other final determination of the public works director or board by any party who is or may be adversely affected thereby to the Wilson County Chancery Court pursuant to the common law writ of certiorari set in Tennessee Code Annotated (T.C.A.) § 27-8-101, within 60 days from the date such order or determination is made.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-297. Civil penalty.

- (a) (1) Any person or user who does any of the following acts or omissions shall be subject to a civil penalty of up to \$10,000.00 per day for each day during which the act or omission continues or occurs:
- a. Violates any effluent standard or limitation imposed by a pretreatment program.
 - b. Violates the terms or conditions of a permit issued pursuant to a pretreatment program.
 - c. Fails to complete a filing requirement of a pretreatment program.
 - d. Fails to allow or perform an entry, inspection, monitoring, or reporting requirement of a pretreatment program.
 - e. Fails to pay user or cost recovery charges imposed by a pretreatment program.
 - f. Violates a final determination or order of the board.
- (2) Any civil penalty shall be assessed in the following manner:
- a. The ~~utilities~~~~public works~~ director may issue an assessment against any person or user responsible for the violation.
 - b. Any person or user against whom an assessment has been issued may secure a review of such assessment by filing with the ~~utilities~~ ~~public works~~ director a written petition setting forth the grounds and reasons for his objections and asking for a hearing on the matter involved before the board. If a petition for review of the assessment is not filed within 30 days of the date the assessment is served, the violator shall be deemed to have consented to the assessment and it shall become final.
 - c. When any assessment becomes final because of a person's failure to appeal the ~~utilities~~ ~~public works~~ director's assessment, the ~~public works director~~~~utilities director~~ may apply to the appropriate court for a judgment and seek execution of such judgment and the court, in such proceedings, shall treat a failure to appeal such assessment as a confession of judgment in the amount of the assessment. Civil penalties will be assessed based on the following criteria:
 1. Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity.

-
2. Damages to the publicly owned treatment works, including compensation for the damage or destruction of the facilities of the publicly owned treatment works, which also includes any penalties, costs, and attorney's fees incurred by the publicly owned treatment works as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damage.
 3. Cause of the discharge or violation.
 4. The severity of the discharge and its effect upon the facilities of the publicly owned treatment works and upon the quality and quantity of the receiving waters.
 5. Effectiveness of action taken by the violator.
 6. The technical and economic feasibility of reducing or eliminating the discharge.
 7. The economic benefit gained by the violator.
- d. The utilities public works director may institute proceedings for assessment in the name of the City of Mt. Juliet in the chancery court of the county in which all or part of the violation occurred.
- (3) The board may establish by regulation a schedule of the amount of civil penalty which can be assessed by the utilities public works director for certain specific violations or categories of violations.
- (b) Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the commissioner of environment and conservation for violations of T.C.A. § 69-3-115(a)(a)(F). Provided, however, the sum of the penalties imposed by this section and by [T.C.A. §] 69-3-115(a) shall not exceed \$10,000.00 per day for each day during which the act or omission continues to occur. For violation of any provision of this article for which the civil penalty of up to \$10,000.00 does not apply there shall be assessed a fine of up to \$500.00 per violation. Each act and each day shall be considered a separate violation. Maintaining a violation or failing to correct a violation or maintaining an unapproved line shall be a separate violation for each day it is connected or maintained.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-298. Assessment of noncompliance and significant noncompliance.

- (a) The utilities public works director may assess the liability of any polluter or violator for damages to the pretreatment agency resulting from any person(s) or user(s) pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program. To assure fair, consistent and impartial enforcement, the utilities public works director will use the Mt. Juliet Enforcement Response Plan as a reference to make enforcement action decisions.
- (b) If an appeal from such assessment is not made to the utilities public works director by the polluter or violator within 30 days of notification of such assessment, he shall be deemed to have consented to such assessment and it shall become final.
- (c) Damages may include any expenses incurred in investigating and enforcing the pretreatment program or any other sections of the ordinance, in removing, correcting, and terminating any pollution, and also compensation for actual damages caused by the violation to the publicly owned treatment works. The utilities public works director shall assess the expenses and damages incurred by the publicly owned treatment works to clear the obstruction, repair damage to the publicly owned treatment works, and otherwise rectify any impairment caused by the violation.
- (d) Whenever any assessment has become final because of a person's failure to appeal within 30 days, the utilities public works director shall bill the person responsible for the damage for reimbursement of all expenses and damages suffered by the publicly owned treatment works. If the person responsible refuses to

pay, the utilities public works director may apply to the appropriate court for a judgment and seek execution on such judgment. The court, in such proceedings, shall treat the failure to appeal such assessment as a confession of judgment in the amount of assessment.

