

Chapter 15.60

INDUSTRIAL WASTE DISCHARGES

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A. The purpose of this chapter is to set uniform requirements for Users of the Metropolitan Government of Nashville and Davidson County's (Metro) wastewater collection system and treatment works to enable Metro to comply with the provisions of the Clean Water Act and other applicable federal laws and regulations, Tennessee's Water Quality Control Act and other applicable state laws and regulations, and to provide for the public health and welfare by regulating the quality of wastewater discharged into Metro's wastewater collection system and treatment works.

B. This chapter provides a means for determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits to certain Users. This chapter establishes effluent limitations and other discharge criteria and provides that certain Users shall pretreat waste to prevent the introduction of pollutants into the publicly owned treatment works, including the collection and transmission system (hereinafter referred to as POTW), which may interfere with the operation of the POTW or contaminate the sewage sludge; and to prevent the introduction of pollutants into the POTW which may pass through the treatment works into the receiving waters or the atmosphere, or otherwise be incompatible with the treatment works; to protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public; to enable Metro to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject; and to improve opportunities to recycle and reclaim wastewaters and sludge resulting from wastewater treatment. This chapter provides measures for the enforcement of its provisions and abatement of violations thereof. This chapter establishes a Wastewater Hearing Authority and establishes its duties and establishes the duties of the director of the department of water and sewerage services to ensure that the provisions of this chapter are administered fairly and equitably to all Users. (Prior code § 40-1-185). Metro reserves the right to establish, by ordinance or in individual wastewater discharge permits, or in general permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.

Article I. Discharges to Publicly Owned Treatment Works

15.60.020 Purpose of article—Specifications subject to review

This article establishes limitations and prohibitions on the quantity and quality of wastewater which may be lawfully discharged into the publicly owned treatment works. Pretreatment of some wastewater discharge will be required to achieve the goals established by this chapter and the Clean Water Act. The specified limitation set forth in Section 15.60.070, the Operational Division Policy No. 2008-01 for Local Limits and Wastewater Treatment Plant Protection Criteria, and other prohibitions and

limitations of this chapter, are subject to change to enable Metro to provide efficient wastewater treatment to protect the public health and the environment, and to enable Metro to meet requirements contained in its NPDES permit. The Wastewater Hearing Authority shall review such limitations from time to time to ensure that they are sufficient to protect the operation of the treatment works, that they are sufficient to enable the treatment works to comply with NPDES permit, that they are sufficient to provide for a cost-effective means of operating the treatment works, and that they are sufficient to protect the public health and the environment. The Authority shall recommend changes or modifications to the director as necessary. (Prior code § 40-1-186(a))

15.60.030 Construction of pretreatment plants—Plans—Permits

Plans, specifications and operating procedures for such wastewater pretreatment facilities shall be prepared by a registered engineer and shall be submitted to the director for review in accordance with accepted engineering practices. The director shall review such plans within forty-five days and shall recommend to the User any appropriate changes. Prior to beginning construction of the pretreatment facility, the User shall submit a set of construction plans and specifications to be maintained by the director. Prior to beginning construction, the User shall also secure such building, plumbing or other permits that may be required by this code. The User shall construct the pretreatment facility within the time provided in the User's wastewater discharge permit. Following completion of construction, the User shall provide the director with as-built drawings to be maintained by the director. (Prior code § 40-1 - 186(o))

15.60.040 Construction and maintenance of pretreatment facilities

Users of the POTW shall design, construct, operate and maintain wastewater pretreatment facilities whenever necessary to reduce or modify the User's wastewater constituency to achieve compliance with the limitations in wastewater strength or prohibition set forth in Sections 15.60.060, 15.60.070 and 15.60.080 to meet applicable National Pretreatment Standards, or to meet any other wastewater conditions or limitations contained in the User's wastewater discharge permit. (Prior code § 40-1- 186(n)).

15.60.045 Additional Pretreatment Measures

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

B. Metro 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.

15.60.050 Compliance with National Pretreatment Standards required

Certain Industrial Users are now or hereafter shall become subject to National Pretreatment Standards promulgated by the Environmental Protection Agency specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into the POTW. All Industrial Users subject to a National Pretreatment Standard shall comply with all requirements of such Standard and shall also comply with any additional or more stringent limitations contained in the General Pretreatment Regulations (40 CFR Part 403), the Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471, in this chapter, or in their permit. 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. (Prior code § 40-1-186(d))

15.60.055 State Pretreatment Standards

Industrial Users must comply with State Pretreatment Requirements (Tennessee Rule 1200-4-14).

15.60.060 Wastewater evaluation criteria

A. The wastewater of every Industrial User shall be evaluated upon the following criteria:

1. Wastewater containing any element or compound which is not adequately removed by the treatment works which is known to be an environmental hazard;
2. Wastewater causing a discoloration or any other condition in the quality of Metro's treatment works' effluent such that receiving water quality requirements established by law cannot be met;
3. Wastewater causing conditions at or near Metro's treatment works which violate any statute, rule or regulation of any public agency of this state or the United States;
4. Wastewater containing any element or compound known to act as a lacrimator, known to cause nausea, or known to cause odors constituting a public nuisance;
5. Wastewater causing interference with the effluent or any other product of the treatment process, residues, sludge or

scum causing them to be unsuitable for reclamation and reuse or causing interference with the reclamation process;

6. Wastewater having constituents and concentrations in excess of those listed in Section 15.60.070 or cause a violation of the limits in Section 15.60.090.

B. The director shall recommend and the Wastewater Hearing Authority shall approve reasonable limitations or prohibitions in the wastewater discharge permit of any Industrial User that discharges wastewater violating any of the above criteria as shall be reasonable to achieve the purpose and policies of this chapter. (Prior code § 40-1-186(c))

15.60.070 Wastewater pollutants—Maximum concentrations

No person or User shall discharge wastewater in excess of the pollutant concentrations identified in the Operational Division Policy No. 2008-01 for Local Limits (TABLE A), unless:

A. An exception has been granted the User under the provisions of Section 15.60.180; or

B. The wastewater discharge permit of the User provides, as a special permit condition, a higher interim concentration level in conjunction with a requirement that the User construct a pretreatment facility or institute changes in operation and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in the table within a fixed period of time.

Local Limits: Metro is authorized to establish Local Limits pursuant to Tennessee Rule 1200-4-14-.05(3).

Metro may develop Best Management Practices (BMPs) by ordinance or in individual wastewater discharge permits, or general permits, to implement Local Limits and the requirements of 15.60.070.

15.60.080 Prohibited pollutants

A. No person shall introduce into the publicly owned treatment works any of the following pollutants which, acting either alone or in conjunction with other substances present in the POTW, interfere with the operation of the POTW as follows:

1. Pollutants that create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in *40 CFR 261.21*;

2. Pollutants which cause corrosive structural damage to the POTW, but in no case discharges with a pH lower than 5.0 or higher than 10.0;

3. Solid or viscous pollutants in amounts which cause obstruction to the flow of the sewers, or other interference with the operation of or which cause injury to the POTW, including waxy or other materials which tend to coat and clog a sewer line or other appurtenances thereto;

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

5. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat such quantities that the temperature of the influent at the treatment works exceeds 40 degrees Centigrade (104 degrees Fahrenheit). Unless a higher temperature is allowed in the User's wastewater discharge permit, no User shall discharge into any sewer line or other appurtenance of the POTW wastewater with a temperature exceeding 65.5 degrees Centigrade (150 degrees Fahrenheit);

6. Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through;

7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

8. Any trucked or hauled pollutants except at discharge points designated by the POTW;

9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating Metro's NPDES permits;

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

12. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by Metro;

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.