(e) Significant noncompliance includes:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.
- (2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-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);
- (3) Any other violation of a pretreatment standard or requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) that the city 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;
- (4) 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 their emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 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;
- (6) Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) 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.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-299. Judicial proceedings and relief.

The utilities public works director may initiate proceedings in the chancery court of Wilson County against any person or user who is alleged to have violated or is about to violate the pretreatment program, its industrial user permit, any article of this article, or any order of the utilities public works director or board. In such action, the utilities public works director may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-300. Administrative enforcement remedies.

- (a) *Notification of violation.* When the utilities public works director finds that any user has violated or is violating this article, or a wastewater permit or order issued hereunder, the utilities public works director or his agent may serve upon the user a written notice of violation (NOV). Within ten days of receipt of the NOV,

an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the utilitiespublic-works director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV.

- (b) *Consent orders.* The utilitiespublic-works director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time frame also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraph (d) below.
- (c) *Show-cause hearing.* The utilitiespublic-works director may order any user which causes or contributes to a violation of this article, its wastewater permit, or any order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten days prior to the hearing. Such notice may be served on any principle executive, general partner, or corporate officer. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued.
- (d) *Compliance order.* When the utilitiespublic-works director finds that a user has violated or continues to violate this article or a permit or order issued thereunder, he may issue an order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements deemed reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.
- (e) *Cease and desist orders.* When the utilitiespublic-works director finds that a user has violated or continues to violate this article or any permit or order issued hereunder, the utilitiespublic-works director may issue an order to cease and desist all such violations and direct those persons in noncompliance to do one of the following:
 - (1) Comply with the order.
 - (2) Take the appropriate remedial or preventive action needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.
- (f) *Emergency termination of service.* When the utilitiespublic-works director finds that an emergency exists in which immediate action is required to protect public health, safety, or welfare, the health of animals, fish, or aquatic life, a public water supply, or the facilities of the publicly owned treatment works, the utilitiespublic-works director may, without prior notice, issue an order reciting the existence of such an emergency and requiring that certain action(s) be taken as the utilitiespublic-works director deems necessary to meet the emergency.

If the violator fails to respond or is unable to respond to the utilitiespublic-works director's order, the utilitiespublic-works director may take such emergency action as deemed necessary or contract with a qualified person to carry out the emergency measures. The utilitiespublic-works director may assess the person(s) responsible for the emergency condition for actual costs incurred by the utilitiespublic-works director in meeting the emergency.

If the emergency action adversely affects the user, the utilitiespublic-works director shall provide the user an opportunity for a hearing as soon as possible thereafter to consider restoration of service upon abatement of the condition or other reasonable conditions. Following the hearing, the utilitiespublic-works director may take any such authorized should the proof warrant such action.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-301. Disposition of damage payments and penalties.

All damages or penalties assessed and collected under the provisions of this section shall be placed in a special fund by the city and allocated and appropriated to the sewer system for the administration of its pretreatment program.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-302. Vandalism.

Any and all damages incurred by the publicly owned treatment works due to acts of vandalism will be prosecuted to the full extent of the law.

(Ord. No. 2012-75, § 1, 12-10-2012)

Secs. 30-303—30-322. Reserved.

DIVISION 10. WASTEWATER VOLUME DETERMINATION

Sec. 30-323. Metered water supply.

Charges and fees related to the volume of wastewater discharged to the publicly owned treatment works shall be based upon the user's total water consumption from all water supply sources. The total amount of water used shall be determined from public meters installed and maintained by the city or private meters installed and maintained at the expense of the user and approved by the city.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-324. Wastewater volume.

When charges and fees based upon water usage or discharge and where, in the opinion of the publicly owned treatment works, a significant portion of the water received from any metered source does not flow into the sewer because of the principle activity of the user or removal by other means, the charges and fees will be applied only against the volume of water discharged from such premises into the sanitary sewer. Written notification and proof of the diversion of water must be provided by the user and approved by the city. The users may install a meter of a type and at a location approved by the city to measure either the amount of sewage discharged or the amount of water diverted. Such meters shall be maintained at the expense of the user and be tested for accuracy at the expense of the user when deemed necessary by the ~~utilities~~public works director.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-325. Estimated wastewater volume.

For users where, in the opinion of the city, it is unnecessary or impractical to install meters, charges and fees may be based upon an estimate of the volume to be discharged. The estimate shall be prepared by the user and approved by the ~~utilities~~public works director or his representative. The number of fixtures, seating capacity, population equivalent, annual production of goods and services, and other such factors as deemed rational by the publicly owned treatment works shall be used to estimate the wastewater discharge volume.

(Ord. No. 2012-75, § 1, 12-10-2012)

Sec. 30-326. Domestic flows.