B. 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 Sections 15.60.070 and 15.60.090 or the Industrial User's permit. (Prior code § 40-1-186(b))

C. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any

other National, State, or local Pretreatment Standards or Requirements.

15.60.081 Prohibition of By-Pass

Bypass means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility. Bypass is prohibited, and the Department of Water Services may take enforcement action against an Industrial User for a bypass, unless;

A. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

B. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime of preventative maintenance; and

C. The Industrial User submitted notices as required. If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least ten days before the date of the bypass. An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Department within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Department may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

15.60.082 Hazardous Waste Discharge

The Industrial User shall notify the Department of Water Services, 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)*.

15.60.090 Treatment plant influent pollutants— Maximum concentrations

No person or User shall discharge wastewater that will cause the influent concentration at any Metro Wastewater Treatment Plant

to exceed the pollutant levels identified in Operational Division Policy No. 2008-01 for Wastewater Treatment Plant Protection Criteria - Treatment Plant Influent - Maximum Concentrations (TABLE B). The director shall monitor the treatment works influent for each pollutant identified in the Operational Division Policy No. 2008-01 (TABLE B). In the event that the influent at the treatment works reaches or exceeds the levels established by said table, the director shall initiate technical studies to determine the cause of the influent violation and shall initiate such remedial measures as are necessary, including but not limited to the establishment of new or revised pretreatment levels for these parameters. The director may also change any of these criteria in the event the POTW effluent standards are changed or in the event changes are deemed advisable for effective operation of the POTW.

15.60.095 Dilution

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. Metro may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

15.60.100 Unpolluted storm water prohibited— Exceptions

Storm water, groundwater, rainwater, street drainage, rooftop drainage, basement drainage, subsurface drainage, or yard drainage, if unpolluted, shall not be discharged through direct or indirect connections to a community sewer unless a storm sewer or other reasonable alternative for removal of such drainage does not exist, and then only when such discharge is permitted by the User's wastewater discharge permit and the appropriate fee is paid for the volume thereof. (Prior code § 40-1-186(e))

15.60.110 Unpolluted water prohibited— Exceptions

Unpolluted water, including but not limited to cooling water or process water, shall not be discharged through direct or indirect connections to a community sewer except on the same conditions as provided in Section 15.60.100. (Prior code § 40-1-186(f)).

15.60.120 Waste from garbage grinders prohibited — Exceptions

A. Waste from garbage grinders shall not be discharged into a community sewer except where generated in preparation of food consumed on the premises, and then only where applicable fees, therefore are paid. Such grinders must shred the waste to a

degree that all particles will be carried freely under normal flow conditions prevailing in the community sewers. Garbage grinders shall not be used for the grinding of plastic, paper products, inert materials or garden refuse.

B. This section shall not apply to domestic residences. (Prior code § 40-1-186(h))

15.60.125 Food Service Establishments - Control of Fats, Oils & Grease (FOG) Discharges

All food service establishments are required to comply with Operational Division Policy No. 2004-01: Metro Water Services Fats, Oils and Grease Management Policy

15.60.126 Multi-Dwelling Units / Apartments – Control of Fats, Oils & Grease (FOG) Discharges

Any multi-dwelling unit, or apartment building or complex shall be subject to enforcement action for discharging FOG that contributes to a sanitary sewer overflow event, or obstruction to the sewer system.

15.60.130 Liquid waste transport trucks— Permit requirements

A. No person owning vacuum or cesspool pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the POTW unless such person shall first have applied for and received a truck discharge operation permit from the director or his designated representative. All applicants for a truck discharge operation permit shall complete such forms as required by the director, pay appropriate fees, and shall agree in writing to abide by the provisions of this chapter and any special conditions or regulations established by the director.

B. The owners of such vehicles shall affix and display the permit number on the side of each vehicle used for such purposes.

C. Such permits shall be valid for a period of one year from the date of issuance; provided that, such permit shall be subject to revocation by the director for violation of any provision of this chapter or reasonable regulation established by the director.

D. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste.

E. The director shall designate the locations and times where such trucks may be discharged and may refuse to accept any truckload of waste in his absolute discretion where it appears that the waste could interfere with the effective operation of the treatment works or any sewer line or appurtenance thereto.

F. The owner of a truck discharge operation permit shall provide manifest to the POTW that states the source of the domestic waste they wish to discharge, the volume of wastewater from each source, and whether any industrial waste is included in the wastewater.

G. The owner of the truck discharge operation permit shall purchase a bond sufficient to cover his potential liability for violating his permit. (Prior code § 40-1-186(j))

15.60.140 Holding tank and Hauled waste—Permit required

No person shall discharge any other holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the director. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur and the volume of the discharge, and shall limit the wastewater constituents and characteristics of the discharge. Such User shall pay any applicable charges or fees therefore and shall comply with the conditions of the permit issued by the director. Provided, however, no permit will be required to discharge domestic waste from a recreational vehicle holding tank provided such discharge is made into an approved facility designed to receive such waste. (Prior code § 40-1 - 186(k))

15.60.150 Radioactive waste prohibited— Exceptions

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

A. When the person is authorized to use radioactive materials by the Tennessee Department of Public Health or the Nuclear Regulatory Commission;

B. When the waste is discharged in strict conformity with applicable laws and regulations of the aforementioned agencies, or any other agency having jurisdiction; and

C. When a copy of permits received from said regulatory agencies have been filed with the director. (Prior code § 40-1-186(g))

15.60.160 Direct discharge into manhole — Permit required

No person shall discharge any substance directly into a manhole or other opening in a community sewer other than through an approved building sewer unless he shall have been issued a temporary permit by the director. The director shall incorporate in such temporary permits such conditions as he deems reasonably necessary to ensure compliance with the provisions of this chapter, and the User shall be required to pay applicable charges and fees, therefore. (Prior code § 40-1-186(i))

15.60.170 Accidental discharge — Safeguards — Special permit conditions for past offenders

A. 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 chapter 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 area, and from diked areas or holding ponds of any waste regulated by this

chapter.