For the separate determination of the volumes of domestic and process flows from users for the purposes of calculating charges based on process wastewater flows alone, users shall install a meter of a type and at a location approved by the publicly owned treatment works. For users where, in the opinion of the publicly owned treatment works, it is unnecessary or impractical to install such a meter, the volume of the domestic and process wastewater shall be based upon an estimate prepared by the user and approved by the publicly owned treatment works.

(Ord. No. 2012-75, § 1, 12-10-2012)

Secs. 30-327—30-355. Reserved.

DIVISION 11. FEES¹

Sec. 30-356. Purpose and types of charges and fees.

The fees established by this division comply with the Federal Water Pollution Control Act, as amended, and the regulations adopted thereunder. These rates are designed to be consistent with the Federal Grant Program. These rates will raise sufficient revenues to defray all operating and treatment costs and to pay for equipment replacement, capital outlay, bond service costs, capital improvements, and depreciation. The charges and fees established in the city's schedule of charges and fees may include, but not be limited to, the following:

- (1) Charge for opening an account.
- (2) Base charge, also known as availability charge and service line charge.
- (3) Capacity charge.
- (4) Connection and inspection fees.
- (5) Industrial user permit fees.
- (6) Monitoring fees for monitoring requested by the user.
- (7) Permit application fees.
- (8) Pretreatment program operating fees.
- (9) Tap fee.
- (10) Usage charge.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

Sec. 30-357. Adjustments.

The city may make appropriate adjustments in the charges to sewer customers for over registration of utility meters, leaks, or other problems not resulting in costs to the city. Such adjustments shall be subject to the discretion of the director of finance. Any person aggrieved by a decision of the director of finance may appeal to the city board of civil appeals.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

¹Editor's note(s)—Ord. No. 2013-09, §§ 1, 2, adopted Jan 28, 2013, deleted the former Art. II, Div. 11, §§ 30-356—39-368, and enacted a new Art. II, Div. 11, as set out herein. The former Art. II, Div. 11, pertained to similar subject matter and derived from Ord. No. 2012-75, § 1, adopted Dec. 10, 2012.

Sec. 30-358. Application charge.

All persons seeking to subdivide land within the city utilizing the city sewer system shall make application on a form supplied by the planning director. Upon approval of the application, the applicant shall pay \$2,000.00 with the city recorder for the purpose of funding administration of the application.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

Sec. 30-359. Base charge.

There is hereby established a base use charge, of \$11.76 per month for all, nonexempt, habitable structures to which sewers are available. The new rate shall take effect with the ~~October 1, 2009~~ July 31, 2024 bill as follows:

TYPE OF SERVICE		RATE
Residential		
	Inside city	
	Minimum base rate charge	
	Minimum base rate charge (First 2,000 gallons)	\$12.12
		<u>\$16.39</u>
	Per 1,000 gallons thereafter <u>for all usage in excess of 2,000 gallons (Use Charge)</u>	5.94 <u>\$8.03</u>
	Outside city	
	Minimum base rate charge for service requested on or prior to June 9, 2019	
	Minimum base rate charge (First 2,000 gallons)	15.01
		<u>\$20.49</u>
	Per 1,000 gallons thereafter <u>for all usage in excess of 2,000 gallons (Use Charge)</u>	\$10.05 <u>\$7.30</u>
	Minimum base rate charge for service requested after June 9, 2019	
	<u>First 2,000 gallons</u>	<u>\$32.78</u>
	<u>Per 1,000 gallons thereafter</u>	<u>\$16.06</u>
	Customers prior to 1984 customers	
	Flat rate	<u>\$16.39</u> <u>\$12.12</u>
Commercial		
	Inside city	
	Minimum base rate charge	
	Minimum base rate charge (First 2,000 gallons)	\$23.12 <u>\$17.10</u>
	Per 1,000 gallons thereafter <u>for all usage in excess of 2,000 gallons (Use Charge)</u>	\$11.19 <u>\$8.27</u>
	Outside city	
	Minimum base rate charge for service requested on or prior to June 9, 2019 (first 2,000 gallons)	21.25
	Per 1,000 gallons for all usage in excess of 2,000 gallons (first 2,000 gallons)	10.21 <u>\$28.90</u>
	<u>Per 1,000 gallons thereafter</u>	<u>\$13.99</u>
	Minimum base rate charge for service requested after June 9, 2019	
	First 2,000 gallons	<u>\$46.24</u>
	<u>Per 1,000 gallons thereafter</u>	<u>\$22.38</u>
Special Discharge Fees		
	<u>Billing Fee</u>	<u>\$21.00</u>
	<u>Plus 160% of Discharge Per 1,000 gallons</u>	<u>\$13.99</u>

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013; Ord. No. 2013-57, § 1, 7-22-2013)

Sec. 30-360. Capacity charge.