B. The wastewater discharge permit of any User who has a history of significant leaks, spills or other accidental discharge of waste regulated by this chapter shall be subject, on a case-by-case basis, to a special permit condition or requirement for the construction of facilities or establishment of procedures which will prevent or minimize the potential for such accidental discharge. Plans, specifications and operating procedures for such special conditions shall be developed by the User and submitted to the director for review under the provisions of Section 15.60.030. (Prior code § 40-1-186(p))

15.60.175 Prevention of Accidental and/or Slug Discharges

For the purposes of this subsection, 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 by telephone 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 Metro immediately of any changes at its facility affecting the potential for a Slug Discharge. Metro must evaluate all SIUs for the need for a slug control plan or other actions. Any new SIUs shall be evaluated for the need of a slug control plan within twelve (12) months of being permitted by the Department. Existing SIUs may be required to review and resubmit a revision of the slug control plan at the request of the Department. Should the Department decide that a slug control plan is needed by the Industrial User, the plan shall contain, at a minimum, the following elements;

A. Description of discharge practices, including non-routine batch discharges;

B. Description of stored chemicals;

C. 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;

D. If deemed necessary by the director, 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.

15.60.180 Temporary exceptions—Procedure

A. Purpose. This section provides a method for Industrial Users subject to the limitation on wastewater strength parameters listed in Article II of this chapter to apply for and receive a temporary exception to the discharge level for one or more parameters.

B. Time of Application. Applicants for a temporary exception shall apply for same at the time they are required to apply for a wastewater discharge permit or a renewal thereof; however, the director shall allow applications at any time unless the applicant shall have submitted the same or substantially similar application within the preceding year and the same shall have been denied by the Authority.

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 Authority pursuant to subsection E of this section.

D. Review by director. All applications for an exception shall be reviewed by the director. If the application does not contain sufficient information for complete evaluation, the director shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty days following notification by the director to correct such deficiencies. This thirty-day period may be extended by the Authority upon application and for just cause shown. Upon receipt of a complete application, the director shall evaluate same within thirty days and shall submit his recommendations to the Authority at its next regularly scheduled meeting.

E. Review by Authority. The Authority shall review and evaluate all applications for an exception and shall take into account the following factors:

1. The Authority shall consider whether or not the applicant is subject to a National Pretreatment Standard containing discharge limitations more stringent than those in Article II and grant an exception only if such exception may be granted within limitations of applicable federal regulations.

2. The Authority shall consider whether or not 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 (33 U.S.C. 1317), and then grant an exception only if such exception may be granted with the limitations of applicable federal regulations.

3. The Authority shall consider whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works, taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works.

4. The Authority shall consider whether or not the granting of an exception might cause the treatment works to violate the limitations in its NPDES permit, taking into consideration the concentration of the pollutant in the treatment works' influent and the demonstrated ability of the treatment

works to consistently remove such pollutant.

5. The Authority shall consider whether or not the granting of an exception would cause elements or compounds to be present in the sludge of the treatment works which would prevent sludge use or disposal by Metro or which would cause Metro to violate any regulation promulgated by EPA under the provisions of Section 405 of the Act (33 U.S.C. 1345).

6. The Authority 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 Authority 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 Authority may consider the process employed by the User and process changes available which would affect the quality or quantity of wastewater discharge.

9. The Authority 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 Authority may consider an application for an exception based upon the fact that water conservation measures instituted by the User 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 of pollutants discharged. To be eligible for an exception under this paragraph, the application must show that except for water conservation measures, the applicant's discharge has been or would be in compliance with the limitations on wastewater strength set forth in Article II; however, no such exception shall be granted if the increased concentration of pollutants in the applicant's wastewater would have a significant adverse impact upon the operation of the POTW.

F. Good Management Practices Required. The Authority shall not grant an exception unless the applicant shall demonstrate to the Authority that he is utilizing "good management practices" (GMP) to prevent or reduce his contribution of pollutants to the POTW. GMP's include but are not limited to preventative operating and maintenance procedures, schedule of activities, process changes, prohibiting of activities, and other management practices to reduce the quality or quantity of effluent discharged and to control plant site runoff, spillage, leaks and drainage from raw material storage.

G. Exception May Be Granted Following Review. The Authority shall review the application for an exception at the first regularly scheduled meeting following recommendation of the director. It may grant the application for exception with such conditions or limitations as may have been recommended by the director without a hearing provided no person, including the applicant, shall object thereto, and provided further that the Authority finds that the granting of the exception with such conditions as have been recommended by the director will be in compliance with the provisions of this chapter.

H. Hearing. In the event that the applicant objects to the recommendations of the director concerning conditions to be

imposed upon the applicant, the Authority desires a hearing to further investigate the matter, or any interested party granted permission by the Authority to intervene objects to the granting of the exception, the Authority shall schedule a hearing within ninety days following presentation of the matter by the director to resolve such matters. At such hearing, the applicant, the director and any intervening party shall have the right to present relevant proof by oral or documentary evidence. The procedure set forth in Section 15.60.360 shall be applicable to such a hearing. The applicant shall bear the burden of proof in such hearing.

I. Additional Cost and Expense.

1. The director may require any person discharging substances in strengths greater than those permitted by this chapter to pay any additional costs or expense incurred by Metro for transmission and treatment of such substances.

2. The treatment system shall be reviewed at the end of each fiscal year and appropriate surcharge rates applied to the wastewater billing.

3. Such charge for the Biochemical Oxygen Demand₅ (BOD₅), ammonia, suspended solids, and oil and grease will be computed using the following formula:

Surcharge (\$)/P = 8.34 X (F) X (TC) X (Pa-Pm) Surcharge (\$)
total = Surcharges of BOD₅ + ammonia + suspended solids and grease.

P—Parameter: BOD₅ or ammonia or suspended solids or grease.

F—Flow in millions of gallons per day.

TC—Treatment costs for servicing POTW per pound of parameter.

Pa—Parameter, actual.

Pm—Parameter, maximum.

4. Charges for other pollutants will be computed on a case-by-case basis. (Ord. 2001-778 § 1, 2001; Prior code § 40-1-187, Part II (a)—(i))

15.60.190 Dangerous discharge—Emergency procedures

A. Telephone Notification. Any person causing or suffering any discharge, whether accidental or not, which presents or may present an imminent or substantial endangerment to the health and welfare of persons or to the environment, or which is likely to cause interference with the POTW, shall notify the director or his designee immediately, within one hour of becoming aware of the discharge, by telephone.

B. Written Report. Within five days following such occurrence, the User shall provide the 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 POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties or other liability which may be imposed by this chapter 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 whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such dangerous discharge to occur are advised of the emergency notification procedure. (Prior code § 40-1-188, Part II (a)—(c))

Article II. Discharge Permits

15.60.200 Applicability of article

The provisions of this chapter are applicable to all Industrial Users of the POTW. Any permits issued hereunder to Industrial Users who are subject to or who become subject to a "National Pretreatment Standard" as that term is defined in 40 CFR Section 403.3(i) shall be conditioned upon the Industrial User's also complying with all applicable substantive and procedural requirements promulgated by the Environmental Protection Agency or the state in regard to such National Pretreatment Standards. (Prior code § 40-1-187, Part I (a))

15.60.210 Application—Requirements

All Industrial Users of the POTW prior to discharging nondomestic waste into the POTW shall apply for and obtain a wastewater discharge permit in the manner hereinafter set forth. All original applications shall be accompanied by a report containing the information specified in Section 15.60.220. All original applications shall also include a site plan, floor plan, mechanical and plumbing plans with sufficient detail to show all sewers and appurtenances in the User's premises by size, location and elevation; and the User shall submit to the director revised plans whenever alterations or additions to the User's premises affect said plans. Any currently connected User discharging waste other than domestic waste who has not heretofore filed such a report shall file the same with the director prior to twelve months from adoption of this chapter (October 7, 1980). All correspondence to Metro required by this chapter shall be addressed to the Environmental Compliance Section, Metro Department of Water and Sewerage Services, 1600 Second Avenue North, Nashville, TN 37208. (Prior code § 40-1-187, Part I (b)).

15.60.220 Application—Report requirements

A. The report required by Section 15.60.210 above or other provisions of this title for all Industrial Users shall contain in units and terms appropriate for evaluation the information listed in paragraphs (1) through (5) of subsection B below. Industrial Users subject to National Pretreatment Standards shall submit to the director a report which contains the information listed in subsection B below within one hundred eighty days after the promulgation by the Environmental Protection Agency of a National Pretreatment Standard under Section 307(b) or (c) of the Act or prior to twelve months from adoption of this title where such National Pretreatment Standards have been promulgated prior to

the effective date of this title; provided that Industrial Users subject to the requirements of 40 CFR Section 403.12 may file with the director a copy of a report submitted to the "Control Authority," as defined in said section, in lieu of the report herein provided. Industrial Users who are unable to achieve a discharge limit set forth in Article I of this chapter without improved operation and maintenance procedures of pretreatment shall submit a report which contains the information listed in subsection B of this section.

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

1. The name and address of the Industrial User;
2. The location of such Industrial User;
3. Description of Operations: (a) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes. (b) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW; (c) Number and type of employees, hours of operation, and proposed or actual hours of operation; (d) Type and amount of raw materials processed (average and maximum per day); (e) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
4. The average and maximum flow of the discharge from such Industrial User to the POTW, in gallons per day;
5. The nature and concentration of pollutants in the discharge from each regulated process from such Industrial User and identification of any applicable Pretreatment Standards and Requirements. The concentration shall be reported as a maximum or average level as provided for in the applicable Pretreatment Standard; if an equivalent concentration limit has been calculated in accordance with any Pretreatment Standard, this adjusted concentration limit shall also be submitted to the director for approval;
6. A statement, reviewed by an authorized representative of the Industrial User (as defined in Section 15.04.060) and certified by a qualified professional, who shall be approved in writing by Metro, indicating whether Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance procedures or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements; and
7. If additional pretreatment or operation and maintenance procedure will be required to meet the Pretreatment Standards, then the report shall contain the shortest schedule by which the Industrial User will provide such additional pretreatment. The completion date in this schedule for pollutants assigned National Pretreatment Standards shall not be later than the completion date established for the applicable National

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 Metro, 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 15.60.285 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by Metro or the applicable Standards to determine compliance with the Standard.

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

C. For purposes of this section, 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 User's discharging any incompatible pollutant regulated by Article I of this chapter. For purpose of this section, the term "pollutant" shall include any pollutant identified in a National Pretreatment Standard or any incompatible pollutant identified in Article I of this chapter. (Prior code § 40-1-1 87, Part I (c)).

15.60.230 Incomplete applications—Notice to correct — Denial

The director will act only on applications that are accompanied by a report which contains all the information required in Section 15.60.220. Persons who have filed incomplete applications will be notified by the director that the application is deficient and the nature of such deficiency and will be given thirty days to correct the deficiency. If the deficiency is not corrected within thirty days or within such extended period as allowed by the director, the director shall submit the application for a permit to the Authority with a recommendation that it be denied and notify the applicant in writing of such action. (Prior code § 40-1-187, Part I (d))

15.60.240 Application—Recommendation of special conditions

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

- A. Pretreatment Requirements;

B. The average and maximum wastewater constituents and characteristics;

C. Limits on rate and time of discharge or requirements for flow regulations and equalization;

D. Requirements for installation of inspection and sampling facilities;

E. Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule;

F. Requirements for submission of technical reports or discharge reports;

G. Requirements for maintaining records relating to wastewater discharge;

H. Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants (as set forth in Article I of this chapter) are proposed or present in the User's wastewater discharge;

I. Other conditions as deemed appropriate by the director to ensure compliance with this title or other applicable ordinance, law or regulation;

J. A reasonable compliance schedule, not to extend beyond July 1, 1983, 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;

K. Requirements for the installation of facilities to prevent and control accidental discharge or "spills" at the User's premises;

L. The unit charge or schedule of charges and fees for the wastewater to be discharged to a community sewer. (Prior code § 40-1-187, Part I (e))

15.60.250 Special permit conditions—Notice to applicant—Procedure to file objections

A. Upon completion of his evaluation, the director shall notify the applicant of any special permit conditions which he proposed be included in the wastewater discharge permit.

B. The applicant shall have forty-five days from and after the date of the director's recommendations for special permit conditions to review same and file written objections with the director in regard to any special permit conditions recommended by the director. The director or his representative may but shall not be required to schedule a meeting with the applicant's authorized representative within fifteen days following receipt of the applicant's objections and attempt to resolve disputed issues concerning special permit conditions.

C. If the applicant files no objection to special permit conditions proposed by the director, or a subsequent agreement is reached concerning same, the director shall issue a wastewater discharge permit to the applicant with such special conditions incorporated therein. Otherwise, the director shall submit the disputed matters to the Authority for resolution as hereinafter provided. (Prior code § 40- 1-187, Part I (f)).

15.60.252 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.

A. Individual wastewater discharge permits must contain:

1. A statement that indicates the wastewater discharge permit's issuance date, expiration date and effective date. No permit is to exceed a five (5) year duration;

2. A statement that the wastewater discharge permit is nontransferable without prior notification to Metro, 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 practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;

5. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

6. Requirements to control Slug Discharge, if determined by the director to be necessary.

15.60.255 Wastewater Discharge Permits: General Permits

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

1. Involve the same or substantially similar types of operations;

2. Discharge the same types of wastes;

3. Require the same effluent limitations;

4. Require the same or similar monitoring; and

5. In the opinion of the director are more appropriately controlled under a general permit than under individual wastewater discharge permits.

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.

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 Section 15.60.255 and applicable State regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the general permit.

c. General Permits will contain the same required information as listed in 15.60.252.

Metro 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 as per 40 CFR 403.

15.60.258 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.*

(d) *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 Metro prior to or together with any reports to be signed by an Authorized Representative

15.60.260 Unresolved disputes—Hearing

A. In the event the director cannot issue a wastewater discharge permit pursuant to Section 15.60.250, the director shall submit to the Authority his proposed permit conditions and the applicant's written objections thereto at the next regularly scheduled meeting of the Authority.

B. The Authority shall schedule a hearing within ninety days following the meeting referred to in subsection A unless such time be extended for just cause shown to resolve any disputed matters relevant to such permit.

C. The director shall notify the applicant of the date, time, place and purpose of the hearing scheduled by the Authority. The applicant shall have the right to participate in such hearing and present any relevant evidence to the Authority concerning proposed special permit conditions or other matters being considered by the Authority.