- (a) The city has purchased a certain amount of capacity in the Metropolitan Nashville sewer plant. To reimburse the city the cost of this capacity which was purchased by the residents of the city as the city limits were constituted on October 31, 1984, there is hereby established a capacity charge on all new lots created by subdivision if the lots will utilize sewers. The minimum capacity charge shall be ~~\$1,285.00~~ 1,340.00 per lot. Sewer capacity charges are adjusted as follows:

Residential Classifications	Per Unit
RS-40	\$1,285.00 <u>1,340.00</u>
RS-30	1,535.00 <u>1,590.00</u>
RS-20	1,785.00 <u>1,840.00</u>
RS-15	2,035.00 <u>2,090.00</u>
RS-10	2,285.00 <u>2,340.00</u>
All other residential classifications	2,535.00 <u>2,590.00</u>
Outside city limits capacity fee	1,910.00 <u>3,910.00</u>

- (b) Building lots in existence and in the city on October 31, 1984, are exempt for one SFU as they participated in the original purchase of the capacity. Only new lots created by subdivision of land are subject to the charge.
- (c) The owner of the land shall pay the charge at the time of subdivision based on the proposed use. The charge shall be recalculated at the time of application for a tap. The applicant for a tap shall be given credit for any capacity charge previously paid and shall be charged for any additional sums owed due to a change in the proposed use. The city shall not be required to refund excess payments.
- (d) New commercial and industrial users shall pay a capacity fee based on the size of the domestic use water meter. See chart below:

SANITARY SEWER CAPACITY FEES	
Commercial Capacity Fees Water Tap Size	Capacity Fees
¾"	\$1,285.00 <u>1,340.00</u>
1"	2,145.00 <u>1,980.00</u>
1½"	3,575.00 <u>3,300.00</u>
2"	7,865.00 <u>7,260.00</u>
3"	16,445.00 <u>15,180.00</u>
4"	29,315.00 <u>27,060.00</u>
5"	45,760.00 <u>42,240.00</u>
6"	65,780.00 <u>60,720.00</u>
7"	89,375.00 <u>82,500.00</u>
8"	107,580.00 <u>116,545.00</u>
9"	146,540.00 <u>135,210.00</u>
10"	181,610.00 <u>167,640.00</u>
11"	219,505.00 <u>202,620.00</u>
12"	260,975.00 <u>240,900.00</u>
13"	306,735.00 <u>283,140.00</u>
14"	355,355.00 <u>328,020.00</u>

Created: 2024-09-03 06:47:53 [EST]

(Supp. No. 14)

Rate change as per City of Mt. Juliet Ordinance ~~2009-52~~2024-25 effective ~~Nov. 9~~July 31, 2024.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

Sec. 30-361. Collection.

Wastewater charges and fees imposed by this article shall be collected by the city in a manner established by the director of finance.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

Sec. 30-362. Connection and inspection fees.

- (a) *Gravity.* Mt. Juliet shall inspect all connections to the sewer system. No person shall connect to the sewer system without an inspection. The inspection fee shall be \$50.00 for connections with gravity flow connections.
- (b) *Pressure.* All pressure connections shall be installed and inspected by Mt. Juliet. The charge shall be based on the cost and overhead expended by Mt. Juliet. Mt. Juliet shall determine whether a connection shall be a pressure connection or a gravity connection.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

Sec. 30-363. Delinquent accounts.

The director of finance may cause the supplier of water to discontinue water service to any customer who has a delinquent wastewater charge until the wastewater charge has been paid. Any person aggrieved by such action may appeal the discontinuance of water service to the wastewater hearing authority board.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

Sec. 30-364. Infiltration and extraneous flows.

The costs of operation and maintenance for all flow not directly attributable to users such as infiltration and inflow shall be distributed proportionally among all users of the treatment works.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

Sec. 30-365. Tap fee.

- (a) Residential single-family dwelling.

- (1) There shall be a tap fee or ~~equivalent~~equivalent applicable to all properties that hook to the sewer or to which sewers are available per single-family unit (SFU) for residents:

- a. Inside the city limits of \$1,500.00; and
 - b. Outside the city limits of ~~\$2,000.00~~\$4,000.

The tap fee shall be paid before the property is hooked to the sewer system. A separate tap fee is required for each connection to the sewer system. Taps and tap fee payments run with the land. No

owner shall be required to pay a tap fee for a connection if a previous owner has paid a tap fee for the same connection and same use.