D. Following such hearing or such additional hearings as shall be deemed necessary and advisable by the Authority, the Authority shall establish such special permit conditions as it deems advisable to ensure the applicant's compliance with this title or other applicable law or regulation and direct the director to issue a wastewater discharge permit to the applicant accordingly. (Prior code § 40-1 - 187, Part I (g))

15.60.270 Compliance schedule and reports—Requirements

SIU Compliance Monitoring Reports: All Significant Industrial Users must, at a frequency determined by Metro 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 Metro 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 15.60.258.

The following conditions shall apply to the schedule required by Section 15.60.220, 15.60.240 or 15.60.260 of this section:

A. 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 and Pretreatment Requirements (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

B. No increment referred to in subsection A shall exceed nine months.

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

D. Within ninety days, or the date for final compliance given in the Industrial User's permit, any Industrial User subject to Pretreatment Standards and Requirements shall submit to the control Authority and the director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the Industrial User which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional operation and maintenance procedure or pretreatment is necessary to bring the Industrial User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, as defined in Section 15.04.060, and certified to by a qualified professional.

E. Any Industrial User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a new source, after commencement of the discharge into the POTW, or subject to a final compliance date in his permit, shall submit to the control Authority and the director during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Control Authority and the director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Section 15.60.220 (B)(4). At the discretion of the control Authority or the director, as applicable, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the control Authority or the director, as applicable, may agree to alter the months during which the above reports are to be submitted.

F. The control Authority or the director, as applicable, may

impose mass limitations on Industrial Users which are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (E) above shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the Industrial User.

G. The Industrial User shall notify the POTW immediately by telephone of any slug loading (within one hour), as defined by Sections 15.60.020 through 15.60.170 of this chapter, by the Industrial User.

H. The reports required in this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass limits where requested by the control Authority or the director, as applicable, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analyses shall be performed in accordance with procedures established by the Environmental Protection Agency under the provisions of Section 304(h) of the Act (33 U.S.C. 1314(h)) and contained in 40 CFR part 136 and amendments thereto or with any other test procedures approved by the Environmental Protection Agency or the director. Sampling shall be performed in accordance with the techniques approved by the Environmental Protection Agency, or the director, and only by persons or companies approved by the director.

I. Any Industrial User required by this section to submit a similar report to the control Authority under the provisions of 40 CFR Section 403.12 may submit to the director a copy of said report in lieu of a separate report to the director provided that all information required by this title is included in the report to the control Authority. (Prior code § 40-1-187, Part I (h))

15.60.275 Notification Requirements

A. The permittee shall notify the Environmental Compliance Section on any of the following changes to the system no later than 180 days prior to change of discharge;

1. New introduction into the POTW of pollutants from any source which would be a new source, if such source were discharging pollutants

2. New introduction of pollutants into such works from a source which would be subject to the Sewer Use Ordinance if it were discharging such pollutants

3. A substantial change in the volume or character of pollutants being discharged into such works at the time the permit is issued

B. 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.

15.60.280 Records of monitoring activities required—Contents

Any Industrial User subject to the reporting requirements

established in this article shall maintain records of all information resulting from any monitoring activities required by this article. Such records shall include for all samples:

- A. The date, exact place, method and time of sampling and the names of the persons taking the samples;
- B. The dates analyses were performed;
- C. Who performed the analyses;
- D. The analytical techniques/methods used; and
- E. The results of such analyses. (Prior code § 40-1-187, Part I (i))

15.60.285 Monitoring Procedures

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 15.60.285, the results of this monitoring shall be included in the report submitted to Metro. 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 Metro or the applicable Standards to determine compliance with the Standard.

A. 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:

1. Be performed on composite and grab samples representative of the total wastewater flow discharged to the Metropolitan Government Sewerage System with the maximum time interval between samples no longer than sixty (60) minutes.
2. 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 for the required parameters.
3. Provide the flow rate for which the results are indicative to the nearest 100 gallons per day.
4. Except as indicated in 15.60.285 A.5. 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 Metro. Where time-proportional composite sampling or grab sampling is authorized by Metro, the samples must be

representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by Metro as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

5. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

6. 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 (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, Metro may authorize a lower minimum. For the reports required by 15.60.270 [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.

B. Sample Location. All approved sampling shall be collected from the sample collection point as designated in the Industrial / Municipal User's permit as issued by Metro Water Services.

C. Test Procedures

1. 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.

2. 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 Metro or other parties approved by EPA.

15.60.288 Repeat Sampling and Reporting / Notice of Violation

If sampling performed by a User indicates a violation, the User must notify Metro within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to Metro within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if Metro performs sampling at the User's facility at least once a month, or if Metro performs sampling at the User's facility between the time when the initial sampling was conducted and the time when the User or Metro receives the results of this sampling, or if Metro has performed the sampling and analysis in lieu of the Industrial User. If Metro performed the sampling and analysis in lieu of the Industrial User, Metro 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.

**15.60.290 Records of monitoring activities—
Retention for four years—Subject to inspection**

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. Any User subject to the reporting requirement established in this article 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 article) and shall make such records available for inspection and copying by the director, the Director of the Tennessee Department of Environment and Conservation, Tennessee Department of Public Health, or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or when requested by the director, the Director of the Tennessee Department of Environment and Conservation, Tennessee Department of Public Health, or the Environmental Protection Agency. (Prior code § 40-1-187, Part I (j))

15.60.300 Term—Renewal—Modifications

A. Wastewater discharge permits shall be issued for a period of three years. Original permits may be issued for a period between two and three years for the administrative convenience of the director so as to stagger the renewal dates of the permits. Permits issued to Users granted an exception pursuant to Section 15.60.180, shall be issued for a period of one year.

B. Notwithstanding the foregoing, Users becoming subject to a National Pretreatment Standard shall apply for new permits on

the effective date of such National Pretreatment Standards. The director shall notify in writing any User whom he has cause to believe is subject to a National Pretreatment Standard of the promulgation of such federal regulations, but any failure of the director in this regard shall not relieve the User of the duty of complying with such National Pretreatment Standards.

C. A User must apply in writing for a renewal permit within the period of time not more than ninety days and not less than thirty days prior to expiration of the current permit.

D. Limitations or conditions of a permit are subject to modification or change due to, but not limited to, changes in applicable water quality standards, changes in Metro's NPDES permit, changes in Sections 15.60.070 and 15.60.090, the need to incorporate any new or revised federal, state, or local Pretreatment Requirement, changes in the User's operations and processes, violation of any terms or conditions of the User's permit, changes in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge, to correct typographical or other errors in the User's permit, misrepresentations or failure to fully disclose relevant facts in the wastewater discharge permit application or in any required reporting, changes in other applicable law or regulation, or for other just cause; and Users shall be notified of any proposed changes in their permit by the director at least thirty days prior to the effective date of the change. Any change or new condition in a permit shall include a provision for a reasonable time schedule for compliance. The User may appeal the decision of the director in regard to any changed permit conditions as otherwise provided in this chapter. (Prior code § 40-1 - 187, Part I (k))

15.60.310 Transfer—Approval required

Wastewater discharge permits are issued to a specific User for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new User or for different premises unless approved by the director. (Prior code § 40-1-1 87, Part I (l))

15.60.320 Revocation

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

A. Violation of any terms or conditions of the wastewater discharge permit or other applicable law or regulation;

B. Obtaining of a permit by misrepresentation or failure to disclose fully all relevant facts; or

C. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge. (Prior code § 40-1-187, Part I (m))

D. Falsifying self-monitoring reports and certification statements;

E. Tampering with monitoring equipment;

F. Refusing to allow Metro timely access to the facility premises and records;

- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- M. Failure to provide advance notice of the transfer of business ownership of a permitted facility

15.60.325 Regulation of Waste from other Jurisdictions

A. If another municipality, or User located within another municipality, contributes wastewater to the POTW, Metro shall enter into an intermunicipal agreement with the contributing municipality.

B. Prior to entering into an agreement required by paragraph A, above, Metro shall request the following information from the contributing municipality:

- 1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
- 2. An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
- 3. Such other information as Metro may deem necessary.

C. An intermunicipal agreement, as required by paragraph A, above, shall contain the following conditions:

- 1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to Metro’s ordinance or Local Limits;
- 2. A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
- 3. A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit ,or general permit, issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by Metro and which of these activities will be conducted jointly by the contributing municipality and Metro;
- 4. A requirement for the contributing municipality to provide Metro with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- 5. Limits on the nature, quality, and volume of the contributing municipality’s wastewater at the point where it discharges to the POTW;
- 6. Requirements for monitoring the contributing municipality’s discharge;

7. A provision ensuring Metro access to the facilities of Users located within the contributing municipality’s jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by Metro; and

8. A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

Article III. Administration and Enforcement

15.60.330 Director—Authority and responsibilities

A. Responsibilities and Assignment. The director and his staff shall be responsible for the administration of all sections of this title. Administratively, he shall be assigned to the department of water and sewerage services.

B. Authority. The director shall have the Authority to enforce all sections of this title. He shall be responsible and have the Authority to operate the various treatment works. He shall be responsible for the preparation of operating budgets and recommendations concerning activities within his responsibility and Authority.

C. Records. The director shall keep in his office a complete record of all applications required under this title, including a record of all wastewater discharge permits. He shall also maintain the minutes and other records of the wastewater hearing Authority.

D. Wastewater Hearing Authority. The director shall attend all meetings of the wastewater hearing Authority, or whenever it is necessary for him to be absent he shall send a designated representative and shall make such reports to and assist such Authority in the administration of this title.

E. The director shall notify Industrial Users identified in 40 CFR Section 403.8(f) (2) and (i) 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 Section 3001 (42 U.S.C. 6921), 3004 (42 U.S.C. 6924) or 4004 (42 U.S.C. 6944) of the Solid Waste Disposal Act. Failure of the director to so notify Industrial Users shall not relieve such Users from the responsibility of complying with such requirements.

F. The director shall comply with all applicable public participation requirements of Section 101(e) of the Act (33 U.S.C. 125 1(e)) and 40 CFR Part 105 in the enforcement of National Pretreatment Standards. The director shall at least annually provide public notification, in the largest daily newspaper published in Nashville of Industrial Users during the previous twelve months which at least once were not in compliance with the applicable Pretreatment Standards or other Pretreatment Requirements. The notification shall summarize enforcement actions taken by the control authorities during the same twelve months. An Industrial User shall be deemed to be in compliance with applicable Pretreatment Standards or other Pretreatment Requirements if he has completed applicable increments of progress under the provisions of any compliance schedule in the

User's wastewater discharge permit or if the User has been granted an exception under the provisions of Section 15.60.180. (Prior code § 40-189)

15.60.340 Monitoring and inspections

A. Whenever required to carry out the objective of this title, including but not limited to 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 title; 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; or any requirement established under this chapter:

1. The director shall require any Industrial User to:
 - a. Establish and maintain such records;
 - b. Make such reports;
 - c. Install, use and maintain such monitoring equipment or methods including, where appropriate, biological monitoring methods;
 - d. Sample such effluents, in accordance with such methods, at such locations, at such intervals and in such manner as the director shall prescribe;
 - e. Provide such other information as he may reasonably require; and

2. The director or his authorized representative, upon presentation of his credentials, shall have a right of entry to, upon or through any premises in which an effluent source is located or in which any records required to be maintained under subsection 1 of this section are located. Metro shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge permit or general permit or order issued hereunder. Users shall allow Metro ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties

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

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

- c. Metro may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow

and quality shall be calibrated to ensure their accuracy.

- d. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of Metro and shall not be replaced. The costs of clearing such access shall be born by the User.

- e. Unreasonable delays in allowing Metro access to the User's premises shall be a violation of this ordinance; and

- f. May at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under subsection 1 and sample any effluents which the owner or operator of such source is required to sample under subsection 1.

B. Any records, reports or information obtained under this section:

1. Shall, in the case of effluent data, be related to any applicable effluent limitations, toxic, pretreatment or permit condition; and

2. Shall be available to the public; except that upon a showing satisfactory to the director by any person that records, reports or information, or particular part thereof (other than effluent data), to which the director has access under this section, if made public would divulge methods or processes entitled to protection as trade secrets of such person, the director shall consider such record, report or information, or particular portion thereof, confidential in accordance with the purposes of this title, except that such record, report or information may be disclosed to officers, employees or authorized representatives of the State of Tennessee or the United States concerned with carrying out the provisions of the Clean Water Act or when relevant in any proceeding under this title or other applicable laws.

C. Specific requirements under the provisions of subsection (A)(1) of this section shall be established by the director, or the Authority as applicable, for each Industrial User; and such requirements shall be included as a condition of the User's wastewater discharge permit. The nature or degree of any requirement under this provision shall depend upon the nature of the User's discharge, the impact of the discharge on the POTW, the volume of water discharged, and the technical feasibility of and economic reasonableness of any such requirement imposed. The User shall be required to design any necessary facility and to submit detailed design plans and operating procedures to the director for review in accordance with accepted engineering practices. The director shall review such plans within forty-five days and shall recommend to the User any change he deems appropriate.

- D. Upon approval of plans as specified in subsection C, the User shall secure building, electrical, plumbing or other permits as may be required by this code and proceed to construct any necessary facility and establish such operating procedures as are required within the time provided in the User's wastewater discharge permit.

- E. In the event any User denies the director or his authorized representative of the right of entry to or upon the User's premises for purposes of inspection, sampling effluents, inspecting and

copying records, or performing such other duties as shall be imposed upon him by this section, the director shall seek a warrant or use such other legal procedures as shall be advisable and reasonably necessary to discharge his duties under this section. (Prior code § 40- 188, Part I (a)—(e))

15.60.350 Wastewater hearing Authority

A. There is established an Authority of five members to be known as the wastewater hearing Authority.

B. Composition and Length of Term. The hearing Authority shall be composed of the following, to be appointed by the metropolitan mayor and confirmed by the metropolitan council, and shall constitute the voting members of the hearing Authority:

Representative Group	Length of Term (years)
1. Major industry (one)	2
2. Tributary utility districts or city (one, rotating) inside or outside Davidson County	2
3. Private citizenry (one)	2
4. Technical/science or financial (two)	2

C. Provisions.

1. Members may be removed from the hearing Authority by the mayor, with councilmanic approval, for continued absence from meetings, or other just cause.