- (2) Sanitary sewer tap fees for existing single-family dwellings:
 - a. Which are within the city limits of the city;
 - b. Occupied by the owner as recorded by the county tax assessor; and
- (3) Multifamily dwelling. The tap fee for multifamily dwellings shall be \$1,500.00 per unit for locations within the city limits and ~~\$2,000,000.00~~ \$2,000.00 per unit for locations outside the city limits.
 - a. Commercial and industrial. The tap fee for commercial and industrial users shall be calculated by taking the area of the cross section of the new user's water meter tap and dividing it by 0.31 (the tap area of a five-eighths-inch meter), rounding up to the nearest whole number and multiplying the resulting number by ~~\$1,250.00~~ \$1,250.00. See the following formula:

$$\text{Tap Fee} = \text{Round_up} \left(\frac{\pi \left(\frac{\text{Diameter}}{2} \right) \left(\frac{\text{Diameter}}{2} \right)}{.31} \right) * \$1,250$$

~~For example, the tap fee for a one inch tap would be: =~~

$$\text{Round_up} \left(\frac{3.14159 \left(\frac{1''}{2} \right) \left(\frac{1''}{2} \right)}{.31} \right) * \$1,250$$

For example, the tap fee for a one inch tap would be:

$$= \text{Round_up} \left(\frac{\left(\frac{3.14159}{4} \right)}{.31} \right) * \$1,250$$

$$= \text{Round_up} \left(\frac{.7854}{.31} \right) * \$1,250 = \text{Round_up}(2.53) * \$1,250 = 3 * \$1,250 = \$3,750$$

The chart below provides calculated values for tap and capacity fees based on various water meter sizes.

Residential Tap Fees	
Inside city limits gravity tap fee	\$1,500.00
Inside city limits grinder, additional	32,000.00 3,200.00
Outside city limits tap fee	2,000,000.00 2,000.00
Inspection fee	50,000.00 5,000.00

Commercial Tap Fees		
Water Tap Size	Fee	Inspection Fees
¾"	\$-1,250.00	\$50.00 100.00
1"	3,750.00	100.00 50.00
1½"	6,250.00	100.00 50.00
2"	13,750.00	100.00 50.00
3"	28,750.00	100.00 50.00
4"	51,250.00	100.00 50.00
5"	80,000.00	100.00 50.00
6"	115,000.00	100.00 50.00
7"	156,250.00	100.00 50.00
8"	203,750.00	100.00 50.00
9"	257,000.00	100.00 50.00
10"	317,000.00	100.00 50.00
11"	383,750.00	100.00 50.00
12"	456,250.00	100.00 50.00
13"	536,250.00	100.00 50.00
14"	621,250.00	100.00 50.00

[Rate change as per City of Mt. Juliet Ordinance 2024-25 effective July 31, 2024](#)~~[Rate change as per City of Mt. Juliet Ordinance 2009-52 effective 11/09/2009](#)~~

Commercial and industrial users who exceed 25,000 square feet of heated and cooled structures and who are required to contribute or construct any off-site improvements, extensions, or upgrades to the city sewer system shall be allowed to use 50 percent of their financial contributions as a credit towards the payment of future tap fees for the site served by such improvements. Commercial and industrial users whose approved site plans include at least 25,000 square feet of heated and cooled structures and who are required to advance contributions for the costs of relocation of any natural gas transmission pipeline done in order to facilitate the relocation or improvement of any city or state road or highway, shall be allowed to use 50 percent of said financial contributions up to a maximum of \$207,000.00 as a credit towards the payment of future tap fees for the site served by such improvements; provided, however, that such 50 percent financial contribution shall be calculated only on expenditures for which there is no reimbursement to the commercial or industrial user. This is not retroactive and applies from this day forward of passage of the ordinance from which this section is derived.

- (b) Nothing in this section shall relieve a property or business owner applying for a sewer tap fee for a new construction from paying the sewer tap fee in a single payment. Existing business establishments are required to pay the sewer tap fee in a single payment.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

Sec. 30-366. Use charges.

- (a) *Quantity based.* Use charges shall be based upon units of 1,000 gallons of water delivered to the user. For all persons who pay the base charge, there shall be no use charge for the first 2,000 gallons of water used. The use charge shall be \$5.76 for each 1,000 gallons or part thereof in excess of the first 2,000 gallons until modified by the director of finance pursuant to the provisions of the next subsection. Use charges shall be due and payable monthly. Customers who utilize wells or private water supplies who discharge wastewater to the publicly owned treatment works shall notify the director of finance, in writing, and shall meter the waste placed in the system by a meter approved by the director of finance. Failure to so notify the director of finance, in writing, shall be a continuing violation for each day of failure and shall be subject to a fine.

- (b) *Waste characteristics.* Waste water exceeding the following characteristics shall bear additional charges set by the director of utilitiespublic works.

Biochemical oxygen demand (5-day)	300 mg/l
Chemical oxygen demand	600 mg/l
Suspended solids -	325 mg/l
Ammonia-nitrogen -	30 mg/l
Oil and grease -	100 mg/l

- (c) *Method of setting use charges.* Annually, on ~~1~~ November 1 of each year, the director of utilitiespublic works shall calculate the cost of providing sewer services and calculate a new base charge and a new use charge for the following year. Calculations shall be based on actual costs in the previous fiscal year. The base charge shall be the same as the use rate for 2,000 gallons of ~~waste water~~wastewater. The new charges shall take effect on January 1 of the following calendar year.
- (d) *Constituents of use charge.* The user charge will be computed from operating costs and depreciation. The user charge will be the user's share of the costs of operation, maintenance, and replacement for handling its periodic volume of normal wastewater plus the user's share of any bond amortization costs of the city.
- (1) *Operation, maintenance, and replacement user charges.* Each user's share of operation, maintenance and repair costs will be computed by the following formula:

u =	$\frac{C_t}{V_t}$	(V _u)

Where:

C_u = User's charge for operation, maintenance and repair per unit time.

C_t = Total operation, maintenance and repair costs per unit of time, less costs recovered from surcharges.

V_t = Total volume contribution from all users per unit time.

V_u = Volume contribution from individual user per unit time.

- (2) *Bonded indebtedness charges.* Each user's share of bonded indebtedness costs will be based on a schedule which reflects the user's volumetric and waste strength contribution to the system.
- (3) *User surcharges.* The surcharge will be the user's proportionate share of the operation, maintenance and repair costs for handling its periodic volume of wastewater which exceeds the strength of biochemical oxygen demand (five-day), suspended solids, or other pollutants in normal wastewater as listed in ~~the~~ section 30-358. The amount of surcharge will be determined by the following formula:

$$C_s = (B_c \times B + S_c \times S + P_c \times P) 8.34 V_u$$

Where:

C_s = Surcharge for wastewater exceeding the strength of normal wastewater expressed in dollars per billing period.

B_c = Operation, maintenance and repair cost for treatment of a unit of biochemical oxygen demand (five-day) expressed in dollars per pound.

B = Concentration of BOD₅ (biochemical oxygen demand - 5-day) from a user above the base level of 300 mg/l expressed in mg/l.

S_c = Operation, maintenance and repair costs for treatment of a unit of suspended solids expressed in dollars per pound.

S = Concentration of suspended solids from a user above the base level of 300 mg/l, expressed in mg/l.

P_c = Operation, maintenance and repair costs for treatment of a unit of any pollutant which the publicly owned treatment works is committed to treat by virtue of ~~an~~ National Pollutant Discharge Elimination System permit or other regulatory requirement, expressed in dollars per pound.

P = Concentration of any pollutant from a user above a base level. Base levels for pollutants subject to surcharge will be established by the director of utilitiespublic works.

V_u = Volume contribution of a user per billing period in million gallons based on a 24-hour average for a billing period.

The values of parameters used to determine user charges may vary from time to time. Therefore, the publicly owned treatment works is authorized to modify any parameter or value as often as is necessary. Review of all parameters and values shall be undertaken at least annually.

- (4) *Commercial, industrial and pretreatment program charges.* All commercial and industrial users shall pay all regular charges and a surcharge equal to 43 percent of the standard charges. Industrial users, veterinary and animal care establishments, food preparation business and others suspected of generating ~~waste water~~wastewater with contaminants per liter exceeding the normal contaminants per liter for a single-family home shall be required to pay a separate pretreatment program charge for evaluation of their waste-water and pretreatment inspection if necessary. This charge will be based on the user's proportional share of the costs of administering the publicly owned treatment works pretreatment program, which includes costs incurred by the publicly owned treatment works for verification monitoring, analysis, and reporting. Each user's share of the pretreatment program costs will be computed by the following formula:

$u =$	$\frac{C_t}{V_t}$	(V_u)

C_u = User's charge for publicly owned treatment works pretreatment program per unit time.

C_t = Total publicly owned treatment works pretreatment program costs per unit time.

V_t = Total volume contribution of permitted industrial users per unit of time.

V_u = Volume contribution from a permitted industrial user per unit of time.

In cases where a user would otherwise qualify as a residential user but is metered for water service on a meter measuring multi-family dwellings, the director of utilitiespublic works may require, as a prerequisite for extending residential rates, an agreement from all users and or a hold harmless agreement from the owner of the meter to pay the billing collectively from one meter without recourse and may require that any improvements to or alterations of the sanitary sewer service lines for the real property be made in compliance with standards of the City of Mt. Juliet and at the expense of the property owner.

- (5) *Review of operation, maintenance and repair charges.* Mt. Juliet shall review at least annually the wastewater contribution by users, the total costs of operation, maintenance and repair of the treatment works, and its approved user charge system. The publicly owned treatment works shall revise the user charges to accomplish the following:
- Maintain the proportionate distribution of operation, maintenance and repair costs among users or classes of users.

-
- b. Generate sufficient revenue to pay the total operation, maintenance and repair costs of the treatment works.
 - c. Apply any excess revenues collected to the costs of operation, maintenance and repair for the next year and adjust rates accordingly.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

Sec. 30-367. Outside city customers.

- (a) Subject to subsection (b), All users who are located outside the city shall pay all regular charges and a surcharge of 100 percent additional for all fees including tap, connection, pretreatment and user fees.
- (b) All users who begin receiving sewer service after June 9, 2019 will pay the fee in subsection (a) and are located outside the city, but within the city's urban growth boundary, shall pay all regular charges and fees for out of city users set forth in subsection (a) plus a monthly fee equal to one ~~twelfth~~twelfth of the Mt. Juliet City property taxes that would be owed to the city if the user was annexed into the city. The monthly fee shall be calculated based upon the most recent tax appraisal. The user reverts to ~~out-of-city~~out-of-city rates upon requesting annexation into the City of Mt. Juliet, so long as annexation into the City of Mt. Juliet is legally permitted at the time of the request. If the city annexes the property, the user reverts to ~~in-~~city sewer rates.
- (c) Those approved prior to June 9, 2019 will continue to pay the same rates that they currently pay.
- (d) The city reserves the right to refuse sewer service to any area outside the city.
- (e) Any developer or ~~land-owner~~landowner who anticipates undertaking any project outside the city limits of the city which would require a connection to the city sewer system shall first obtain the approval of the city planning commission and the city commission prior to any engineering design work concerning the sewer system. Out of city sewer service application and fee shall be submitted to the ~~public works~~utilities department prior to any request for service being heard by the city planning commission and city commission.
- (f) After receiving approvals necessary for the connection, final approval will be granted by the ~~public works~~utilities director or his/her designee. The developer and the developer's engineer shall work closely with the engineer for the city sewer system during the design, construction and inspection stages of the development. Such systems shall also have the approval of the engineer for the city regarding the as-built system prior to connection.
- (g) Any developer who fails to obtain such prior approval shall not be allowed to connect to the city sewer system.
- (h) To the extent any rate or fee set out herein is determined to be unenforceable as applied to ~~out-of-city~~out-of-city users, the city intends the provisions set forth above to be severable, resulting in the charging of the rate for all services provided, in the past and prospectively, that would have been charged but for the unenforceable provision.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013; Ord. No. 2017-53, § 1, 9-11-2017; Ord. No. 2019-36, 7-9-2019)

Sec. 30-368. New accounts and sureties.

All applicants for sewer services shall open an account with the finance department on 2365 N. Mt. Juliet Road. Applicants with no former account with Mt. Juliet shall pay an administrative charge of \$25.00 at the time they fill out the application. People who start to use the system without filling out an application shall be charged an administrative charge of \$125.00 with their first bill.

All persons renting or leasing property shall also present a surety agreement from their landlord in substantially the form of Schedule A [which is available in the office of the city clerk].

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

Sec. 30-369. Waiving sign-up fee for sewer activation fee for ~~active-duty~~ active-duty military personnel.

- (a) The director of finance hereby has authority to waive the sewer activation fee of \$25.00 for an ~~active-duty~~ active-duty member of the United States Military or National Guard.
- (b) The person applying for the waiver of the fee must reside at the location that the sewer hookup is being applied for.
- (c) The person applying must present proper identification and documents as required by the director of finance to verify they are on active duty at the time the hook up is required.
- (d) The activation fee of \$25.00 to hook onto the sewer system is waived.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

Sec. 30-370. Processing fee and other charges for utility customers paying with credit or debit cards.

- (a) The City of Mt. Juliet is hereby empowered to contract with a ~~third-party~~ third-party vendor or will arrange for city sewer service credit or debit cards as the method of payment for monthly and other utility charges.
- (b) In the event that the credit or debit card company issuing the card does not honor payment of the charge, the city shall collect the same fee that is normally charged for returned checks, and this fee shall be in addition to the normal fee for using a credit or debit card for payment of utility bills.
- (c) The ~~third-party~~ third-party vendor may establish the convenience fee not to exceed 3.5 percent of the payment.
- (d) Compliance, if required, with TCA 47-10-119, shall be completed prior to implementation and a post implementation review shall be provided in compliance with TCA § 47-10-119.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

Secs. 30-371—30-394. Reserved.

DIVISION 12. ADMINISTRATION²

Sec. 30-395. Wastewater hearing authority board.

- (a) There is established a board of three members to be known as the wastewater hearing authority board. Board members should not be a consultant, contractor, or have any other work with the city, department or any non-domestic user in Mt. Juliet that would cause a conflict of interest.
- (b) Composition and length of term. The board shall be composed of the following, to be recommended by the department and approved by a majority vote of the board of commissioners, and shall constitute the voting members of the board:

Representative Group	Length of Term (years)
1. Technical/Science or Academia (1 chairperson)	3
2. Technical/Science, Academia, or Financial (1 person)	3
3. Private citizenry (1 person)	3

- (c) Members may be removed from the board by a majority vote of the board of commissioners, for continued absence from meetings, or other just cause.

In addition to any other duty or responsibility otherwise conferred upon the board by this article, the board shall have the duty and power as follows:

- (1) To grant exceptions pursuant to the provisions of subsections (7) and (8), and to determine such issues of law and fact as are necessary to perform this duty.
- (2) To hold hearings upon appeals from orders of actions of the ~~public works~~utilities director as may be provided under the provisions of this article.
- (3) To hold hearings related to the suspension, revocation, or modification of a wastewater discharge permit and issue appropriate orders relating hereto.
- (4) To hold other hearings that may be required in the administration of this article and to make determinations and issue orders necessary to effectuate the purposes of this article.
- (5) The board, acting through its chairperson, shall have the power to issue subpoenas requiring attendance, the testimony of witnesses, and the production of documentary evidence relevant to any matter properly heard by the board.
- (6) The chairperson shall be authorized to administer oaths to people giving testimony.

²Editor's note(s)—Ord. No. 2013-09, §§ 1, 2, adopted Jan. 28, 2013, deleted the former Div. 12, §§ 30-356—30-368, and enacted a new Div. 12 as set out herein. The former Div. 12 pertained to similar subject matter and derived from Code 1997, § 13-1-13(a), (b); Ord. No. 2010-51, § 5, adopted Nov. 9, 2009; and Ord. No. 2012-75, § 1, adopted Dec. 10, 2012.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

Sec. 30-396. Public worksUtilities director.

- (a) *Director of public worksutilities and staff.* The director of public worksutilities and staff shall be responsible for the administration of the parts of this section, as defined herein.
- (b) *Authority of the director of public worksutilities.* The director of public worksutilities shall have the authority to enforce all sections of this article as defined herein. The director of public worksutilities shall be responsible and have the authority to maintain and operate the various treatment works, sewer lines, pump stations, and other appurtenances of the publicly owned treatment works. The director of public worksutilities shall be responsible for ~~preparation~~the preparation of operating budgets subject to the normal budgetary processes of the city.
- (c) *Records.* The director of public worksutilities shall keep in his office or at an appropriate storage facility all applications required under this article a complete record thereof, including a record of all wastewater discharge permits.
- (d) *Notice of national pretreatment standard.* The director of public worksutilities shall notify users identified in 40 Code of Federal Regulations, Part 403.8(f)(2) of any applicable pretreatment standards or other applicable requirements promulgated by the Environmental Protection Agency under the provisions of Section 204(b) of the Act (33 U.S.C. 1284), Section 405 of the Act (33 U.S.C. 1345), or under the provisions of Sections 3001, 3304, or 4004 of the Solid Waste Disposal Act. Failure of the director of public worksutilities to notify users shall not relieve the users from the responsibility of complying with these regulations.
- (e) *Public participation notice and significant non-compliance notice.* The director of public worksutilities shall comply with the public participation requirements of 40 Code of Federal Regulations, Part 425 in the enforcement of National Pretreatment Standards. The director of public worksutilities shall at least annually provide public notification in the largest local newspaper of all significant industrial users which, during the previous 12 months, were in significant non-compliance of applicable pretreatment standards or other pretreatment requirements, as defined at sections [30-298 and 30-300].
- (f) *Regulations and standards.* The director of public worksutilities may promulgate rules, regulations, and design criteria not inconsistent with this article and have them printed for distribution. These rules may include requirements for performing wastewater characterizations, analysis, and other measurements by standard methods approved by the director of public worksutilities.
- (g) *Sewer credits.* The director of public worksutilities shall approve secondary meters and determine other kinds of sewer use charge credits.
- (h) *Approves new construction.* The director of public worksutilities shall give approval in acceptance of newly constructed sanitary sewer lines, pump stations, and other appurtenances.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

Sec. 30-397. Director of finance.

If a sewer user can prove to the satisfaction of the director of finance that a specific amount of water is not going to the system, and is not adjusted, the director of finance is authorized, subject to approval of the city manager, to adjust the bill. If such adjustments are recurring the director of finance may require the user to obtain a separate meter and system, for measuring water not going to the sewer system, as a requirement to consideration of further adjustments.

(Ord. No. 2013-09, §§ 1, 2, 1-28-2013)

(Supp. No. 14)

Created: 2024-09-03 06:47:54 [EST]