2. Members shall comply with Chapter 11, Sections 11.101 through 11.108, inclusive, of the Charter of the metropolitan government.

D. Powers and Duties. In addition to any other duty or responsibility otherwise conferred upon the hearing Authority by this title, the hearing Authority shall have the duty and power as follows:

1. To recommend to the metropolitan council that it amend or modify the provisions of this title;

2. To establish, modify or amend procedural rules governing hearings, orders, issuance of permits, and all other matters not specifically requiring a hearing. Any rules so adopted shall be filed with the metropolitan clerk;

3. To grant exceptions pursuant to the provisions of Section 15.60.180, and to determine such issues of law and fact as are necessary to perform this duty;

4. To hold hearings upon appeals from orders or actions of the director as may be provided under any provision of this title;

5. To hold hearings relating to the suspension, revocation or modification of a wastewater discharge permit as it is provided in this chapter and issue appropriate orders relating thereto;

6. To hold such other hearings relating to any aspect or matter in the administration of this title and to make such

determinations and issue such orders as may be necessary to effectuate the purposes of this title;

7. To request assistance from any officer, agent or employee of the metropolitan government to obtain such information or other assistance as the hearing Authority might need;

8. The hearing Authority, acting through its chairman, shall have the power to issue subpoenas requiring attendance and testimony of witnesses and the production of documentary evidence relevant to any matter properly heard by the hearing Authority;

9. The chairman, vice-chairman or chairman pro tem shall be authorized to administer oaths to those persons giving testimony before the hearing Authority;

10. The hearing Authority shall hold quarterly meetings and such special meetings as the board may find necessary;

11. Three members of the Authority shall constitute a quorum but a lesser number may adjourn the meeting from day to day;

12. In addition to any other power granted to it by this title, the hearing Authority is granted the Authority to assess a civil penalty in an amount not to exceed the sum of ten thousand dollars per day for each day of violation against any person in violation of this chapter.

a. The assessment of a civil penalty shall be made by the director against any person determined to be in violation of this chapter. Notice of such assessment shall be provided by certified mail, return receipt requested,

b. Any person against whom an assessment is made by the director may appeal to the hearing Authority by filing a request with the director for review by the hearing Authority. Request for review by the hearing Authority must be made in writing and filed within thirty days of the receipt of the assessment and shall state with particularity the grounds for the appeal. Any such appeal shall stay the effect of the assessment,

c. Failure to appeal the assessment within thirty days shall be a waiver of the right to appeal and be deemed as consent to the assessment which shall become final upon approval by the hearing Authority,

d. The assessment of a civil penalty shall be upheld unless the preponderance of the evidence shows that the assessment was unlawfully levied or unreasonably severe,

e. No assessment of a civil penalty, whether brought to the hearing Authority by appeal or for confirmation by the director, shall be final until such assessment is approved by the hearing Authority at any regular meeting or duly called special meeting. The hearing Authority may alter or modify the terms of any civil penalty but any increase in the amount of civil penalty or which otherwise imposes a greater burden upon the person against whom the penalty is assessed shall not become final until such person receives written notice thereof and is provided the right to petition the hearing Authority for modification of such assessment in the same manner as an appeal from assessment of a civil penalty by the director,

f. The director may enter into consent decrees with any person in violation of this chapter and, after approval by the hearing Authority, the same shall have the effect and be enforceable in the same manner as a civil penalty,

g. In assessing a civil penalty, the director and the hearing Authority may consider all factors listed in Tennessee Code Annotated Section 69-3-125 and may include any expenses and actual damages incurred by the metropolitan government in investigating, removing, correcting or cleaning up the violation. (Ord. 97-729 § 3 (part), 1997).

15.60.360 Adjudicatory hearing procedures

A. The hearing Authority shall schedule an adjudicatory hearing to resolve disputed questions of fact and law whenever provided by any provision of this title.

B. At any such hearing, all testimony presented shall be under oath or upon solemn affirmation in lieu of oath. The hearing Authority shall make a record of such hearing, but the same need not be a verbatim record. Any party coming before the Authority shall have the right to have such hearing recorded, but in such event the record need not be transcribed unless any party seeks judicial review of the order or action of the hearing Authority by common law writ of certiorari; and in such event the party seeking such judicial review shall pay for the transcription and provide the hearing Authority with the original of the transcript so that it may be certified to the court.

C. The chairman may issue subpoenas requiring attendance and testimony of witnesses or the production of evidence, or both. A request for issuance of a subpoena shall be made by lodging with the chairman at least ten days prior to the scheduled hearing date a written request for a subpoena setting forth the name and address of the party to be subpoenaed, and identifying any evidence to be produced. Upon endorsement of a subpoena by the chairman, the same shall be delivered to the sheriff's office for service by any authorized officer of the metropolitan government. If the witness does not reside in the metropolitan area, the chairman shall issue a written request that the witness attend the hearing.

D. 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 chairman to rule on such matters as would require a ruling by the court under such rules.

E. The party at such hearing bearing the affirmative burden of proof shall first call his witnesses, to be followed by witnesses called by other parties, to be followed by any witnesses which the Authority may desire to call. Rebuttal witnesses shall be called in the same order. The chairman shall rule on any evidentiary questions arising during such hearing and shall make such other rulings as shall be necessary or advisable to facilitate an orderly hearing subject to approval of the hearing Authority. The hearing Authority, the director, or his representative, and all parties shall have the right to examine any witness. When sitting without

an administrative law judge, the hearing Authority shall not be bound by or limited to rules of evidence applicable to legal proceedings or the Uniform Administrative Procedures Act.

F. Any person aggrieved by any order or determination of the director may appeal such order or determination for review by the hearing Authority. A written notice of appeal shall be filed with the director, and the notice shall set forth with particularity the action or inaction of the director complained of and the relief being sought by the person filing the appeal. A special meeting of the hearing Authority may be called by the chairman upon the filing of such appeal, and the hearing Authority may in its discretion suspend the operation of the order or determination of the director appealed from until such time as the Authority has acted upon the appeal. However, actions and determinations of the director under the provisions of Sections 15.60.410 through 15.60.440 shall not be subject to review under this section.

G. Within ten days of filing of an appeal, any party may request that an administrative law judge be appointed to conduct the hearing together with the hearing Authority pursuant to Tennessee Code Annotated Section 7-7-105. Any hearing conducted by an administrative law judge shall be heard pursuant to the contested case provisions of the Uniform Administrative Procedures Act, Tennessee Code Annotated Section 4-5-301, et seq.

H. The vice-chairman or the chairman pro tem shall possess all the Authority delegated to the chairman by this section when acting in his absence or in his stead.

I. Any person aggrieved by any final order of the hearing Authority hereunder may seek judicial review by common law writ of certiorari. (Ord. 97-729 § 3 (part), 1997)

15.60.370 Violation—Public nuisance

Discharge of wastewater in any manner in violation of this chapter or of any condition of a wastewater discharge permit is declared a public nuisance and shall be corrected or abated as provided in this chapter. (Ord. 97-729 § 3 (part), 1997)

15.60.380 Violation—Notice

Whenever the director determines or has reasonable cause to believe that a discharge of wastewater has occurred in violation of the provisions of this title, the User's wastewater discharge permit, or any other applicable law or regulation, he shall notify the User of such violation. Failure of the director to provide notice to the User shall not in any way relieve the User from any consequences of a wrongful or illegal discharge. (Ord. 97-729 § 3 (part), 1997).

15.60.385 Significant Noncompliance

The director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by Metro Water Services, a list of the Users which, at any time during the previous twelve (12) months,

were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Metro Code of Laws Title §15.60.070;

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Metro Code of Laws Title §15.60.070 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

C. Any other violation of a Pretreatment Standard or Requirement as defined by Metro Code of Laws Title §15.60.070 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the director determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

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

E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit, or a general permit, or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide within thirty (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;

G. Failure to accurately report noncompliance; or 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.

15.60.390 Enforcement response manual

The director shall promulgate an enforcement response manual that establishes the procedures to be followed by the department as it enforces the provisions of this chapter. Upon approval by the hearing Authority, the enforcement response manual shall be filed with the metropolitan clerk. (Ord. 97-729 § 3 (part), 1997)

15.60.400 Show-cause hearing before Metro wastewater hearing Authority

The director may issue a show-cause notice to any permit holder directing that he appear before the hearing Authority at a specified date and time to show cause why the permit holder's wastewater discharge permit should not be modified, suspended or revoked for causing or suffering violation of this title, or other applicable law or regulation, or conditions in the wastewater discharge permit of the User. If the director seeks to modify the wastewater discharge permit to establish wastewater strength limitations or other control techniques to prevent future violations, he shall notify the permit holder of the general nature of the recommendations he shall make to the hearing Authority. If the director seeks to suspend or revoke the wastewater discharge permit, he shall notify the permit holder of the nature of the violation for which revocation or suspension is sought with sufficient specificity as to the character of the violation and the dates at which such violation occurred to enable the permit holder to prepare his defense. Such notice shall be mailed to the permit holder by certified mail, return receipt requested, or shall be personally delivered to the permit holder at least twenty days prior to the scheduled hearing date. (Ord. 97-729 § 3 (part), 1997)

15.60.410 Injunctive relief

The director may in the name of the metropolitan government file in any court of competent jurisdiction a suit seeking the issuance of an injunction, damages or other appropriate relief to enforce the provisions of this title or other applicable law or regulation. Suit may be brought to recover any and all damages suffered by the metropolitan government as a result of any action or inaction of any person who causes or suffers damage to occur to the POTW or for any other expense, loss or damage of any kind or nature suffered by the metropolitan government. (Ord. 97-729 § 3 (part), 1997)

15.60.420 Assessment of damage to User

When a discharge of waste causes an obstruction, damage or any other impairment to the facilities, or any expense of whatever character or nature to the metropolitan government, the director shall assess the expenses incurred by the metropolitan government to clear the obstruction, repair damage to the facility, and any other expenses or damages incurred by the metropolitan government. The director shall file a claim with the User or any other person causing or suffering such damages to occur, seeking reimbursement for any and all expenses or damages suffered by the metropolitan government. If the claim is ignored or denied, the director shall notify the metropolitan attorney to take such measures as shall be appropriate to recover for any expenses or other damages suffered by the metropolitan government. (Ord. 97-729 § 3 (part), 1997)

15.60.430 Applicability of state and federal regulations

In addition to other remedies for enforcement provided in this article, the director may petition the state or the Environmental Protection Agency, as appropriate, to exercise such methods or remedies as shall be available to such government entities to seek criminal or civil penalties, injunctive relief, or such other remedies as may be provided by applicable federal or state laws to ensure compliance by Users of applicable Pretreatment Standards, to prevent the introduction of toxic pollutants or other regulated pollutants into the POTW, or to prevent such other water pollution as may be regulated by state or federal law. (Ord. 97-729 § 3 (part), 1997)

15.60.440 Emergency termination of service

In the event of an actual or threatened discharge to the POTW of any pollutant which in the opinion of the director presents or may present an imminent and substantial endangerment to the health or welfare of persons or the environment, or cause interference with the POTW, the director, or in his absence the person then in charge of the treatment works, shall immediately notify the Emergency Response Office of the nature of the emergency. The director shall also attempt to notify the Industrial User or other person causing the emergency and request their assistance in abating same. Following consultation with the aforementioned officials of the metropolitan government, or in their absence such elected officials of the metropolitan government as may be available, the director shall temporarily terminate the service of such User or Users as are necessary to abate the condition when such action appears reasonably necessary. Such service shall be restored by the director as soon as the emergency situation has been abated or corrected. (Ord. 97-729 § 3 (part), 1997)

15.60.450 Punitive action—Confirmation of Authority required—Exceptions

The director shall report to the hearing Authority his intent to institute any action under the provisions of Sections 15.60.410 and 15.60.430 and seek the advice of the Authority in regard thereto, unless he shall determine that immediate action is advisable. (Ord. 97-729 § 3 (part), 1997)

15.60.460 Violation—Penalty

Any person who violates any provision of this chapter including but not limited to the following violations:

- A. Violates an effluent standard or limitation;
- B. Violates the terms or conditions of a wastewater discharge permit;
- C. Fails to complete a filing or reporting requirement;
- D. Fails to perform or properly report any required monitoring;

E. Violates a final order or determination of the hearing Authority or the director; or

F. Fails to pay any established sewer service charge or industrial cost recovery charge;

shall be assessed a civil penalty in an amount not to exceed the sum of ten thousand dollars per day for each day of violation. (Ord. 97-729 § 3 (part), 1997).

15.60.465 Right of Entry

Under 40 CFR 403.8 (A) (6)(v), Pretreatment shall have the right to carry out all inspections, surveillance and monitoring procedures necessary to determine, independent of information supplied by Industrial Users, compliance or noncompliance with applicable Pretreatment Standards and Requirements by Industrial Users. Representatives of the POTW shall be authorized to enter any premises of any Industrial User in which a Discharge source or treatment system is located or in which records are required to be kept under Sec. 403.12(o) to assure compliance with Pretreatment Standards. Such Authority shall be at least as extensive as the Authority provided under Section 308 of the Act;

Pretreatment Requirements which will be enforced through the remedies set forth in paragraph 40 CFR 403.8 (f) (1) (vi) (A) of this section, will include but not be limited to, the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations, or orders issued by the POTW; any requirements set forth in control mechanisms issued by the POTW; or any reporting requirements imposed by the POTW or these regulations in this part. The POTW shall have Authority and procedures (after informal notice to the discharger) immediately and effectively to halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW shall also have Authority and procedures (which shall include notice to the affected Industrial Users and an opportunity to respond) to halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW.