



**CLARKSVILLE CITY COUNCIL
EXECUTIVE SESSION
NOVEMBER 28, 2016, 4:30 P.M.**

**COUNCIL CHAMBERS
106 PUBLIC SQUARE
CLARKSVILLE, TENNESSEE**

AGENDA

1) ZONING PUBLIC HEARING

1. **ORDINANCE 39-2016-17** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Ronnie Goad for zone change on property north and south of Ellington Drive, Ellsworth Drive, and Bellshire Drive from R-4 Multiple Family Residential to R-1A Single Family Residential District (*RPC: Approval/Approval*)

2) CONSENT AGENDA

All items in this portion of the agenda are considered to be routine and non-controversial by the Council and may be approved by one motion; however, a member of the Council may request that an item be removed for separate consideration under the appropriate committee report:

1. **ORDINANCE 30-2016-17** (Second Reading) Designating depositories and authorizing contracts for banking services
2. **ORDINANCE 31-2016-17** (Second Reading) Authorizing donation of property at 410 Martin Street to Flourishing Families for Community Development
3. **ORDINANCE 33-2016-17** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Pool & Spa Depot/Peter Von Hopffgarten, CS Architects/John H. Comperry-Agent, for zone change on property at the intersection of Wilma Rudolph Boulevard and Terminal Road from M-2 General Industrial District to C-5 Highway & Arterial Commercial District

4. **ORDINANCE 34-2016-17** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Courtney M. Caudill, Jimmy Bagwell-Agent, for zone change on property at the intersection of Peachers Mill Road and West Allen Griffey Road from R-4 Multiple Family Residential District to C-2 General Commercial District
5. **ORDINANCE 35-2016-17** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of C & M Ventures for zone change on property north of Madison Street and west of Hillcrest Drive from C-5 Highway & Arterial Commercial District to R-4 Multiple Family Residential District
6. **ORDINANCE 36-2016-17** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Marie Beck for zone change on property at the intersection of Warfield Boulevard and Stokes Road from R-1 Single Family Residential District to C-2 General Commercial District
7. **ORDINANCE 37-2016-17** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Marvin Dennis Hamaker and David Lee Hamaker, Christian Black-Agent, for zone change on property on Trenton Road south of Barkwood Drive and north of Destin Drive from R-1 Single Family Residential District to C-5 Highway & Arterial Commercial District
8. Adoption of Minutes: October 27, November 3
9. Approval of Board Appointments:

Common Design Review Board: Sally Castleman (architect/replace Doug Jones-term expired), Bert Singletary (general public/fill unexpired term of Sally Castleman)– December 2016 through December 2021

Housing Authority: Jeannie Beauchamp (reappointment) – October 2016 through September 2021

Parking Commission: Yvonne Chamberlain, Alan Senseney - (replace Wilbur Berry and Charlsie Hand-terms expired) – December 2016 through August 2018

3) COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

David Allen, Chair

4) FINANCE COMMITTEE

Joel Wallace, Chair

5) GAS & WATER COMMITTEE

Wallace Redd, Chair

1. **ORDINANCE 38-2016-17** (First Reading) Amending the Official Code relative to gas rates (*Gas & Water and Finance Committees: _____*)
2. **ORDINANCE 40-2016-17** (First Reading) Authorizing extension of utilities to property on Liberty Church Road; request of M. Ireland (*Gas & Water Committee: _____*)
3. **ORDINANCE 41-2016-17** (First Reading) Amending the Official Code relative to pretreatment of industrial wastewater (*Gas & Water Committee: _____*)

6) PARKS, RECREATION, GENERAL SERVICES

Bill Powers, Chair

7) PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire & Rescue, Police)

Geno Grubbs, Chair

8) STREETS-TRANSPORTATION-GARAGE COMMITTEE

James Lewis, Chair

9) NEW BUSINESS

10) MAYOR AND STAFF REPORTS

11) PUBLIC COMMENTS

12) ADJOURNMENT

ORDINANCE 39-2016-17

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF RONNIE GOAD FOR ZONE CHANGE ON PROPERTY NORTH AND SOUTH OF ELLINGTON DRIVE, ELLSWORTH DRIVE, AND BELLSHIRE DRIVE

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

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-4 Multiple Family Residential District, as R-1A Single Family Residential District.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Parcels located at the eastern boundary of Bellshire Subdivision, Section D, (Lots 67, 68, 75, 76, 88 & 89) North & South of Ellington Dr., Ellsworth Dr., & Bellshire Dr. 2.27 +/- acres, further identified as County Tax Map and Parcel (s):

81-B-B-28.00

81-C-B-1.00

81-C-B-8.00

81-C-A-6.00

81-B-A-22.00

81-G-H-11.00

CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on: December 1, 2016. The public hearing will be held on: December 1, 2016.

CITY ORD. #: 39-2016-17 RPC CASE NUMBER: Z-33-2016

Applicant: RONNIE GOAD

Location: Parcels located at the eastern boundary of Bellshire Subdivision, Section D, North & South of Ellington Dr., Ellsworth Dr., & Bellshire Dr.

Ward #: 10

Request: R-4 Multiple-Family Residential District
 to
 R-1A Single-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

RPC MEETING DATE: 11/22/2016

CASE NUMBER: Z - 33 - 2016

NAME OF APPLICANT: Ronnie

Goad

AGENT:

GENERAL INFORMATION

PRESENT ZONING: R-4

PROPOSED ZONING: R-1A

EXTENSION OF ZONE

CLASSIFICATION: YES

APPLICANT'S STATEMENT Change the lots on the extreme eastern edge of Bellshire, Section D to match the
FOR PROPOSED USE: zoning of the rest of the existing subdivision for residential development.

PROPERTY LOCATION: Parcels located at the eastern boundary of Bellshire Subdivision, Section D,
North & South of Ellington Dr., Ellsworth Dr., & Bellshire Dr.

ACREAGE TO BE REZONED: 2.27

DESCRIPTION OF PROPERTY Existing undeveloped subdivision lots
AND SURROUNDING USES:

GROWTH PLAN AREA:

CITY TAX PLAT: 81-B-B-28.00; 81-C-B-1.00; 81-C-B-8.00;

CIVIL DISTRICT:

81-C-A-6.00; 81-B-A-22.00; 81-G-H-1.00

CITY COUNCIL WARD: 10

COUNTY COMMISSION DISTRICT: 20

PREVIOUS ZONING HISTORY:

(to include zoning, acreage and
action by legislative body)

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

DEPARTMENT COMMENTS

- ☒ GAS AND WATER ENG. SUPPORT MGR.
- ☒ GAS AND WATER ENG. SUPPORT COOR.
- ☐ UTILITY DISTRICT
- ☒ JACK FRAZIER
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☐ CEMC
- ☐ DEPT. OF ELECTRICITY (CDE)

- ☐ ATT
- ☒ FIRE DEPARTMENT
- ☐ EMERGENCY MANAGEMENT
- ☒ POLICE DEPARTMENT
- ☐ SHERIFF'S DEPARTMENT
- ☒ CITY BUILDING DEPT.
- 1. ☐ COUNTY BUILDING DEPT.
- ☐ SCHOOL SYSTEM OPERATIONS
- ☐ FT. CAMPBELL

- ☐ DIV. OF GROUND WATER
- ☐ HOUSING AUTHORITY
- ☐ INDUSTRIAL DEV BOARD
- ☐ CHARTER COMM.
- ☐ Other...

1. CITY ENGINEER/UTILITY DISTRICT:

Comments Received From Department And They Had No Concerns.

2.

1a. COST TO ENGINEER/UTILITY DISTRICT:

Comments Received From Department And They Had No Concerns.

3.

2. STREET DEPARTMENT/

COUNTY HIGHWAY DEPARTMENT:

2a. COST TO STREET/HIGHWAY DEPT.:

Comments Received From Department And They Had No Concerns.

4.

3. DRAINAGE COMMENTS:

3a. DRAINAGE COST:

5.

4. CDE/CEMC:

4a. COST TO CDE/CEMC:

6.

5. CHARTER COMM./BELL SOUTH:

5a. COST TO CHARTER AND/OR BELLSOUTH:

7.

6. FIRE DEPT/EMERGENCY MGT.:

Comments Received From Department And They Had No Concerns.

6a. COST FIRE DEPT/EMERGENCY MGT.:

8.

7. POLICE DEPT/SHERIFF'S OFFICE:

Comments Received From Department And They Had No Concerns.

7a. COST TO POLICE DEPT./SHERIFF'S DEPT:

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

Comments Received From Department And They Had No Concerns.

9.

8a. COST TO CITY/COUNTY BLDG. & CODES:

9. SCHOOL SYSTEM:

ELEMENTARY: BARKSDALE

MIDDLE SCHOOL: RICHVIEW

HIGH SCHOOL: CLARKSVILLE

10.

9a. COST TO SCHOOL SYSTEM:

10. FT. CAMPBELL:

10a. COST TO FT. CAMPBELL:

11. OTHER COMMENTS:

11.

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

IMPACT OF PROPOSED USE ON Minimal
SURROUNDING DEVELOPMENT:

INFRASTRUCTURE:

WATER SOURCE: CITY

PIPE SIZE:

SEWER SOURCE: CITY

ACCESSIBILITY: ELLINGTON DR., ELLSWORTH DR., BELLSHIRE DR.

DRAINAGE:
VARIES

DEVELOPMENT ESTIMATES:

APPLICANT'S ESTIMATES

HISTORICAL ESTIMATES

LOTS/UNITS:

ROAD MILES:

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

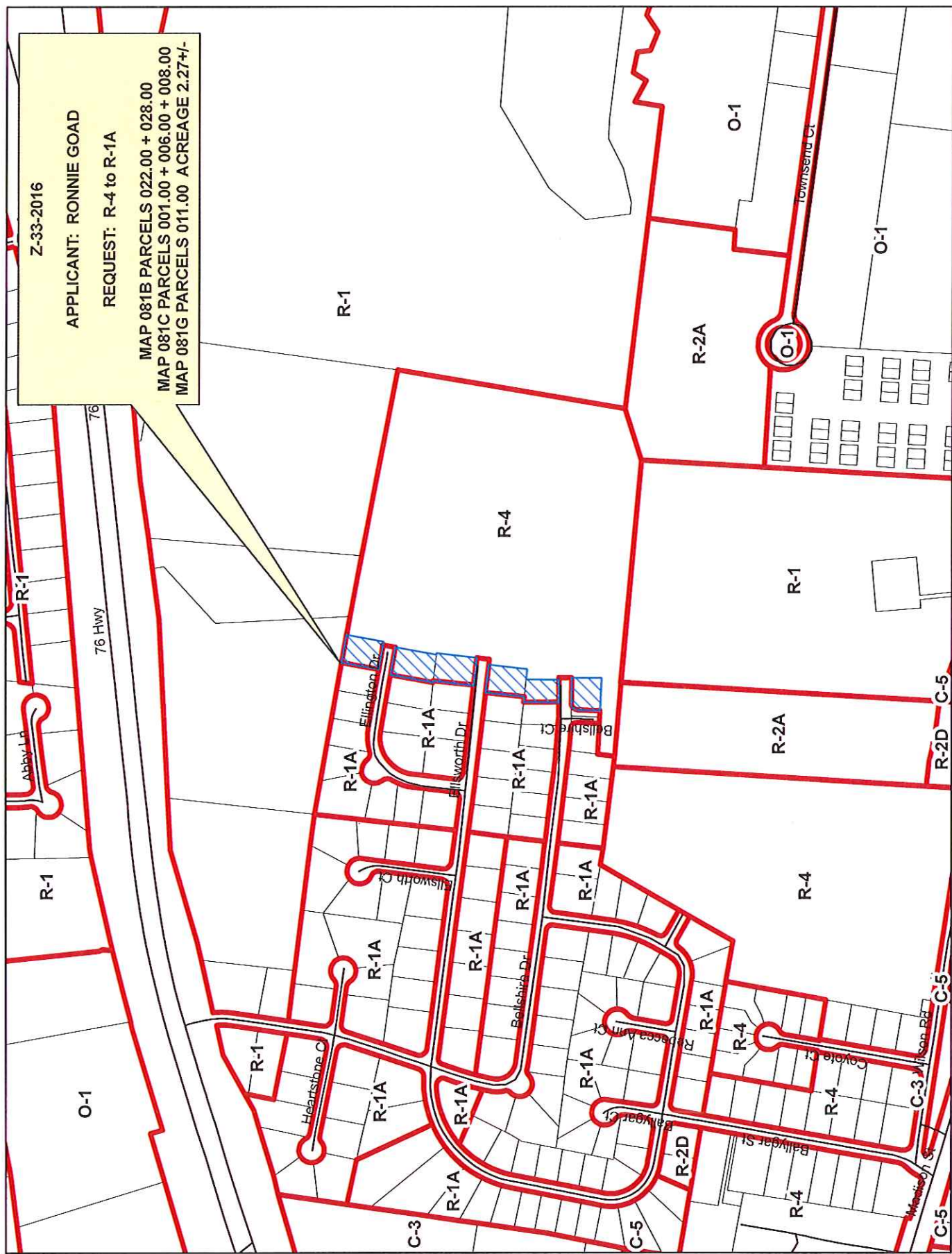
HIGH SCHOOL STUDENTS:

APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

Sango Planning Area: Growth rate for this area is well above the overall county average.

STAFF RECOMMENDATION: **APPROVAL**

1. The proposed zoning request is consistent with Growth Plan (as in the City) and adopted Land Use Plan.
2. Adequate infrastructure serves the site.
3. No adverse environmental issues were identified relative to this request.
4. Proposed R-1A zoning classification is an extension of the existing R-1a zoning to the west and is consistent with the other Established properties in the immediate area.
- 5.



CASE NUMBER: Z 33 2016 MEETING DATE 11/22/2016
APPLICANT: Ronnie Goad
PRESENT ZONING R-4 PROPOSED ZONING R-1A

GEN. LOCATION Parcels located at the eastern boundary of Bellshire Subdivision, Section D, North
& South of Ellington Dr., Ellsworth Dr., & Bellshire Dr.

PUBLIC COMMENTS

None received as of 10:00 a.m. on 11/22/2016 (jhb).

ORDINANCE 30-2016-17

AN ORDINANCE TO DESIGNATE DEPOSITORIES FOR THE CITY OF CLARKSVILLE
FURTHER AUTHORIZING THE CITY OF CLARKSVILLE TO ENTER INTO BANKING
SERVICES CONTRACTS

WHEREAS, City Charter Article I, Section 5 (a) (59) provides corporate powers by Ordinance to designate from time to time a depository in which all of the funds under control of the City shall be kept; and

WHEREAS, the City as whole has issued an RFP for various banking services, and

WHEREAS, an RFP evaluation Committee made up of end users representative of each City fund have reviewed respondents proposals; and

WHEREAS, the RFP was written in a way that the City can pick and choose what services they desire based on the need of the City; and

WHEREAS, diversification is in the best interest of the City, as such the following recommendations are for approval.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

The following banking services have been recommended by each City fund to serve the citizens and ratepayers in the most efficient and economical way.

City-wide P-Card Program	Regions Bank
City General Depository Services	US Bank
City General Merchant Services**	Legends Bank
CGW Depository	Legends Bank
CGW Lock Box	Legends Bank
CGW Merchant Services	Legends Bank
CTS Depository*	US Bank
Community Development Depository*	US Bank
CDE – Depository Services	Legends Bank
CDE – Lock Box Services – Optional	Legends Bank
CDE – Merchant Services – Optional	Legends Bank

*Due to the financial inter-relationship with Community Development and Transit, their banking services will remain with City General.

****Merchant Services for City General will be implemented as contracts expire and based on compatibility with software.**

CDE reserves the right to add the additional optional services listed above.

BE IT FURTHER ORDAINED that the source of funding has been budgeted in each respective fund.

FIRST READING: November 3, 2016
SECOND READING:
EFFECTIVE DATE:

ORDINANCE 31-2016-17

AN ORDINANCE AUTHORIZING DONATION OF AT 410 MARTIN STREET TO FLOURISHING FAMILIES FOR COMMUNITY DEVELOPMENT

WHEREAS, the Community Development Committee was established by the Mayor and City Council to identify community needs and to recommend affordable housing programs for community development and;

WHEREAS, Community Development Block Grants help communities provide decent housing, a suitable living environment, expanded economic opportunities, principally for persons of low and moderate income; and

WHEREAS, Housing and Urban Development awards grants to entitlement community grantees to carry out a wide range of community development activities directed toward revitalizing neighborhoods, economic development and providing improved community facilities and services; and

WHEREAS, the Office of Housing and Community Development proposes to have the city donate property located at 410 Martin Street (Map, Group and Parcel 66K F 006.00) for the purpose of donating it to Flourishing Families a non-profit organization, for the purpose of rapid-rehousing of homeless/chronically homeless individuals and/or families: and

WHEREAS, providing assistance for low-income individuals and families are consistent with the goals and objectives of the Community Development Block Grant program.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the City of Clarksville is hereby donating the property know as 410 Martin Street to Flourishing Families.

FIRST READING: November 3, 2016

SECOND READING:

EFFECTIVE DATE:

EXHIBIT "A"

Beginning at a stake on the west margin of Martin Street, the southeast corner of Lot #6 in Block "B", of the Pine Ridge Estates Subdivision, and runs thence along the west margin of Martin Street 50 feet to a stake, the northeast corner of Lot #9 of said Block "B; thence west along the north line of said Lot #9 a distance of 135 feet to a stake, the northwest corner of said Lot #9; thence north along the east line of Lots Nos. 3, 4 and 5 of Block "D" of said Subdivision, 50 feet to a stake, the southwest corner of Lot #6 in said Block "B"; thence with the south line of Lot #6 a distance of 135 feet to the beginning, being Lots Nos. 7 and 8 of Block "B" of what is known as the Pine Ridge Estates, as shown by plat of record in Plat Book 1, Page 57, Plat No. 94, Register's Office for Montgomery County, Tennessee.

The Parcel Number for the above-described lot according to the Assessor of Property for Montgomery County, Tennessee is 066K F 006.00 000.



ORDINANCE 33-2016-17

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF POOL & SPA DEPOT/PETER VON HOPFFGARTEN, CS ARCHITECTS/JOHN H. COMPERRY-AGENT, FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF WILMA RUDOLPH BOULEVARD AND TERMINAL ROAD

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

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned M-2 General Industrial District, as C-5 Highway & Arterial Commercial District.

PUBLIC HEARING: November 3, 2016

FIRST READING: November 3, 2016

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point said point being 1,012 +/- feet west of the centerline of the Wilma Rudolph Blvd. and Terminal Rd. intersection, said point being located in the southern ROW margin of Terminal Rd., further identifies as the northwest corner of the TK of Clarksville, Inc. property, thence in a southerly & easterly & westerly direction 714 +/- feet with the TK of Clarksville, Inc. and others west property boundary to a point, said point being in the northern boundary of the TN Investment Properties, thence in a westerly direction 189 +/- feet to a point, said point being the southeast corner of the Thomas W. Cork & Henry W. Emrick property, thence in a northerly direction 648 +/- feet with the east boundary of the Thomas W. Cork & Henry W. Emrick property to a point, said point being in the southern ROW margin of Terminal Rd. thence in a easterly direction 230 +/- feet with the southern ROW margin of Terminal Rd. to the point of beginning, said tract containing 3.61 +/- acres, further identified as Tax Map 32, Parcel 109.02

ORDINANCE 34-2016-17

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF COURTNEY M. CAUDILL, JIMMY BAGWELL-AGENT, FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF PEACHERS MILL ROAD AND WEST ALLEN GRIFFEY ROAD

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

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-4 Multiple Family Residential District, as C-2 General Commercial District.

PUBLIC HEARING: November 3, 2016

FIRST READING: November 3, 2016

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at an iron pin being the intersection of the south right-of-way of West Allen Griffey Road & west right-of-way of Peachers Mill Road, said point being South 80 degrees 37 minutes 39 seconds West for a distance of 87.31 feet from centerline intersection of Peachers Mill Road and West Allen Griffey Road; Thence along the west right-of-way of Peachers Mill Road on a curve to the right, said curve having a radius of 25.00 feet, arc length of 45.59 feet and being subtended by a chord having a bearing of South 38 degrees 28 minutes 58 seconds East for a distance of 39.53 feet to an iron pin; Thence along the west right-of-way of Peachers Mill Road on a curve to the right, said curve having a radius of 1095.94 feet, arc length of 365.26 feet and being subtended by a chord having a bearing of South 23 degrees 17 minutes 58 seconds West for a distance of 363.57 feet to an iron pin; Thence leaving said right of way North 34 degrees 24 minutes 59 seconds west for a distance of 297.67 feet to an iron pin; Thence North 56 degrees 11 minutes 08 seconds East for a distance of 100.45 feet to an iron pin in the south right-of-way of West Allen Griffey Road; Thence along the south right-of-way of West Allen Griffey on a curve to the right, said curve having a radius of 375.00 feet, arc length of 216.62 feet and being subtended by a chord having a bearing of North 72 degrees 44 minutes 03 seconds East for a distance of 213.62 feet to the point of beginning. Said tract contains 1.39 +/- acres, Portion of Tax Map 31, Parcel 2.00.

ORDINANCE 35-2016-17

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF C & M VENTURES FOR ZONE CHANGE ON PROPERTY NORTH OF MADISON STREET AND WEST OF HILLCREST DRIVE

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

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned C-5 Highway & Arterial Commercial District, as R-4 Multiple Family Residential District.

PUBLIC HEARING: November 3, 2016

FIRST READING: November 3, 2016

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point lying in the east boundary line of lot 1 of the Hutton C & M Ventures Plat and Travel Easement as recorded in PB H, page 124, ROMCT, also lying in the west property line of the Todd Morris property as recorded in ORV 1526, page 1469 ROMCT, said point lying North 77 degrees 47 minutes 56 seconds West for 956.53 feet from the intersection of Hillcrest Drive and Madison Street; Thence leaving Morris property on a new zone line, South 86 degrees 29 minutes 07 seconds West for 398.89 feet to a point, lying in the northwest corner of C & M Ventures lot 2, also being the southwest corner of herein described parcel; Thence leaving lot 2 along the west property line of lot 1 and the existing zone line, North 03 degrees 25 minutes 30 seconds West for 113.30 feet to a point, being the northwest corner of herein described parcel; Thence continuing along an existing zone line, North 87 degrees 01 minutes 16 seconds East for 398.90 feet to a point, being the northeast corner of herein described parcel; Thence along Morris property line, South 03 degrees 25 minutes 30 seconds East for 109.57 feet to the point of beginning. This parcel contains 1.02 +/- acres further identified as Tax Map 80-C-A, Parcel 8.08 p/o

ORDINANCE 36-2016-17

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF MARIE BECK FOR ZONE CHANGE ON PROPERTY AT THE INTERSECTION OF WARFIELD BOULEVARD AND STOKES ROAD

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

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-1 Single Family Residential District, as C-2 General Commercial District.

PUBLIC HEARING: November 3, 2016

FIRST READING: November 3, 2016

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at the point in the south right of way of Warfield Blvd also being the northeast corner of the Ajax properties as recorded in ORV 672, Page 2036 ROMCT, lying approximately South 71 degrees 18 minutes 32 seconds East for 905.55 feet from intersection of Warfield Blvd and Stokes Road; Thence along Warfield's south right of way, on a curve to the right having a radius of 1,272.39 feet, an arc length of 264.66 feet, a delta of 11 degrees 55 minutes 04 seconds, a tangent of 132.81 feet, a chord bearing of South 71 degrees 56 minutes 34 seconds East for 264.18 feet to a point, also being the north corner of the Spirit Master Funding property as recorded in ORV 1559, Page 2495 ROMCT, said point being the east corner of herein described parcel; Thence leaving south right of way along the Spirit Master east property line on a new zone line, South 00 degrees 32 minutes 29 seconds East for 462.08 feet to a point, being the south corner of Spirit Master property, lying in the north line of the Billy Brown property as recorded in ORV 239, Page 105 ROMCT, also being the southeast corner of herein described parcel; Thence along Brown north property line, South 83 degrees 05 minutes 15 seconds West for 252.02 feet to a point, lying in the east line of the Ajax property, also being the south corner of herein described parcel; Thence along Ajax east property line for the next 3 calls: North 06 degrees 01 minutes 39 seconds West for 213.26 feet to a point; North 02 degrees 56 minutes 58 seconds East for 201.13 feet to a point; North 02 degrees 22 minutes 28 seconds East for 161.48 feet to the point of beginning. This parcel contains 3.14 +/- acres further identified as Tax Map 41- Parcel 85.01

ORDINANCE 37-2016-17

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF MARVIN DENNIS HAMAKER AND DAVID LEE HAMAKER, CHRISTIAN BLACK-AGENT, FOR ZONE CHANGE ON PROPERTY ON TRENTON ROAD SOUTH OF BARKWOOD DRIVE AND NORTH OF DESTIN DRIVE

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

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-1 Single Family Residential District, as C-5 Highway & Arterial Commercial District.

PUBLIC HEARING: November 3, 2016

FIRST READING: November 3, 2016

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point said point being 141 +/- feet northwest of the centerline of the Trenton Rd. & Destin Dr. intersection, said point being in the western ROW margin of Trenton Rd. and the northeast corner of the Wilkinson-Huggins LLC property, thence in a westerly direction 646 +/- feet with the northern boundary of the Wilkinson-Huggins LLC property to a point, said point being in the northern boundary of the Wilkinson property thence in a northerly direction with a new zone line to a point said point being in the southern boundary of the TV Partners property, thence in a easterly direction 634 +/- feet to a point said point being in the western ROW margin of Trenton Rd. thence in a southerly direction 243 +/- feet with the western ROW margin of Trenton Rd, to the point of beginning, said tract containing 3.52 +/- acres further identified as Tax Map 32, Parcel 87 & portion of 87.01



CLARKSVILLE CITY COUNCIL SPECIAL SESSION OCTOBER 27, 2016

MINUTES

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, October 27, 2016, at 4:30 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilman Wallace Redd (Ward 4); the Pledge of Allegiance was led by Councilman Geno Grubbs (Ward 7).

ATTENDANCE

PRESENT: Richard Garrett (Ward 1; arrived 4:36 p.m.), James Lewis (Ward 3), Wallace Redd (Ward 4), Valerie Guzman (Ward 5), Wanda Smith (Ward 6), Geno Grubbs (Ward 7), Joel Wallace, Mayor Pro Tem (Ward 9), Mike Alexander (Ward 10), Bill Powers (Ward 11), Jeff Burkhart (Ward 12)

ABSENT: Deanna McLaughlin (Ward 2), David Allen (Ward 8)

FEMA MITIGATION-ACUFF ROAD

ORDINANCE 32-2016-17 (First Reading) Authorizing purchase of property at 401 Acuff Road for FEMA risk mitigation

The recommendation of the Finance Committee was for approval. Councilman Wallace made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Burkhart. The following vote was recorded:

AYE: Alexander, Burkhart, Garrett, Grubbs, Guzman, Lewis, Powers, Redd, Smith, Wallace

The motion to adopt this ordinance on first reading passed.

CAD INTERLOCAL CONTRACT

RESOLUTION 15-2016-17 Authorizing an interlocal contract between the City of Clarksville, Montgomery County, and Montgomery County Emergency Communications District (E911) for purchase of a Computer Aided Dispatch (CAD) and Mobile System

The recommendation of the Finance Committee was for approval. Councilman Grubbs made a motion to adopt this resolution. The motion was seconded by Councilman Lewis. The following vote was recorded:

AYE: Alexander, Burkhart, Garrett, Grubbs, Guzman, Lewis, Powers, Redd, Smith, Wallace

The motion to adopt this resolution passed.

ADJOURNMENT

The special session was adjourned at 4:39 p.m. The Executive Session was then called to order.



CLARKSVILLE CITY COUNCIL REGULAR SESSION NOVEMBER 3, 2016

MINUTES

PUBLIC COMMENTS

Prior to the meeting, Horace Murphy, Jr. asked for the City's leadership by urging state officials to support funding for additional sidewalks on Highway 41-A North.

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, November 3, 2016, at 7:00 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

Councilman Joel Wallace (Ward 9) introduced Michael Bayne, Grace Community Church, who offered a prayer; the Pledge of Allegiance was led by Councilwoman Valerie Guzman (Ward 5).

SCHOOL SYSTEM UPDATE

Dr. B. J. Worthington, Director of the Clarksville-Montgomery County School System, shared current statistics for the local school system, 7th largest in the State of Tennessee, with 39 schools and 33,600 students. He said all elementary schools now had secured entrances and upper levels were being provided special academies to give students a competitive advantage and to become college-ready. Dr. Worthington said the current graduation rate was 96.5% with ACT scores averaging 19.4.

ATTENDANCE

PRESENT: Richard Garrett (Ward 1), Deanna McLaughlin (Ward 2), James Lewis (Ward 3), Wallace Redd (Ward 4), Valerie Guzman (Ward 5), Wanda Smith (Ward 6), Geno Grubbs (Ward 7), David Allen (Ward 8), Joel Wallace, Mayor Pro Tem (Ward 9), Mike Alexander (Ward 10), Bill Powers (Ward 11), Jeff Burkhart (Ward 12)

SPECIAL RECOGNITIONS

Mayor McMillan recognized and welcomed members of the Mayor's Youth Council.

PUBLIC HEARING: ZONING

Councilman Grubbs made a motion to conduct a public hearing to receive comments regarding requests for zone change. The motion was seconded by Councilman Lewis. There was no objection.

ORDINANCE 33-2016-17 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Pool & Spa Depot/Peter Von Hopffgarten, CS Architects/John H. Comperry-Agent, for zone change on property at the intersection of Wilma Rudolph Boulevard and Terminal Road from M-2 General Industrial District to C-5 Highway & Arterial Commercial District

No one expressed support for or opposition to this request.

ORDINANCE 34-2016-17 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Courtney M. Caudill, Jimmy Bagwell-Agent, for zone change on property at the intersection of Peachers Mill Road and West Allen Griffey Road from R-4 Multiple Family Residential District to C-2 General Commercial District

No one expressed support for or opposition to this request.

ORDINANCE 35-2016-17 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of C & M Ventures for zone change on property north of Madison Street and west of Hillcrest Drive from C-5 Highway & Arterial Commercial District to R-4 Multiple Family Residential District

No one expressed support for or opposition to this request.

ORDINANCE 36-2016-17 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Marie Beck for zone change on property at the intersection of Warfield Boulevard and Stokes Road from R-1 Single Family Residential District to C-2 General Commercial District

No one expressed support for or opposition to this request.

ORDINANCE 37-2016-17 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Marvin Dennis Hamaker and David Lee Hamaker, Christian Black-Agent, for zone change on property on Trenton Road south of Barkwood Drive and north of Destin Drive from R-1 Single Family Residential District to C-5 Highway & Arterial Commercial District

Christian Black asked for support of this request. No one expressed opposition.

Councilman Grubbs made a motion to revert to regular session. The motion was seconded by Councilman Lewis. There was no objection.

ADOPTION OF ZONING

The recommendation of the Regional Planning Staff and Commission were for approval of **ORDINANCE 33-2016-17**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Alexander. The following vote was recorded:

AYE: Alexander, Allen, Burkhart, Garrett, Grubbs, Guzman, Lewis, McLaughlin, Powers, Redd, Smith, Wallace

The motion to adopt this ordinance on first reading passed.

The recommendation of the Regional Planning Staff and Commission were for approval of **ORDINANCE 34-2016-17**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Lewis. The following vote was recorded:

AYE: Alexander, Allen, Burkhart, Garrett, Grubbs, Guzman, Lewis, McLaughlin, Powers, Redd, Smith, Wallace

The motion to adopt this ordinance on first reading passed.

The recommendation of the Regional Planning Staff and Commission were for approval of **ORDINANCE 35-2016-17**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Lewis. The following vote was recorded:

AYE: Alexander, Allen, Burkhart, Garrett, Grubbs, Guzman, Lewis, McLaughlin, Powers, Redd, Smith, Wallace

The motion to adopt this ordinance on first reading passed.

The recommendation of the Regional Planning Staff and Commission were for approval of **ORDINANCE 36-2016-17**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Lewis. The following vote was recorded:

AYE: Alexander, Allen, Burkhart, Garrett, Grubbs, Guzman, Lewis, McLaughlin, Powers, Redd, Smith, Wallace

The motion to adopt this ordinance on first reading passed.

The recommendation of the Regional Planning Staff and Commission were for approval of **ORDINANCE 37-2016-17**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Burkhart. Councilwoman McLaughlin and Councilman Alexandre expressed concern about increased traffic. The following vote was recorded:

AYE: Burkhart, Garrett, Grubbs, Guzman, Lewis, Powers, Redd, Wallace

NAY: Alexander, Allen, McLaughlin, Smith

The motion to adopt this ordinance on first reading passed.

CONSENT AGENDA

All items in this portion of the agenda are considered to be routine and non-controversial by the Council and may be approved by one motion; however, a member of the Council may request that an item be removed for separate consideration under the appropriate committee report:

1. **ORDINANCE 25-2016-17** (Second Reading) Authorizing extension of utility services to 3674 Sango Road; request of Robert Halliburton
2. **ORDINANCE 26-2016-17** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Bret Appleton for zone change on property at the intersection of 41-A Bypass and Kender Rhea Court from M-1 Light Industrial District and C-2 General Commercial District to C-5 Highway & Arterial Commercial District
3. **ORDINANCE 27-2016-17** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Ricky and Tina Cumberland and Mike Young, Brookside Properties, Inc./David Crabtree -Agent, for zone change on property at the intersection of Vaughan Road and Scenic Drive from O-1 Office District and R-1 Single Family Residential District to C-5 Highway & Commercial District
4. **ORDINANCE 28-2016-17** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Meadow Wood Park Properties/Jimmy Settle, Janco Development, LLC-Agent, for zone change on property at the intersection of Professional Park Drive and Big Sky Drive from O-1 Office District to R-4 Multiple Family Residential District
5. **ORDINANCE 29-2016-17** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Meadow Wood Park, Jason Daugherty-Agent, for zone change on property at the intersection of Big Sky Drive and White Face Drive from O-1 Office District to R-4 Multiple Family Residential District
6. **ORDINANCE 32-2016-17** (Second Reading) Authorizing purchase of property at 401 Acuff Road for FEMA risk mitigation
7. Adoption of Minutes: October 6th
8. Approval of Board Appointment:

Arts & Heritage Development Council: Charlsie Halliburton – November 2016 through June 2019

Councilman Burkhart made a motion to adopt the Consent Agenda as presented. The motion was seconded by Councilman Lewis. Councilwoman McLaughlin registered a “nay” vote on **ORDINANCE 26-2016-17**. The following vote was recorded:

AYE: Alexander, Allen, Burkhart, Garrett, Grubbs, Guzman, Lewis, McLaughlin, Powers, Redd, Smith, Wallace

The motion to adopt the Consent Agenda passed.

COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

David Allen, Chair

Councilman Allen noted **ORDINANCE 31-2016-17** would be addressed under the Finance Committee.

FINANCE COMMITTEE

Joel Wallace, Chair

ORDINANCE 30-2016-17 (First Reading) Designating depositories and authorizing contracts for banking services

The recommendation of the Finance Committee was for approval. Councilman Wallace made a motion to adopt this ordinance on first reading. The motion was seconded by Councilwoman McLaughlin. The following vote was recorded:

AYE: Alexander, Allen, Burkhart, Garrett, Grubbs, Guzman, Lewis, McLaughlin, Powers, Redd, Smith, Wallace

The motion to adopt this ordinance on first reading passed.

ORDINANCE 31-2016-17 (First Reading) Authorizing donation of property at 410 Martin Street to Flourishing Families for Community Development

The recommendation of the Finance Committee was for approval. Councilman Wallace made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Burkhart. The following vote was recorded:

AYE: Alexander, Allen, Burkhart, Garrett, Grubbs, Guzman, Lewis, McLaughlin, Powers, Redd, Smith, Wallace

The motion to adopt this ordinance on first reading passed.

GAS & WATER COMMITTEE

Wallace Redd, Chair

No report.

PARKS, RECREATION, GENERAL SERVICES

Bill Powers, Chair

Councilman Powers announced upcoming events including Handmade Holidays, Thanksgiving Feast at Burt Cobb Recreation Center, Christmas Parade, and Christmas on the Cumberland at McGregor Park.

PUBLIC SAFETY COMMITTEE
(Building & Codes, Fire & Rescue, Police)
Geno Grubbs, Chair

Councilman Grubbs shared the following monthly department statistics: Building & Codes Construction Division – 1,494 inspections; Building & Codes Administration – 76 single-family permits; Building & Codes Abatement Division – 60 work orders; Fire & Rescue – 1,093 emergency runs; Police – 13,046 responses.

Councilman Grubbs invited the public to the November 10th ribbon cutting at the new Fire Station 11 on Tylertown Road.

STREETS-TRANSPORTATION-GARAGE COMMITTEE
James Lewis, Chair

Councilman Lewis shared the following monthly department statistics: Street Department – 236 work orders; Clarksville Transit System – 63,053 passengers; Garage – 354 work orders with unleaded fuel at a cost of \$1.95 and diesel fuel at \$1.69.

Councilman Lewis announced free rides for all passengers on November 8, Election Day, and on November 11, Veterans Day.

MAYOR AND STAFF REPORTS

Mayor McMillan invited the public to the annual Veterans Day Parade on November 5th.

ADJOURNMENT

The meeting adjourned at 7:30 p.m.

AN ORDINANCE AMENDING PART II (CODE OF ORDINANCES), TITLE 13 (UTILITIES AND SERVICE), CHAPTER 3 (GAS, WATER, AND SEWER SERVICE) THE CITY OF CLARKSVILLE RELATIVE TO GAS RATES

WHEREAS, Clarksville Gas and Water retained Raftelis Financial Consultants to develop a comprehensive financial plan, cost of service study and rate plan; and

WHEREAS, the Natural Gas Rate Study Report recommends rate revenue adjustments to better align the cost of serving each class with the revenues generated by that class and rate structure adjustments to better align the City's rate structure with industry best practices for natural gas utility rates.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That Sections 13-315 through and including Section 13-319 are deleted in their entirety and substituting therefor the following:

Sec. 13-315. - Authorization for pass through adjustment.

The chief financial officer/comptroller and the gas manager are hereby authorized to pass gas cost adjustments on to customers, whether increases or decreases, from the supplier of the city gas system to maintain the balanced efficiency of the gas department.

The PTA adjustment is intended to assure that the city gas and water department adjusts for these volatile changes in the commodity cost of gas.

The "commodity" cost of gas is the city gas and water department monthly city gate cost of gas. This includes the actual gas cost plus the interstate pipeline volumetric and storage costs involved in transporting the gas from the source of supply to our city gate regulator station.

The PTA will be calculated monthly on the last business day of each month to be applied to the first billing that follows.

Any balance over or under recovery of gas cost at the end of each month may be passed through the subsequent month PTA accordingly.

Sec. 13-316. - Gas services.

- (1) *Availability.* Gas shall be available to any customer as defined in Section 13-312 where the department's distribution mains are suitable for supplying the desired service. A building, for purposes of gas service, shall be considered nonresidential which has more than four (4) units. Commercial and industrial customers will be supplied only through a single metering point. The commercial and industrial rate shall be available to individual apartment houses where service is supplied to more than one family unit through a single meter. The large Commercial and Industrial rate schedule shall be available to any commercial or industrial consumer using natural gas principally for process steam generation, manufacturing purposes, or any other base-load application, and where the use of gas for space heating is only incidental. This rate is not available to consumers whose

use of gas during the months of least consumption is less than fifty (50) percent of the use of gas during the month of greatest consumption. The Department reserves the right to place customers in the appropriate rate schedule based on usage history.

- (2) *Rates:* The following rates shall be applicable to each customer class on the dates indicated.

	2/6/2017	1/1/2018	1/1/2019
<u>Residential</u>			
Monthly Meter Charge	\$ 16.110	\$ 17.320	\$ 17.840
Usage Charge per 100cf	\$ 0.104	\$ 0.112	\$ 0.115
Commodity Charge per 100cf	Based on actual cost of gas		

<u>Commercial & Industrial</u>			
Monthly Meter Charge	\$ 37.410	\$ 37.410	\$ 37.410
Usage Charge per 100cf	\$ 0.089	\$ 0.089	\$ 0.089
Commodity Charge per 100cf	Based on actual cost of gas		

<u>HLF Large Commercial & Industrial</u>			
Monthly Meter Charge	\$ 211.890	\$ 211.890	\$ 211.890
Usage Charge per 100cf	\$ 0.048	\$ 0.048	\$ 0.048
Commodity Charge per 100cf	Based on actual cost of gas		

<u>WACOG</u>			
Monthly Meter Charge	\$ 479.260	\$ 479.260	\$ 479.260
Usage Charge per 100cf	\$ 0.039	\$ 0.039	\$ 0.039
Commodity Charge per 100cf	Based on actual cost of gas		

<u>Interruptable Transportation</u>			
Monthly Meter Charge	\$ 497.260	\$ 497.260	\$ 497.260
Usage Charge per 100cf	\$ 0.028	\$ 0.030	\$ 0.031

<u>Firm Transportation</u>			
Monthly Meter Charge	\$ 497.260	\$ 497.260	\$ 497.260
Demand Charge per Peak 100cf	\$ 0.317	\$ 0.341	\$ 0.351
Usage Charge per 100cf	\$ 0.018	\$ 0.019	\$ 0.020

- (3) *Minimum bill.* For all services rendered the minimum bill shall be equal to the monthly meter charge as applicable to each customer class per meter. The demand charge for firm transportation customers shall be as set forth in Section 13-317 (a).Section

Sec. 13-317. – Firm and Interruptible Transportation

(a) FIRM TRANSPORTATION

AVAILABILITY:

To be eligible for firm transportation service under this Section, customers must meet each of the following criteria:

- (1) The distribution mains owned and operated by the Department must be suitable for supplying the desired service;
- (2) The customer must take deliveries of all gas at a single delivery point;
- (3) The customer must use at least 100 Mcf per day or 3,000 Mcf per month of natural gas;
- (4) The customer must have executed a written notice of election to receive firm transportation service under this Ordinance for a minimum term of 12 months;
- (5) The customer must not resell the gas, except that it may resell the gas to any retail consumers served by the customer at the time the Department initiates service and are located in Tennessee.
- (6) The customer shall not transport the gas to others.
- (7) The customer must have executed a Natural Gas Firm Transportation Agreement substantially in the form approved by the Department for use by the Department in connection with the provision of firm transportation service to eligible customers; and
- (8) The customer must have paid the Department a fee of \$8,000.00 for the installation of telemetry equipment to be owned and installed by the Department at the customer's meter. Such fee shall be true-up based on actual cost incurred by the Department with any overpayment being reimbursed to the customer and any underpayment being due the Department.

RATES: For each month of service provided during the term of the of the Natural Gas Firm Transportation Agreement the customer shall pay the rates set forth in that Agreement and under Section 13-316 (2), including charges for firm transportation, for authorized interruptible overrun service, for daily and monthly balancing and for certain charges imposed by third parties.

MINIMUM BILL:

For service rendered under this Section, the minimum monthly bill shall be the monthly demand charge as set forth in Section 13-316 (2) and shall be applied to the level of the customer's Maximum Daily Quantity, which quantity will be the same for each month for the term of the Natural Gas Firm Transportation Agreement and will be set forth in that Agreement.

CONTRACT PERIOD AND BILLING:

Contracts shall be for a minimum period of one year. A customer that has elected to receive service under this Section shall not be allowed to switch to service under a different Section or Rate Schedule without the Department's written permission during the contract period.

(b) INTERRUPTIBLE TRANSPORTATION

AVAILABILITY:

To be eligible for interruptible transportation service under this Section, a customer must meet each of the following criteria:

- (1) The distribution mains owned and operated by the Department must be suitable for supplying the desired service;
- (2) The customer must take deliveries of all gas at a single delivery point;

(3) The customer must maintain in a usable condition facilities for substitute fuels or otherwise make provision for the curtailment of gas service and must agree to use such substitute facilities or other provision for curtailment of gas service in order to curtail the use of gas up to 100% of the customer's requirements immediately upon oral notice from the Department, and after such curtailment to refrain from increasing the use of gas until permitted to do so by the Department;

(4) The customer must not resell the gas transported and must not transport the gas for another entity;

(5) The customer's facilities must not be connected to any facilities through which it could receive deliveries of gas other than those of the Department;

(6) The customer must use at least 100 Mcf per day or 3,000 Mcf per month of natural gas at its plant when not curtailed by the Department

(7) The customer must have executed a written notice of election to receive interruptible transportation service under this Ordinance for a minimum term of 12 months

(8) The customer must have executed a Natural Gas Interruptible Transportation Agreement substantially in the form approved by the Department for use by the Department in connection with the provision of interruptible transportation service to eligible industrial and commercial customers; and

(9) The customer must have paid the Department a fee of \$8,000.00 for the installation of telemetry equipment to be owned and installed by the Department at the customer's meter. Such fee shall be true-up based on actual cost incurred by the Department with any overpayment being reimbursed to the customer and any underpayment being due the Department.

MINIMUM BILL:

For service rendered under this Interruptible Transportation Rate Schedule, the minimum monthly bill shall be as set forth in Section 13-316 (2). However, in order to remain eligible for service under this Ordinance, the customer must maintain the minimum volume requirements for the availability of interruptible transportation service set forth in this Section during the term that the service is provided. If the customer fails to maintain such minimum volume requirements during the term of the interruptible transportation service, the Department may terminate the availability of service under this Ordinance.

CONTRACT PERIOD AND BILLING:

Contracts shall be for a minimum period of one year with monthly payment for service taken. A customer that has elected to receive service under this Section shall not be allowed to switch to service under a different Section or Rate Schedule without the Department's permission during the contract period.

PENALTY FOR UNAUTHORIZED USE:

In the event a customer uses gas in excess of the daily volume allowed by the Department during a curtailment period, the customer shall pay the amounts set forth in the Natural Gas Interruptible Transportation Agreement between the Department and the customer. Each such unauthorized use of gas, whether occurring in the same month or in different months of a contract year, shall be subject to a separate penalty.

DAILY TRANSPORTATION BALANCING CHARGES:

Customer shall pay a daily transportation balancing charge to the Department as set forth in the Natural Gas Interruptible Transportation Agreement between the Department and the customer for variances between the quantities that the customer has scheduled for transportation and the quantities that the customer uses at its plant each day.

MONTHLY GAS BALANCING CHARGES:

Monthly balancing of quantities of gas owned by the customer and delivered to the Department and the quantities of gas used by the customer and charges associated with such balancing shall be as set forth in the Natural Gas Interruptible Transportation Agreement between the Department and the customer.

Sec. 13-318 is reserved

Sec. 13-319. - Weighted average cost of gas, interruptible service (WACOG).

(1) *Availability.* WACOG interruptible gas service rate shall be available for eligible commercial or industrial customers for all purposes where the department's distribution mains are suitable for supplying the desired service. The department shall establish guidelines to determine customers eligibility for this service.

The customer shall maintain, in a usable condition, facilities for substitute fuel or shall otherwise make provisions for the curtailment of gas service hereunder and shall agree to use such substitute facilities or curtailment provisions in order to curtail the use of gas up to one hundred (100) percent of the maximum requirements immediately upon verbal notice from the department and, after such curtailment, shall refrain from increasing the use of gas until permitted to do so by the department. It is understood and agreed that the department will have the right to cut off gas service to the customer in the event the customer fails to curtail his use of gas in accordance with the department's verbal notice of curtailment.

(2) *Rate.* The rate shall be as described in Sec. 13-316 (2).

The department and the mayor shall have the authority, under circumstances where it is economically feasible and beneficial for the city to do so, to modify the specific terms of the WAGOC natural gas sales agreement entered into between the department and a specific industrial end use consumer under this section 13-319 as the department and the mayor deem necessary to induce such consumer to locate plant facilities in the city or the city service area, or to locate plant

expansions that will increase the consumer's usage of natural gas at its facilities in the city or the city service area, rather than locating such plant facilities or plant expansions in other locations not serve by the department.

- (3) *Minimum bill.* For services rendered under the WACOG rate, the minimum monthly bill shall be equal to the monthly meter charge for WACOG customers as listed in Sec. 13-316 (2).
- (4) *Contract period and billing.* Contracts shall be for a period of one year with monthly payment of service taken. The customer shall not be allowed to switch from this contract rate during the period covered.
- (5) *Penalty for unauthorized use.* In the event a customer uses gas in excess of the daily volumes allowed by the department during a curtailment period, the customer agrees to pay, in addition to the regular rate, an amount the department is penalized by the supplier and/or pipeline for the twelve-month period immediately following the month in which the breaching of the curtailment agreement occurred. Each unauthorized use of gas, whether occurring in the same month or in different months of a contract year, will be subject to a separate penalty.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

Sections 13-215 through 13-219 CURRENT LANGUAGE:

Sec. 13-315. - Authorization for pass through adjustment.

The chief financial officer/comptroller and the gas manager are hereby authorized to pass gas cost adjustments on to customers, whether increases or decreases, from the supplier of the city gas system to maintain the balanced efficiency of the gas department.

The mayor, public utilities committee members and other governmental officials shall be apprised of such increases or decreases, as the case may be, whenever they occur.

PASS THROUGH ADJUSTMENT (PTA)

Due to the volatility of the unregulated cost of gas at the wellhead, all city gas and water department residential, commercial and high load factor rate classes will be adjusted monthly, increased or decreased, by a value called the "Pass Through Adjustment" or PTA. The PTA adjustment is intended to assure that the city gas and water department adjusts for these volatile changes in the wellhead cost of gas.

The "base" cost of gas is the city gas and water department average annual city gate cost of gas. This includes the actual gas plus the interstate pipeline volumetric costs involved in transporting the gas from the source of supply to our city gate regulator station. This cost is established annually and will remain stable throughout our fiscal year (July 1 through June 30).

The "monthly" cost of gas is the city gas and water department actual city gate cost of gas compared to the base cost of gas. If the monthly cost of gas exceeds the base cost of gas, the amount will be an increase. If the monthly cost of gas is less than the base cost of gas, the amount will be a decrease.

The cost of gas at the wellhead, or source of supply, has been unregulated for years and is affected by free market factors such as supply, demand and competition.

The city gas and water department does not profit from the PTA adjustment. It adjusts for the city gas and water department monthly city gate gas costs only. It does not affect operation and maintenance, fixed demand costs, or other costs incurred by the utility.

The PTA will be calculated monthly on the last business day of each month to be applied to the first billing that follows.

Any balance over or under recovery of gas cost at the end of each month may be passed through the subsequent month PTA accordingly.

The "pass through adjustment" shall be effective on bills rendered on or after November 1, 2005.

(Ord. No. 17-2005-06, 10-6-05)

Editor's note— Ord. No. 17-2005-06, adopted October 6, 2005, amended § 13-315 in its entirety to read as herein set out. Formerly, § 13-315 pertained to utility committee authorized to pass on gas adjustments, and derived from the Code of 1963, § 28-66.

Sec. 13-316. - Residential gas service.

(1) Availability. Gas shall be available to any regular residential customer for residential uses where the department's distribution mains are suitable for supplying the desired service. A building shall be considered nonresidential which has more than four (4) apartments.

(2) Rates:

Residential Gas Service

a. Rate schedule No. 1—City rate: Gas rates in the city shall be:

Usage (100 cubic feet per month)	Amount	Usage (In 100 CF)	Accumulated Amounts
First 3 or less	\$8.93 for 300 CF or less	3	\$ 8.93
Next 37	1.131763 per 100 CF	40	50.81
All over 40	1.064043 per 100 CF		

b. Rate schedule No. 1-A—Outside city rate: Gas rates outside the city shall be:

Usage (100 cubic feet per month)	Amount	Usage (In 100 CF)	Accumulated Amounts
First 3 or less	\$9.53 for 300 CF or less	3	\$ 9.53
Next 37	1.297226 per 100 CF	40	57.53
All over 40	1.219605 per 100 CF		

General Commercial and Industrial Gas Service

c. Rate schedule No. 2—City rate: Gas rates in the city shall be:

	Billing months of June through October		
Usage (100 cubic feet per month)	Amount	Usage (In 100 CF)	Accumulated Amounts
First 5 or less	\$13.40 for 500 CF or less	5	\$ 13.40
Next 195	1.294227 per 100 CF	200	265.77
Next 1,800	1.130491 per 100 CF	2,000	2,300.66
All over 2,000	1.088209 per 100 CF		

	Billing months of November through May		
Usage (100 cubic feet per month)	Amount	Usage (In 100 CF)	Accumulated Amounts
First 5 or less	\$13.40 for 500 CF or less	5	\$ 13.40
Next 195	1.358941 per 100 CF	200	278.39
Next 1,800	1.187017 per 100 CF	2,000	2,415.02
All over 2,000	1.142620 per 100 CF		

d. Rate schedule No. 2-A—Outside city rate: Gas rates outside the city shall be:

	Billing months of June through October		
Usage (100 cubic feet per month)	Amount	Usage (In 100 CF)	Accumulated Amounts
First 5 or less	\$14.70 for 500 CF or less	5	\$ 14.70
Next 195	1.454325 per 100 CF	200	298.29
Next 1,800	1.270335 per 100 CF	2,000	2,584.90
All over 2,000	1.222823 per 100 CF		

	Billing months of November through May		
Usage (100 cubic feet per month)	Amount	Usage (In 100 CF)	Accumulated Amounts
First 5 or less	\$14.70 for 500 CF or less	5	\$ 14.70
Next 195	1.527041 per 100 CF	200	312.47
Next 1,800	1.333851 per 100 CF	2,000	2,713.41
All over 2,000	1.283963 per 100 CF		

HLF (optional) for Large Commercial and Industrial Gas Consumers Having Year-Round Usage

e. Rate schedule No. 3—City rate: Gas rates in the city shall be:

Usage (100 cubic feet per month)	Amount	Usage (In 100 CF)	Accumulated Amounts
First 104 or less	\$149.00 for 10,400 CF or less	104	\$ 149.00
Next 496	1.024596 per 100 CF	600	657.20
All over 600	0.974646 per 100 CF		

f. Rate schedule No. 3-A—Outside city rate: Gas rates outside the city shall be:

Usage (100 cubic feet per month)	Amount	Usage (In 100 CF)	Accumulated Amounts
First 104 or less	\$165.88 for 10,400 CF or less	104	\$ 165.88
Next 496	1.142426 per 100 CF	600	732.52
All over 600	1.086727 per 100 CF		

In the event that gas cost adjustments are made pursuant to section 13-315, then the rates set out above shall be adjusted accordingly.

(3) Minimum bill. For services rendered under Rate Schedule No. 1, the minimum monthly bill shall be two dollars and fifty cents (\$2.50) net. For services rendered under Rate Schedule No. 1-A, the minimum monthly bill shall be two and dollars seventy-five cents (\$2.75) net.

(4) Payment terms. All bills for service are due upon presentation, and the above stated net rates shall be allowed if payment is made on or before the last day for payment as specified on the bill. Payments made after that date shall be for the gross amount, which will be greater by ten (10) percent than the net billing.

(1963 Code, § 28-67; Ord. No. 7-1997-98, 8-7-97; Ord. of 12-14-00; Ord. No. 82-2001-02, Exh. A, 5-2-02; Ord. of 9-27-05; Ord. No. 17-2005-06, 10-6-05)

Editor's note— Ord. of Dec. 14, 2000 was approved by the Gas and Water Committee.

Sec. 13-317. - General commercial and industrial gas service.

(1) Availability. Gas shall be available to any regular commercial or industrial customer where the department's distribution mains are suitable for supplying the desired service. Service will be supplied only through a single metering point. This schedule shall be available to individual apartment houses where service is supplied to more than one family unit through a single meter.

(2) Rates.

a. Rate Schedule No. 2—City rate: Gas rates in the City of Clarksville shall be:

Billing months of June through October

Usage (100 cubic feet per month)	Amount	Usage (In 100 CF)	Accumulated Amounts
First 5 or less	\$6.35 for 500 CF or less	5	\$ 6.35
Next 45	1.001278 per 100 CF	50	51.40
Next 150	0.847378 per 100 CF	200	178.51
Next 800	0.789666 per 100 CF	1,000	810.24
Next 2,000	0.770428 per 100 CF	23,000	2,351.10
Over 3,000	0.751191 per 100 CF		

Billing months of November through May

Usage (100 cubic feet per month)	Amount	Usage (In 100 CF)	Accumulated Amounts
First 5 or less	\$6.35 for 500 CF or less	5	\$ 6.35
Next 45	0.058991 per 100 CF	50	54.00
Next 150	0.895472 per 100 CF	200	188.32
Next 800	0.837759 per 100 CF	1,000	858.53
Next 2,000	0.799284 per 100 CF	23,000	2,457.10
Over 3,000	0.780047 per 100 CF		

b. Rate Schedule No. 2-A—Outside city rates: Gas rates outside the City of Clarksville shall be:

Billing months of June through October

Usage (100 cubic feet per month)	Amount	Usage (In 100 CF)	Accumulated Amounts
First 5 or less	\$6.95 for 500 CF or less	5	\$ 6.95
Next 45	1.125107 per 100 CF	50	57.58
Next 150	0.971207 per 100 CF	200	203.26
Next 800	0.913326 per 100 CF	1,000	933.92
Next 2,000	0.894257 per 100 CF	23,000	2,722.44
Over 3,000	0.875019 per 100 CF		

Billing months of November through May

Usage (100 cubic feet per month)	Amount	Usage (In 100 CF)	Accumulated Amounts
First 5 or less	\$6.95 for 500 CF or less	5	\$ 6.95
Next 45	1.182819 per 100 CF	50	60.18
Next 150	1.019301 per 100 CF	200	213.07
Next 800	0.961588 per 100 CF	1,000	982.34
Next 2,000	0.923113 per 100 CF	23,000	2,828.57
Over 3,000	0.903876 per 100 CF		

In the event that gas cost adjustments are made pursuant to section 13-315, then the rates set out above shall be adjusted accordingly.

(3) Minimum bill. For services rendered under Rate Schedule No. 2, the minimum monthly bill shall be three dollars and seventy-five cents (\$3.75) net. For services rendered under Rate Schedule No. 2-A, the minimum monthly bill shall be four dollars and twelve cents (\$4.12) net.

(4) Payment terms. All bills for service are due upon presentation and the above-stated net rates shall be allowed if payment is made on or before the last day for payment as specified on the bill. Payment made after that date shall be for the gross amount, which will be greater by ten (10) percent than the net billing.

(1963 Code, § 28-68; Ord. No. 7-1997-98, 8-7-97; Ord. of 12-14-00; Ord. No. 17-2005-06, 10-6-05)

Editor's note— Ord. of Dec. 14, 2000 was approved by the Gas and Water Committee.

Sec. 13-318. - HLF (optional) for large commercial and industrial gas consumers having year-round usage.

(1) Availability. The HLF rate schedule shall be available to any commercial or industrial consumer using natural gas principally for process steam generation, manufacturing purposes, or any other base-load application, and where the use of gas for space heating is only incidental. This rate is not available to consumers whose use of gas during the months of least consumption is less than fifty (50) percent of the use of gas during the month of greatest consumption.

(2) Rates.

a. Rate Schedule No. 3—City rates. Gas rates in the City of Clarksville shall be:

Usage (100 cubic feet per month)	Amount	Usage (In 100 CF)	Accumulated Amounts
First 104 or less	\$75.94 for 10,400 CF or less	104	\$ 75.94
Next 296	0.804347 per 100 CF	400	314.02
Next 600	0.698541 per 100 CF	1,000	733.15
Next 1,000	0.679303 per 100 CF	2,000	1,412.45
Over 2,000	0.669684 per 100 CF		

b. Rate Schedule No. 3-A—Outside city rate. Gas rates outside the City of Clarksville shall be:

Usage (100 cubic feet per month)	Amount	Usage (In 100 CF)	Accumulated Amounts
First 104 or less	\$83.30 for 10,400 CF or less	104	\$ 83.30
Next 296	0.928176 per 100 CF	400	358.03
Next 600	0.821863 per 100 CF	1,000	851.15
Next 1,000	0.803132 per 100 CF	2,000	1,654.28
Over 2,000	0.793513 per 100 CF		

In the event that gas cost adjustments are made pursuant to section 13-315, then the rates set out above shall be adjusted accordingly.

(3) Minimum bill. For services rendered under Rate Schedule No. 3, the minimum monthly bill shall be forty-five dollars (\$45.00) net. For services rendered under Rate Schedule No. 3-A, the minimum monthly bill shall be forty-nine dollars and fifty cents (\$49.50) net.

(4) Payment terms. All bills for service are due upon presentation, and the above-stated net rates shall be allowed if payment is made on or before the last day for payment as specified on bill. Payments made after that date shall be for the gross amount which will be greater by ten (10) percent than net billing.

(1963 Code, § 28-69; Ord. No. 7-1997-98, 8-7-97; Ord. of 12-14-00; Ord. No. 17-2005-06, 10-6-05)

Editor's note— Ord. of Dec. 14, 2000 was approved by the Gas and Water Committee.

Sec. 13-319. - Weighted average cost of gas, interruptible service (WACOG).

(1) Availability. WACOG interruptible gas service rate shall be available for eligible commercial or industrial customers for all purposes where the department's distribution mains are suitable for supplying the desired service. The department shall establish guidelines to determine customers eligibility for this service.

The customer shall maintain, in a usable condition, facilities for substitute fuel or shall otherwise make provisions for the curtailment of gas service hereunder and shall agree to use such substitute facilities or curtailment provisions in order to curtail the use of gas up to one hundred (100) percent of the maximum requirements immediately upon verbal notice from the department and, after such curtailment, shall refrain from increasing the use of gas until permitted to do so by the department. It is understood and agreed that the department will have the right to cut off gas service to the customer in the event the customer fails to curtail his use of gas in accordance with the department's verbal notice of curtailment.

(2) Rate. The rate shall be variable as computed by the department using the weighted average cost of gas (WACOG) plus forty-eight cents (\$0.48) per MCF (1,000 CF) for all gas consumed per month.

The department shall compute two (2) separate WACOG rates each month: (1) a market-based WACOG rate; and (2) a fixed-variable WACOG rate. For the market-based WACOG rate, the department shall compute the commodity costs of gas supply as the first of the month index price as published in Inside FERC's Gas Market Report for deliveries into Tennessee Gas Pipeline—Zone 1 per MMBtu, plus fuel, converted to Mcf. For the fixed-variable WACOG rate, the department shall compute the commodity cost of gas supply as equal to the department's per unit commodity cost of gas supply per MMBtu, including all purchases of fixed price gas, variable priced gas, and hedged gas prices, plus fuel.

Each industrial interruptible WACOG customer may make an annual election to take market-based WACOG pricing for the upcoming twelve (12) months by providing notice in writing to the department by no later than August 15th, with such election to be effective on September 1st. If a WACOG customer does not make such an election, it shall receive fixed-variable WACOG pricing for the next twelve-month period.

Except as provided herein for the computation of the commodity cost of gas supply, the computation of the market-based WACOG rate and the fixed-variable WACOG rate shall be identical. The upstream pipeline transportation and storage costs component of the WACOG rate shall be as computed by the department so as to reflect an allocation of such costs determined by the department to be appropriate under all of the circumstances presented but no less than the unit cost of interruptible transportation service on the Tennessee Gas Pipeline Company System.

The department, the mayor, and the gas, water and sewer committee (the utilities committee) of the city council shall have the authority, under circumstances where it is economically feasible and beneficial for the city to do so, to modify the specific terms of the natural gas sales agreement entered into between the department and a specific industrial end use consumer under this section 13-219 as the department, the mayor, and the utilities committee of the city council deem necessary to induce such consumer to locate plant facilities in the city or the city service area, or to locate plant expansions that will increase the consumer's usage of natural gas at its facilities in the city or the city service area, rather than locating such plant facilities or plant expansions in other locations not serve by the department.

(3) Minimum bill. For services rendered under this WACOG rate, the minimum monthly bill shall be one hundred dollars (\$100.00) net with a minimum annual net billing of fifteen thousand dollars (\$15,000.00).

(4) Payment terms. All bills for services are due upon presentation and the above-stated net rates shall be allowed if payment is made on or before the last day for payment as specified on the bill. Payments made after that day shall be for the gross amount, which will be greater by ten (10) percent than the net billing.

(5) Contract period and billing. Contracts shall be for a period of one year with monthly payment of service taken. The customer shall not be allowed to switch from this contract rate during the period covered.

(6) Penalty for unauthorized use. In the event a customer uses gas in excess of the daily volumes allowed by the department during a curtailment period, the customer agrees to pay, in addition to the regular rate, an amount the department is penalized by the supplier and/or pipeline for the twelve-month period immediately following the month in which the breaching of the curtailment agreement occurred. Each unauthorized use of gas, whether occurring in the same month or in different months of a contract year, will be subject to a separate penalty.

(1963 Code, § 28-70, Ord. No. 61-1989-90, 9-6-90; Ord. No. 7-1997-98, 8-7-97; Ord. No. 67-1998-99, 7-1-99; Ord. No. 65-1999-00, 4-6-00)

ORDINANCE 40-2016-17

AN ORDINANCE AUTHORIZING EXTENSION OF CITY OF CLARKSVILLE UTILITY SERVICES OUTSIDE THE CLARKSVILLE CITY LIMITS; REQUEST OF M. IRELAND LLC FOR PROPERTY LOCATED ON NORTH LIBERTY CHURCH ROAD

WHEREAS, proper application has been made by M. Ireland LLC for extensions of City utility service to property located at Cmap 53, Parcel 008.01 with the property address of North Liberty Church Road outside the corporate boundary of the City, said property and the extension of service thereto, which is more particularly described in Exhibit A attached hereto and incorporated herein; and

WHEREAS, the City of Clarksville Gas and Water Department has recommended approval of said application; and

WHEREAS, the Gas, Water and Sewer Committee of the Clarksville City Council has recommended approval of said application; and

WHEREAS, the Clarksville City Council finds that all of the requirements of City Code Section 13-405 have been or are satisfied and the extension of water and sewer service to property as described in Exhibit A will be in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the City of Clarksville Gas, Water and Sewer Department is hereby authorized to extend utility service to property located at Cmap 53, Parcel 008.01 with the property address of North Liberty Church Road outside the City corporate limits as described in Exhibit A attached hereto and incorporated herein and subject to and in accordance with the provisions of the City Code and Ordinance 37-2009-10.

FIRST READING:

SECOND READING:

EFFECTIVE DATE

EXHIBIT A



ORDINANCE 41-2016-17

AN ORDINANCE AMENDING PART II (CODE OF ORDINANCES), TITLE 13 (UTILITIES AND SERVICE), CHAPTER 7 (INDUSTRIAL WASTEWATER PRETREATMENT) OF THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE

WHEREAS, The Tennessee Department of Environment and Conservation has promulgated regulations requiring changes to the Sewer Use Ordinance, and

WHEREAS, the City Council has determined that it is appropriate to amend the Official Code of Ordinances of the City of Clarksville;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

(1) That Chapter 7, pertaining to “Industrial Wastewater pretreatment,” is amended by deleting the entire chapter, and substituting therefor the following:

Chapter 7 INDUSTRIAL WASTEWATER PRETREATMENT

Sec. 13-701. Definitions.

(1) Unless the context specifically indicates otherwise, the meanings of the terms used in this chapter shall be as follows:

Abnormal wastes shall mean any waste having a suspended solids, BOD, or EPA Method 1664A n-Hexane extraction materials content or any other parameter in excess of that normally found in municipal sewage and having any wastes containing materials in concentrations that are incompatible with the wastewater system. Any waste that contains more than three hundred twenty-five (325) mg/l of suspended solids or has a BOD in excess of three hundred (300) mg/l or n-Hexane extraction materials content in excess of one hundred (100) mg/l shall be considered an abnormal industrial waste. Further, wastes containing toxic or poisonous substances in

concentrations greater than those permitted by EPA rules and regulations shall be considered abnormal industrial wastes.

Act shall mean the Water Pollution Control Act Amendments of 1972 as amended, Public Law 92-500.

Best management practices (BMPs) shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 13-702. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Biochemical oxygen demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade expressed in terms of weight and concentration (milligrams per liter, or mg/l).

Building drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Building sewer shall mean the extension of the building drain to the public sewer or other place of disposal.

Categorical standards shall mean national pretreatment standards.

Combined sewer shall mean a sewer receiving both surface runoff and sewage.

Compatible pollutant shall mean BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or may in the future be specified and controlled in the city's

NPDES permits for its wastewater treatment plants where the plants have been designed and used to reduce or remove such pollutants.

Cooling water shall mean the water discharged from any use such as air conditioning, cooling, or refrigeration, during which the only pollutant added to the water is heat.

City shall mean the City of Clarksville, Tennessee, the mayor, the city engineer, the general manager, the wastewater division manager, the pretreatment coordinator, the wastewater treatment plant superintendent, the wastewater collection system supervisor, the sewer lift station supervisor or their duly authorized representatives.

Wastewater division manger shall mean the manager of the sewage works of the city, or his authorized deputy, agent, or representative.

Domestic wastes shall mean liquid wastes:

- a. From the noncommercial preparation, cooking, and handling of food or
- b. Containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.

EPA shall mean the Environmental Protection Agency, an agency of the federal government, or its successor agency or body.

Equivalent flow shall mean the hydraulic flow adjusted to reflect the excessive waste loading of an industrial discharge; the highest concentration of any one (1) waste parameter shall determine the equivalent flow.

Extraneous flow shall mean any storm water, water runoff resulting from natural precipitation, drainage, or any other water the wastewater system is not designed to handle or accept.

Garbage shall mean solid wastes form the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Grab sample shall mean a sample which is taken from the waste stream on a one-time basis with no regard to the flow in the waste stream and not to exceed 15 minutes.

Hearing authority shall mean the quasijudicial body that has the authority to adjudicate this chapter.

Incompatible pollutant shall mean any pollutant that is not a compatible pollutant as defined in this section.

Indirect discharge shall mean the introduction of pollutants into a POTW from any non-domestic source.

Industrial user shall mean a source of indirect discharge which does not constitute a "discharge of pollutants" under regulation issued pursuant to section 402 of the Act.

Industrial wastes shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

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

Major user shall mean any industrial user of the city's wastewater system whose nondomestic flow or loading is greater than an equivalent flow of twenty-five thousand (25,000) gallons per day (gpd) but less than ten (10) percent of the average daily flow for which the system was designed.

Minor user shall mean any user whose flow or loading is equivalent to twenty-five thousand (25,000) gpd or less.

National pollutant discharge elimination system (NPDES) shall mean the program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone and the oceans pursuant to section 402 of the Act.

National pollution discharge elimination system permit or *NPDES permit* shall mean a permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).

Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

New source shall mean

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

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

(ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

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

(b) Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs **13-701 (1)** of this section, but otherwise alters, replaces, or adds to existing process or production equipment.

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

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

(A) Any placement, assembly, or installation of facilities or equipment; or

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

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

Parameter shall mean a specified characteristic of the wastewater relevant to its treatability (BOD, suspended solids, grease, etc.).

Pass Through means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from

other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Person shall mean any individual, firm, company, partnership, corporation, association, group, or society and includes the state and agencies, districts, commissions and political subdivisions created by or pursuant to state law.

pH shall mean the logarithm of the reciprocal of the mass of hydrogen ions in moles per liter of solution.

Pretreatment shall mean the application of physical, chemical, and/or biological processes to reduce the amount of pollutant properties in a wastewater prior to discharging such wastewater into the publicly owned wastewater treatment system.

Pretreatment requirement shall mean any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

Pretreatment standards shall mean all applicable federal rules and regulations implementing section 307 of the Act, including all local pollutant discharge limits, as well as any nonconflicting state or local standards. In cases of conflicting standards or regulations, the more stringent thereof shall be applied.

Properly shredded garbage shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles shall be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

Public sewer shall mean a sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

Publicly owned treatment works (POTW) shall mean the wastewater treatment facility owned and operated by the city.

Sanitary sewer shall mean a sewer which carries wastewater and to which storm, surface, and ground waters are not intentionally admitted.

Sewer shall mean a pipe or conduit for carrying wastewater.

Shall is mandatory; may is permissive.

SIC shall designate standard industrial classification, a system developed by the office of management and budget, executive branch, U.S. Government, to promote the comparability of statistics describing industrial users. The SIC defines establishments in accordance with the type of activity in which they are engaged.

Significant user shall mean all industrial users subject to categorical pretreatment standards, and any other industrial user that: Discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the publicly owned treatment works (POTW) (excluding sanitary, noncontact cooling and boiler blow-down wastewater); contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the treatment plant; or is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement. Upon finding that an industrial user meeting these criteria has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from an industrial user, determine that such industrial user is not a significant industrial user.

Slug load or *slug discharge* shall mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in section 13-702. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the POTW's regulations, local limits, or permit conditions. Significant Industrial Users are required to notify the POTW immediately of any changes at its facility affecting potential for a Slug discharge.

Standard methods shall mean "Standard Methods for the Examination of Water and Wastewater" published jointly by the Water Pollution Control Federation, the American Water Works Association, and the American Public Health Association.

Storm drain (sometimes termed *storm sewer*) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

Storm water shall mean any extraneous flow resulting from natural precipitation.

Suspended solids shall mean solids that are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Toxic pollutant shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of 33 U.S.C. 1317.

Twenty-four-hour flow proportional composite sample shall mean a sample consisting of several effluent portions collected during a 24-hour period in which the portions of sample are proportioned to the flow and combined to form a representative sample.

Unpolluted water shall mean water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of known receiving water quality standards.

User shall mean any person who discharges wastewater into the city's wastewater system or who causes or permits wastewater to be discharged.

Wastewater or *sewage* shall mean a combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments.

Wastewater system shall mean all separate sanitary sewers, all combined sewers, all wastewater pumping stations, all wastewater treatment plants, and all other facilities provided and owned by the city for the collection and treatment of sanitary sewage and industrial waste, together with their appurtenances and any additions, expansions, or improvements that hereafter may be made thereto by the city. It shall also include all sewers that discharge into the public sanitary sewerage system, even though those sewers may not have been constructed with funds of the city. It does not include separate storm sewers, culverts, or other drains that have been constructed for the sole purpose of carrying storm and surface runoff, the discharge from which is not and does not become tributary to the wastewater treatment facilities.

Wastewater treatment plant shall mean any arrangement of devices and structures used for treating wastewater.

Wastewater works shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Terms not otherwise defined herein, if questioned shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater.

(Ord. No. 88-2007-08, 4-7-08)

Sec. 13-702. Prohibitions and limitations of wastewater discharges.

(1) General prohibitions. No User may introduce into POTW any pollutant(s) which cause Pass Through or Interference.

(2)*Deleterious wastes enumerated.* No deleterious industrial wastes shall be discharged to the city's wastewater system. An industrial waste shall be considered deleterious to the wastewater system if it may cause any of the following effects:

- (a) Violations of pretreatment standards as adopted by the city.
- (b) Violations by the treatment plant of its discharge permit or applicable receiving water standards, applicable air pollution permits, or solid waste permits.
- (c) Chemical reaction either directly or indirectly with the material of construction of the wastewater system in such a manner as to impair the strength or durability of the sewer structure.
- (d) Mechanical action that will destroy the sewer structure.
- (e) Restriction of the hydraulic capacity of the sewer structure.
- (f) Restriction of the normal inspection or maintenance of the sewer structure.
- (g) Danger to public health and safety.
- (h) Obnoxious conditions inimical to public interest.

(3)*Prohibited discharges.* No persons shall discharge or cause or allow to be discharged or deposited into the city's wastewater system any wastewater that contains the following:

- (a) *Petroleum-based oils and greases.*

- (i) Oil grease, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (ii) Wastewater from industrial facilities containing floatable fats, wax, grease, or oils.
- (b) *Explosive mixtures.* Liquids, solids, or gases that by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the wastewater system or its operation. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into the city's wastewater system be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter or have a closed cup flash point less than 140 degrees Fahrenheit or 60 degrees Celsius. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromides, carbides, hydrides, and sulfides.
- (c) *Noxious material.* Noxious or malodorous solids, liquids, or gases that either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life or that are or may be of sufficient concentration to prevent entry into a sewer for its maintenance and repair. 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.
- (d) *Improperly shredded garbage.* Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particle greater than one-half-inch in any dimension.
- (e) *Radioactive wastes.* Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control

over their use or that may cause damage or hazards to the wastewater system or operating personnel.

(f) *Solid or viscous wastes.* Solid or viscous wastes that will or may cause obstruction to the flow in the POTW resulting in interference. Prohibited materials include, but are not limited to, greases, uncomminuted garbage, paunch manure, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances, or other substances with a specific gravity in excess of two and sixty-five hundredths (2.65). Bones, hair, hides or fleshings, entrails, whole blood, and feathers, from slaughterhouses are also prohibited.

(g) *Excessive discharge rate.* Wastewaters at a flow rate or containing such concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average 24-hour concentration, quantities, or flow during normal operation that would cause Interference with the POTW.

(h) *Toxic substances.* Any toxic substances that would cause the concentration of the wastewater at the influent structure of the treatment facility to exceed the limits in table 1. The city shall monitor the treatment works influent for each parameter in the following tables. Each industrial user shall be responsible for monitoring and reporting these requirements. In the event that the influent at the treatment works reaches or exceeds the levels established by the table, the city shall initiate technical studies to determine the cause of the influent violation and shall recommend to the city such remedial measures as are necessary, including, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The city shall also recommend changes to any of these criteria in the event the publicly owned treatment works'

effluent standards are changed, that there are changes in any applicable law or regulation affecting them, or in the event changes are needed for more effective operation of the publicly owned treatment works. The intent of these limitations is to prevent:

- (i) Interference with the operation of the treatment works;
- (ii) Pass through of pollutants in violation of the publicly owned treatment works' NPDES permit limitations; and
- (iii) Municipal sludge contamination.

Table I. Protection Criteria

Incompatible Pollutant Influent Limitations for the Clarksville Wastewater Treatment Plant

TABLE INSET:

Pollutant	Maximum Daily Average Concentration (mg/l)
Arsenic	0.10
Cadmium	0.01
Chromium (total)	0.34
Copper	1.0
Cyanide	0.05
1, 2 and 1, 4 dichlorobenzene	1.6
Iron	10.0
Lead	0.1

Mercury	0.007
Nickel	0.26
Silver	0.94
Tetrachloroethylene	0.1
Toluene	1.0
Zinc	0.29

Table II. Protection Criteria

Compatible Pollutant Influent Limitations for the Clarksville Wastewater Treatment Plant

TABLE INSET:

Pollutant	Maximum Daily Average Concentration (mg/l)	Maximum Instantaneous Concentration (mg/l)
5-day BOD	245	270
TSS	238	270

Modification of federal categorical pretreatment standards. Where the city's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the city may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" (as defined hereinafter) shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system

to a less toxic or harmless state in the effluent that is achieved by the system when ninety-five (95) percent of the samples taken measured according to the procedures set forth in section 403.7(c)(2) of title 40 of the Code of Federal Regulations, part 403, "General Pretreatment Regulations for Existing and New Sources of Pollution," promulgated pursuant to the Act. The city may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR, part 403, section 403.7 are fulfilled and prior approval from the approval authority is obtained.

(i) *Unpolluted waters and extraneous flow.* Any unpolluted water of extraneous flow, including, but not limited to, water from cooling systems or of storm water origin that will increase the hydraulic load on the wastewater treatment system.

(j) *Discolored material.* Wastes with objectionable color or that cause excessive discoloration (such as, but not limited to, dye wastes, vegetables, and tanning solutions).

(k) *Corrosive wastes.* Any waste that will cause corrosion or deterioration of the wastewater system. All wastes discharged to the city's wastewater system must have a pH value in the range of six (6) to nine (9) standard units. Prohibited materials include, but are not limited to, acids, bases, sulfides, concentrated chloride and fluoride compounds, and substances that react with water to form acid or basic products.

(l) *Thermal pollution.* Any wastewater that has a temperature equal to or greater than one hundred fifty (150) degrees Fahrenheit or equal to or less than thirty-two (32) degrees Fahrenheit that will cause the temperature of the receiving wastewater at the plant to exceed one hundred four (104) degrees Fahrenheit or heat in amounts which will inhibit biological activity in the POTW resulting in Interference

(m) *Trucked or hauled pollutants.* Any trucked or hauled pollutants, except at discharge points designated and approved by the city.

(4)*Limitations on wastewater discharges.* The normal upper limits on compatible pollutants are three hundred (300) mg/l for biochemical oxygen demand, three hundred twenty-five (325) mg/l for suspended solids, and one hundred (100) mg/l for oils and greases. Customers discharging wastewater containing compatible pollutants within the range of concentrations listed below may be allowed to discharge and be charged a surcharge in accordance with section 13-706:

- (a) Biochemical oxygen demand (BOD) within three hundred (300) mg/l to one thousand (1,000) mg/l.
- (b) Suspended solids within three hundred twenty-five (325) mg/l to eight hundred (800) mg/l.
- (c) Animal and/or vegetable oils and greases within one hundred (100) mg/l to three hundred (300) mg/l.

Customers discharging wastewater containing compatible pollutants greater than the upper limit concentrations listed in this section may be issued a violation of their wastewater permit in addition to the surcharge.

(5)*Septic tank and other disposal system discharges.* No person, firm, association, or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excreted disposal system into the publicly owned treatment works unless the person, firm, association, or corporation obtains a permit from the city to perform such acts or service. Any person, firm, association, or corporation desiring a permit to perform such services shall complete and file with the city an application on the form prescribed by the city. Upon any such application, the city shall issue the permit when the conditions of this section have been met, providing the city is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and

competent manner. The waste hauler permit shall be conditional upon payment of annual user charges and dumping charges as established by the gas, water, and sewer committee. The city shall designate approved locations for the emptying and cleansing of all equipment used on the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association, or corporation to empty or clean such equipment at any place other than a place so designated. No person, firm, association, or corporation rendering services under the permit herein provided for shall discharge any incompatible pollutant.

(6) *Dilution Prohibited as substitute for Treatment.* Except where expressly authorized no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement.

(7) The Industrial User shall notify the POTW, 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 Tennessee code 1200-1-11.

(a) Such notification must include the name of the hazardous waste as set forth in 1200-1-11, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). The notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: An identification of the hazardous constituents contained in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve months.

(b) In the case of an notification made under this paragraph, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(Ord. No. 88-2007-08, 4-7-08)

Sec. 13-703. Pretreatment control of prohibited wastes.

(1) *Regulatory actions.* If wastewaters containing any substances described in section 13-702 are discharged or proposed to be discharged into the city's wastewater system, the city may take any action necessary to:

- (a) Prohibit the discharge of such wastewater.
- (b) Require a discharger to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances to comply with this chapter.
- (c) Require the pretreatment necessary, including storage facilities or flow equalization, to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these rules and regulations.
- (d) Recover costs for maintenance of flow in the wastewater system. Recover in full costs incurred to maintain flow in the wastewater system as a result of the discharge, including the following costs:
 - (i) Personnel costs.
 - (ii) Equipment rental.
 - (iii) Supplies used.
 - (iv) Overhead.

(v) Taxes.

(vi) Debt service or capital costs.

In regard to extraneous flow, the method of charging therefore shall be in accordance with the charges and fees in effect at that time of billing.

In addition, parties found to be responsible for damages to the wastewater system caused by abnormal or deleterious wastes shall be liable to the city and/or any third parties for claims for personal injury and/or property damages caused by such abnormal and/or deleterious wastes.

The city shall also have the authority to:

(e) Make special agreement or arrangements to treat high strength wastes provided unit operations, sludge handling or disposal, and pass-through pollutant standards are not exceeded, thereby violating the NPDES permit. In order for any exemption or grant to be approved, the requesting industry must demonstrate good management practices including, but not limited to, preventing or reducing the contribution of pollutants to the sewer system, preventative operating and maintenance procedures, scheduling of activities, process changes, prohibiting of activities, and other management practices to reduce the quantity and qualify of effluent discharge and drainage.

(f) Take other remedial action as may be deemed necessary or desirable to achieve the purpose of this chapter.

(g) Require grease, oil, and sand interceptors when, in the opinion of the city engineer or his representative, they are necessary for the proper handling of liquid waste containing grease in excessive amounts of any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall

be of a type and capacity and must be approved by the city engineer or his representative prior to installation and shall be located as to be readily and easily accessible for cleaning and inspection.

(h) Require the owner of any property serviced by a building sewer carrying industrial wastes to install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. The manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the city. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(2) *Submission of plans.* When pretreatment or equalization of wastewater flows prior to discharge into any part of the city's wastewater system is required by the city, plans, specifications, and other pertinent data or information related to the pretreatment or flow control facilities shall first be submitted to the city for written approval. The approval shall not exempt the discharger of such facilities from compliance with any applicable code, ordinance, rule, regulation, or order of any governmental authority. Any subsequent alterations or additions to the pretreatment or flow control facilities shall not be made without due notice to and prior approval of the city. The approval shall not operate to waive any other requirements of this chapter or relieve any person from civil or criminal liability under this chapter or any other applicable law that either is currently enacted or may be enacted in the future.

(3) *Pretreatment facilities operations.* If pretreatment or control of waste flows is required, such facilities shall be maintained in good working order and operated as efficiently as possible by the owner or operator at his own cost and expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances, and laws.

(4) *Powers and authority of inspectors.*

(a) The city engineer, wastewater division manager or their duly authorized employees, and agents representing the state or the federal government are hereinafter designated governmental inspectors for compliance with this chapter. The governmental inspectors bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter.

(b) While performing the necessary work on private properties referred to in subsection (a), the governmental inspectors shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the governmental inspectors. The governmental agency shall indemnify the company against loss or damage to its property by governmental inspectors and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in subsection (1)(h).

(c) The governmental inspectors bearing proper credentials and identification shall be permitted to enter all private properties through which the governmental agency holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(5) *Physical protection from accidental discharge.* Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained

at the expense of the owner or operator. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review and be approved before construction of the facilities. Review and approval of such plans and operational procedures shall not relieve the industrial user from the responsibility to modify his facilities as necessary to meet the requirements of this chapter. The city may require an alarm system or diking or other facilities to protect against accidental discharges.

(6) *Reporting of potential problems including accidental discharge/slug discharge.* If for any reason a facility does not or is not able to comply with any prohibition or limitation in this chapter, the facility responsible for the discharge shall immediately notify the wastewater division manager or his representative by the quickest means possible so that corrective action may be taken to protect the wastewater system. In addition, a written report addressed to the wastewater division manager or his representative detailing the date, time, and cause of the accidental discharge; the quantity and characteristics of the discharge; and corrective action taken to prevent future discharges shall be filed by the responsible industrial facility within five (5) days of the occurrence of the noncomplying discharge or incident.

(7) *Accidental discharge/slug discharge control plans.* The wastewater division manager or his representative shall evaluate whether each significant industrial user needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The wastewater division manager or his representative may require any user to develop, submit for approval or implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the wastewater division manager or his representative may develop such a plan for any user. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- (a) Description of discharge practices, including nonroutine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the wastewater division manager or his representative of any accidental or slug discharge, as required by section 13-705; and
- (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(Ord. No. 88-2007-08, 4-7-08)

Sec. 13-704. Industrial wastewater monitoring and reporting.

(1) *Discharge reports.*

- (a) Every significant and major industrial user shall file a periodic discharge report at such intervals as are designated by the city with a minimum requirement of twice a year. The city may require any other industrial user discharging or proposing to discharge into the wastewater system to file these periodic reports.
- (b) A discharge report shall include, but need not be limited to, the following: Nature and process, volume, rates of flow, mass emission concentrations of controlled pollutants, compliance with BMPs, or other information that relates to the generation of waste. These reports may also include the chemical constituents and quantity of liquid materials stored on site even though they are not normally discharged. In addition to discharge reports, the city may also require information in the

form of annual self-monitoring reports. The following certification statement is also required on each of the monitoring reports.

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

(c) Individuals authorized to sign significant industrial user reports include:

(i) If the user is a corporation; the president, secretary, treasure, or a vice-president of the corporation in charge of a principal business function or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one (1) or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations, can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements, and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(ii) If the user is a partnership or sole proprietorship, a general partner or proprietor, respectively.

(iii) If the user is a federal, state, or local governmental facility, a director or

highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his documented designee.

(iv) The individuals described in paragraphs (i) through (iii) may designate a duly authorized representative.

The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and the written authorization is submitted to the Control Authority.

(d) *All self monitoring data shall be submitted* . If monitoring of wastewater is done on site for purposes other than the discharge monitoring reports the results shall be included with the discharge monitoring reports.

(2) Baseline Monitoring Reports

(a) Baseline Monitoring Reports shall be submitted within 180 days of decision of a categorical Pretreatment Standard. Existing Industrial Users subject to categorical Pretreatment Standards shall submit a report that includes identifying information, environmental control permits held by or for the facility, description of operation, flow measurement, measurement of pollutants, certification, and a compliance schedule if the facility requires O and M of a pretreatment device

to meet the Pretreatment Standards. New Sources and sources that become Industrial Users subsequent to the promulgation of an applicable categorical standard shall submit a report at least 90 days prior to discharge that includes identifying information, environmental control permits held by or for the facility, description of operation, flow measurement, measurement of pollutants, and a description of pretreatment method that will be used to meet the Pretreatment Standards.

(3)Records and monitoring.

(a) All industrial users who discharge or propose to discharge to the city's wastewater system shall maintain such records of production and related factors, effluent flows, BMPs, and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this chapter and any applicable state or federal pretreatment standards or requirements. Such records shall include the following:

- (i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples.
- (ii) The dates analyses were performed.
- (iii) Who performed the analyses.
- (iv) The analytical techniques/methods use.
- (v) The results of such analyses.

(b) Such records shall be made available upon the request of the city. All such records relating to compliance with pretreatment standards shall be made available to EPA officials upon demand. A summary of such data, including the industrial user's compliance with this chapter, shall be prepared and submitted to the city annually. All records relating to compliance with pretreatment standards shall be made available to local, state, or federal compliance and enforcement officials

upon request. These records shall remain available for a period of at least three (3) years. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Industrial User or the operation of the WWF Pretreatment Program or when requested by the Director or the Regional Administrator.

(c) The owner or operator of any premises of a facility discharging industrial wastes into the city's system shall install, at his own cost and expense, suitable monitoring equipment and manholes to facilitate the accurate observation, sampling, and measurement of the wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.

(d) Monitoring equipment shall be located and maintained on the industrial user's premises outside the building. When such a location would be impractical or cause undue hardship on the user, the city may allow the facility to be constructed in the public street or sidewalk area, provided that the public agency having jurisdiction over the street or sidewalk gives approval and that the facility is so located as not to be obstructed by public utilities, landscaping, or parked vehicles.

(e) When more than one (1) user can discharge into a common sewer, the city may require the installation of separate monitoring equipment for each user. If there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the city may require that separate monitoring facilities be installed for each separate discharge.

(f) Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the city's requirements and all applicable construction standards and specifications.

(4) *Inspection, sampling, and analysis.*

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

(i) Except as indicated in subsections (ii) or (iii), the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the wastewater division manager or his representative. Where time-proportional composite sampling or grab sampling is authorized by the wastewater division manager or his representative, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the wastewater division manager or his representative, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

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

(iii) For sampling required in support of baseline monitoring and 90-day compliance reports, if required by the permit, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the wastewater division manager or his representative may authorize a lower minimum. For the reports

required by this section, 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) *Analysis of wastewater.* All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with 40 CFR, Part 136, or equivalent methods approved by the EPA and shall be determined at the control manhole provided or upon suitable samples taken at the control manhole. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards of life, limb, and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises are appropriate or whether a grab sample or samples should be taken Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

(c) *Sampling frequency.* Sampling of industrial wastewater for the purpose of compliance determination with respect to the prohibitions and limitations of section 13-702 shall be done at such intervals as the city may designate. However, significant industrial users are required to report, within twenty-four (24) hours, any noncompliance and have two (2) additional samples taken and analyzed and submitted within thirty (30) days of becoming aware of the violation for those parameters found to be in violation. If the city performed the sampling and analysis in lieu of the industrial user, the city will perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis.

(d) *Representative samples.* 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 it monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(5) Compliance schedule for meeting categorical Pretreatment Standards.

(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 required for the Industrial User to meet the applicable categorical Pretreatment Standards (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 subparagraph (a) of this paragraph shall exceed 9 months.

(c) Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Control Authority including, at 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 delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Control Authority.
(Ord. No. 88-2007-08, 4-7-08)

Sec. 13-705. Industrial discharge permit system.

(1) *Wastewater discharge permits required.* All industrial users proposing to connect to or discharge into any part of the city's wastewater system shall first obtain a discharge permit. Any existing industrial users connected to or discharging to any part of the city's system shall obtain a wastewater discharge permit within ninety (90) days from and after the effective date of this chapter.

(2) *Permit application.* Industrial users seeking a wastewater discharge permit shall complete and file with the city an application prepared on the form prescribed by the city and accompanied by an application fee, the amount of which is to be established by the gas, water, and sewer committee. In support of this application, the user shall submit the following information:

- (a) Name, address, and SIC number of the applicant.
- (b) Volume of wastewater being or to be discharged.
- (c) Wastewater constituents and characteristics, including, but not limited to, those set forth in section 13-702 as determined by an approved wastewater analytical laboratory.
- (d) Time and duration of the discharge.
- (e) Average and 15-minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.
- (f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers and appurtenances by size, location, and elevation.
- (g) Description of activities, facilities, and plant processes on the premises, including all materials and types of materials that are or could be discharged, or other evidence that satisfies the city.
- (h) The type, amount, and rate of production of each product made.
- (i) Number and type of employees and hours of work.
- (j) Any other information the city may deem necessary to evaluate the permit application.

The provisions of this section may be modified to protect patents, trade secrets, or other classified production information, if requested and agreed to by the city.

The city shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit, subject to terms and conditions provided herein. If a discharge permit is denied, then the applicant may appeal to the hearing authority.

(3) *Permit conditions.* Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other regulations, user charges, and fees established by the city. The conditions of wastewater discharge permits shall be uniformly enforced in accordance with this chapter and applicable state and federal regulations. Permit conditions shall include the following:

- (a) Payment of all charges and fees when due during permit period.
- (b) The average and maximum wastewater constituents and characteristics.
- (c) Limits on rates and time of discharge or requirements for flow regulation and/or equalization.
- (d) Requirements for installation of inspection and sampling facilities and specifications for monitoring programs.
- (e) Requirements for maintaining and submitting technical reports and plant records related to wastewater discharges.
- (f) Daily average and daily maximum discharge rates or other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's wastewater discharge.
- (g) BMPs required by a pretreatment standard, local limits, state, or local law.
- (h) Slug control requirements.
- (i) Compliance schedules.

- (j) Other conditions to ensure compliance with this chapter.
 - (k) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements.
- (4) *Duration of permits.* Permits shall be issued for a specified time period, not to exceed five (5) years. If the user is not notified by the city one hundred eighty (180) days prior to the expiration of the permit, the permit shall automatically be extended one hundred eighty (180) days from the date of notice. The terms and conditions of the permit may be subject to modification and changed by the city during the life of the permit if the limitations or requirements identified in section 13-702 are modified and/or changed. The permittee shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- (5) *Transfer of a permit.* 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, a new user, different premises, or a new or changed operation.
- (6) *Revocation of a permit.* Any user who violates any of the conditions of his permit listed below, any provisions of this chapter, or any applicable state or federal regulations is subject to having his permit revoked. Violations subjecting a user to revocation of his permit include, but are not limited to, the following:
- (a) Failure of a user to report the wastewater quantity, constituents, or characteristics accurately.
 - (b) Failure of a user to report significant changes in operations or wastewater constituents and characteristics.
 - (c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.

(d) Violations of conditions of the permit.

(7) *Change of potential for slug discharge.* The permit holder must notify the wastewater division manager or his representative immediately if the potential for slug discharge(s) changes.

(8) *Continuing to discharge.* Any person who discharges or continues to discharge without a permit is in violation of this chapter and shall be subject to the procedures of section 13-707.

(9) *Significant noncompliance (SNC).* Instances of SNC are industrial user violations, which meet one (1) or more of the following criteria:

(a) Violations of wastewater discharge limits.

(i) *Chronic violations.* Sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as provided in subsection (3);

(ii) *Technical review criteria (TRC) violations.* Thirty-three (33) percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as provided in subsection (3), multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(iii) *Other violations of an effluent limit.* Any other violation(s) of a pretreatment standard or requirement (daily maximum, average, instantaneous limit, or narrative standard) that the wastewater division manager or his representative determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of the POTW personnel or the public;

(iv) *Discharge of a pollutant causing endangerment.* Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the

publicly owned treatment works (POTW) exercise of its emergency authority to halt or prevent such a discharge.

(v) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism of enforcement order for starting construction, completing construction, or attaining final compliance.

(vi) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(vii) Failure to accurately report noncompliance.

(viii) Any other violation or group of violations, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

(b) Compliance schedule milestones. Violations of compliance schedule milestones, contained in a local control mechanism or enforcement order, for starting construction, completing construction, and attaining final compliance by ninety (90) days or more after the schedule date.

(c) Reports. Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports, and periodic reports) within thirty (30) days from the due date.

(d) Failure to accurately report noncompliance.

(e) Any other violation or group of violations that the city considers to be significant.

(10) *Annual publication of significant violations.* The city shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those industrial users which are found to be in significant noncompliance, as defined in this section, with any provisions of this section or any permit or order issued hereunder during the period since the previous publication.

(11) *Notification of changed discharge.* All Industrial Users shall promptly notify the Wastewater Division Manager or his representative in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed wastes for which the Industrial User has submitted initial notification.

(12) Any submitted information that is claimed to be confidential must be stamped with the words “confidential business information” on each page containing such information. If no claim is made at the time of submission, it will become public information without further notice.

(13) The POTW is responsible for developing and enforcing limits to implement the prohibitions listed in section 13-702.

(Ord. No. 88-2007-08, 4-7-08)

Sec. 13-706. Waste surcharge.

(1) *Who is to be charged.* In the event the city waives the requirements of section 13-702 and/or section 13-703 for any customer and that customer discharges to the city's wastewater system abnormal wastes otherwise prohibited or limited under section 13-702 and/or section 13-703, then the customer shall pay a surcharge as hereinafter set forth.

(2) *Annual review of treatment cost.* The costs of treatment for flow, BOD, suspended solids, grease, and any other parameter, the discharge of which is limited by the NPDES permit, removed by the city's wastewater system, will be reviewed at the end of each fiscal year and adjusted to cover the cost of operating the pretreatment program.

(3) *Waste of less than specified strength.* No reduction in sewerage service charges, fees, or taxes shall be permitted because certain industrial wastes discharged to the city's sewerage system

contain less than three hundred twenty-five (325) mg/l of suspended solids, three hundred (300) mg/l of BOD, or one hundred (100) mg/l of freon-extractable materials.

(4) *Reduction of sewerage bills when unpolluted waste is excluded from the system.* The monthly sewer charge can be reduced upon and to the extent of satisfactory demonstration to the city that the sources of the extraneous flow and extraneous flows into the customer's sewer service lines have been eliminated. The industrial user to account for the water use difference can install a sewer flow meter.

(5) *Method of billing.* The surcharge provided for in this section may be included in the city's combined bill for water and sewerage services.

(6) *Determination of surcharge.*

(a) The City will determine its surcharge for each parameter based on the following formula:

$$(0.0083453)(F)(TC)(Pa - Pm) = \text{Surcharge } (\$)$$

Where:

F = Monthly flow in thousand gallons

TC = Treatment costs for servicing wastewater treatment works per unit of parameter

Pa = Parameter, actual

Pm = Parameter, maximum allowable

(b) The surcharge for extraneous flow shall be at the current rate of one thousand (1,000) gallons of wastewater as set forth in the city's schedule of charges and fees [subsection 13-312(5)].

The total surcharges payable to the city shall be the total of the surcharges for BOD, suspended solids, grease, extraneous flow, and other parameters, the discharge of which is limited by the city's NPDES permit.

(Ord. No. 88-2007-08, 4-7-08)

Sec. 13-707. Enforcement procedures.

(1) *Hearing authority.*

(a) *Composition.*

(i) *Voting membership.* The hearing authority either shall be the utilities committee of the city council or shall consist of three (3) persons appointed by the city council with terms to be set by the city council.

(ii) *Ex officio membership.* The following representatives shall constitute the ex officio (nonvoting) membership of the hearing authority and shall serve a continuous term.

a. The mayor of the city.

b. The city engineer, who shall serve as secretary of the hearing authority.

c. The wastewater division manager.

(b) *Conflict of interest.* In the event of a conflict of interest involving any voting member of the hearing authority, the mayor of the city shall temporarily replace the voting member and assume his voting status until the conflict is adjudicated.

(2) *Notification of violation.* Whenever the city finds that any person has violated or is in violation of a section of this chapter or any prohibition, limitation, or requirement contained herein, he may serve upon the person a written notice stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days, for the satisfactory correction thereof.

(3) *Show-cause hearing.*

(a) The city may order any industrial user which causes or contributes to violation of this section or wastewater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the

meeting, the proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any principal executive, general partner, or corporate officer. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.

(b) The hearing authority shall conduct the hearing and take the evidence; issue notices of hearings requesting the attendance and testimony of witnesses and requesting the production of evidence relevant to any matter involved in any such hearings; and prepare a report of the evidence and hearing, including transcripts and other evidence, together with recommendations for action thereon.

(c) At any public hearing, testimony taken before the hearing authority or any person designated by it must be under oath and recorded. The transcript so recorded shall be made available to any member of the public or any party to the hearing upon payment of the usual charges therefore.

(d) After the hearing authority has reviewed the evidence, it may issue an order to the party responsible for the discharge dictating that, following a specified time period, adequate corrective action be taken.

(e) The hearing authority can hear appeals on previously denied discharge permits and rule on these cases.

(f) The hearing authority can hear appeals on enforcement actions issued under the city's sewer use ordinance and rule on these cases.

(4) *Enforcement actions.*

(a) *Consent orders.* The city is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to section 13-707.

(b) *Compliance order.* When the city finds that an industrial user has violated or continues to violate the ordinance or a permit or order issued there under, the city may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(c) *Administrative orders.* When the city finds that a user has violated or continues to violate the provisions set forth in this program, or the order issued thereunder, the city may issue an order for compliance to the user responsible for the discharge. Orders may contain any requirements as might be reasonable, necessary, and appropriate to address the noncompliance, including but not be limited to the installation of pretreatment technology, additional self-monitoring, and management practices.

(d) *Cease and desist orders.* When the city finds that an industrial user has violated or continues to violate this section or any permit or order issued hereunder, the city may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(i) Comply forthwith.

(ii) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(e) *Administrative penalties.* Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter, or permits and orders issued hereunder, shall be penalized in an amount not to exceed ten thousand dollars (\$10,000.00) per violation. Each day on which noncompliance shall occur or continue may be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the city shall have such other collection remedies as he has to collect other service charges. Unpaid charges and penalties shall constitute a lien against the individual user's property. Industrial users desiring to dispute such penalties must file a request for the city to reconsider the penalty within ten (10) days of being notified of the penalty. Where the city believes a request has merit, a hearing shall be convened on the matter with fifteen (15) days of receiving the request from the industrial user.

(f) *Injunctive relief.* Whenever an industrial user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the city, through counsel may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the industrial user. The city shall have such remedies to collect these fees as it has to collect other sewer service charges.

(g) *Civil penalties.*

(i) Any industrial user who has violated or continues to violate this chapter or any order or permit issued hereunder, shall be liable to the city for a civil penalty of not more than ten thousand dollars (\$10,000.00) plus actual damages incurred by the publicly owned treatment works (POTW) per day for as long as the violation continues. In addition to the above described penalty and damages,

the city may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

(ii) The city shall petition the court to impose, assess, and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factor as justice requires.

(h) *Criminal prosecution.*

(i) Any industrial user who willfully or negligently violates any provision of this chapter or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a penalty not to exceed one thousand dollars (\$1,000.00) per violation per day or imprisonment for not more than one year or both.

(ii) In the event of a second conviction, the user shall be punishable by a penalty not to exceed ten thousand dollars (\$10,000.00) per violation per day or imprisonment for not more than three (3) years or both.

(iii) Any industrial user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a penalty of not more than one thousand dollars (\$1,000.00) per violation per day or imprisonment for not more than one year or both.

(iv) In the event of a second conviction, the user shall be punishable by a penalty not to exceed ten thousand dollars (\$10,000.00) per violation per day or imprisonment for not more than three (3) years or both.

(v) Any discharge in violation of the substantive provisions of this chapter or an order of the hearing authority shall be considered a public nuisance. If any person discharges sewage, industrial waste, extraneous flow, or other wastes into the city's wastewater system contrary to the substantive provisions of this chapter or any order of the hearing authority, the city attorney may commence action for appropriate legal and/or equitable relief in the chancery or circuit courts of Montgomery County, Tennessee. Such action may be in lieu of or in addition to proceedings before the hearing authority.

(k) 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 appears to present an imminent endangerment to the health or welfare of persons.

(Ord. No. 88-2007-08, 4-7-08)

Sec. 13-708. Penalty and insurance.

(1) *Liability for violations.* Any person who is found to have violated an order of the hearing authority or who fails to comply with any provision of this chapter and the orders, rules, and regulations issued hereunder shall be penalized under the general penalty clause for this code for each offense. In addition to the penalties provided herein, the city may recover all damages or costs resulting from the violation and may recover reasonable attorney's fees, court costs, court reporters' fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, and regulations issued hereunder. The protection of public

sanitary sewers and public waters is hereby deemed to be of such importance to the public health and welfare that scienter, negligence, or intent shall not be considered an element of this offense and lack of scienter, negligence, or intent shall not be a defense. This provision shall in no way be construed to waive any common law or statutory cause of action for damages. The city shall have the right to terminate water and sewer service to those industrial users who habitually violate any portion of the sewer use ordinance.

(2) *Alarms and insurance.* In any case in which the city determines deleterious wastes pose a threat to the public or to the wastewater system set forth in subsection 13-702(2), he may require the person responsible for the discharge of deleterious wastes to provide a detection and warning system to be approved by the city and to provide an insurance policy or bond in whatever amount deemed necessary that names the city as insured or bond recipient.

(3) *Amount of insurance.* This insurance shall protect the city from damage to the wastewater system caused by abnormal and/or deleterious wastes and from judgments against the city from suits of personal injury and/or property damage caused by the abnormal and/or deleterious wastes.

(4) *Distribution of damage liability.* Such insurance policies shall provide that where two (2) or more users of the wastewater system discharge deleterious wastes that are found to have caused or contributed to damage to the sewers and/or resulted in suits against the city, the insurer shall not require proof of the extent of damages caused by each user but shall cover the full extent of any loss, provided the city does not recover from any combination of insurers more than the full amount of the loss resulting from suits and/or damage to sewers.

(Ord. No. 88-2007-08, 4-7-08)

Sec. 13-709. Enforcement response guide.

The enforcement actions taken in response to violations of the city's pretreatment program are as follows:

Description of Terms:

PC--Pretreatment Coordinator

WWDM--Wastewater Division Manager

AO--Administrative Order

IU--Industrial User

NOV--Notice of Violation

POTW--Public Owned Treatment Works

NA--Not Applicable

ENFORCEMENT RESPONSE GUIDE

ENFORCEMENT RESPONSE GUIDE TABLE

UNAUTHORIZED DISCHARGE (NO PERMIT)

TABLE INSET:

NONCOMPLIANCE	NATURE OF VIOLATION	CATEGORY/ PENALTY RANGE		ENFORCEMENT RESPONSE	PERSONNEL
Industrial user survey	Failure to return	1	No penalty	1 st - phone call repeated terminate service	PC

Unpermitted discharge	IU unaware of requirements, no harm to POTW or environment	1	No penalty	Phone call, NOV with application	PC
	IU unaware of requirements, harm to POTW or environment (significant non-compliance)	4	\$1,000--\$5,000	AO and penalty termination of service	WDM
	Failure to apply continues after notification by PC	5	\$5,000--\$10,000	Civil action in chancery court Criminal investigation termination of service	WDM

	IU has not submitted application within 10 days of due date	1	No penalty	Phone call, NOV	PC
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DISCHARGE PERMIT VIOLATIONS

TABLE INSET:

NONCOMPLIANCE	NATURE OF VIOLATION	CATEGORY / PENALTY RANGE		ENFORCEMENT RESPONSE	PERSONNEL
Exceeding of Local, State or Federal standards	Isolated, not significant	1	No penalty	Phone call, NOV	PC
	Isolated, significant (no harm)	2	\$50--\$500	AO to develop spill prevention plan (if not previously submitted)	WDM

	Isolated harmful to POTW or environment	3	\$500-- \$1,000	Show cause hearing AO and penalty	PC WDM
	Chronic or TRC, no harm	2	\$50-- \$500	AO and penalty	WDM
	Chronic or TRC, harm to POTW or environment	4	\$1,000-- \$5,000	AO and penalty termination of service	WDM

MONITORING AND REPORTING VIOLATIONS

TABLE INSET:

NONCOMPLIAN CE	NATURE OF VIOLATIO N	CATEGORY/PENA LTY RANGE		ENFORCEME NT RESPONSE	PERSONNE L
Reporting violation	Report improperly signed or certified	1	No penalty	Phone call, NOV	PC

	Report improperly signed or certified after prior notice	2	\$50-- \$500	Show cause hearing AO	PC WDM
	Isolated, not significant (<5 days late)	1	No penalty	Phone call, NOV	PC
	significant (>5 days late)	2	\$50-- \$500	AO to submit and penalty for each day late	WDM
	Report always late: failure to submit (significant non- compliance)	5	\$5,000-- \$10,000	Civil action, chancery court termination of service	WDM

	Failure to report spill or discharge, no harm	1	No penalty	NOV	PC
	Failure to report spill or discharge with harm	3	\$500-- \$1,000	AO and penalty, civil action	WDM
	Repeated failure to report spills	5	\$5,000-- \$10,000	AO and penalty, civil action termination of service	WDM
	Falsification of records	5	\$5,000-- \$10,000	Criminal investigation termination of service	WDM
Failure to monitor correctly	Failure to monitor all required permit pollutants	1 2	No penalty \$50-- \$500	NOV AO	PC WDM

	Recurring failure to monitor	3	\$500--\$1,000	AO and penalty, civil action	WDM
Improper sampling	No evidence of intent	1	No penalty	NOV	PC
	Evidence of intent	5	\$5,000--\$10,000	Criminal investigation termination of service	WDM
Failure to install monitoring equipment	Delay of less than 30 days	1	No penalty	NOV	PC
	Delay of more than 30 days	2	\$50--\$500	AO to install with penalty for each additional day	WDM

Compliance schedule	Recurring, violation of AO	5	\$5,000-- \$10,000	Civil action, criminal investigation termination of service	WDM
	Missed milestone, less than 30 days, will affect final schedule	1	No penalty	NOV	PC
	Missed milestone, more than 30 days, will affect final schedule (good cause)	2	\$50-- \$500	AO	WDM

	Missed milestone, more than 30 days, will affect final schedule (no good cause)	4	\$1,000--\$5,000	AO and penalty, civil action termination of service	WDM
Recurring violations or violations of AO	5	\$5,000--\$10,000	Civil action, criminal investigation on termination of service	WDM	

OTHER PERMIT VIOLATIONS

TABLE INSET:

NONCOMPLIANCE	NATURE OF VIOLATION	CATEGORY / PENALTY RANGE	ENFORCEMENT RESPONSE	PERSONNEL

Waste stream dilution in lieu of pretreatment	Initial violation	2	\$50-- \$500	AOL and penalty	WDM
	Recurring	3	\$500-- \$1,000	Show cause hearing termination of service	WDM
Failure to mitigate non- compliance or halt production	Does not cause harm	1	No penalty	NOV	PC
	Does cause harm	5	\$5,000-- 10,000	AO and penalty, civil action	WDM
Failure to properly maintain and operate facility	Does not cause harm	1	No penalty	NOV	PC
	Does cause harm	4	\$1,000-- \$5,000	AO and penalty, civil action	PC

VIOLATIONS DETECTED DURING SITE VISIT

TABLE INSET:

NONCOMPLIANCE	NATURE OF VIOLATION	CATEGORY/ PENALTY RANGE		ENFORCEMENT RESPONSE	PERSONNEL
Entry denial	Entry denied or consent withdrawn; copies of records denied	2	\$50-- \$500	Obtain warrant and return to IU	PC
Illegal discharge, violation of general discharge prohibitions	No harm to POTW or environment	2	\$50-- \$500	AO and penalty	WDM
	Caused harm or evidence of intent or negligence	4	\$1,000-- \$5,000	AO and penalty, civil action criminal investigation	WDM
	Recurring, violation of AO	5	\$5,000-- \$10,000	Termination of service	WDM

Improper sampling	Unintentional sampling at incorrect location	1	No penalty	NOV	PC
	Unintentional using of incorrect sample type	1	No penalty	NOV	PC
	Unintentional using incorrect sample techniques	1	No penalty	NOV	PC
Inadequate record keeping	Files incomplete or missing (no evidence of intent)	1	No penalty	NOV	PC
	Recurring	3	\$500-- \$1,000	AO and penalty	WDM

Failure to report additional monitoring	Inspection finds additional files (unintentional	2	\$50--\$500	NOV	WDM
	Recurring (considered falsification)		\$1,000--\$5,000	AO and penalty	WDM

TIME FRAMES FOR ENFORCEMENT RESPONSES

All violations will be identified and documented within five (5) days of receiving compliance information.

Initial enforcement response involving contact with the IU and requesting information on corrective or preventative action will occur within fifteen (15) days of violation detections.

Follow up actions for continuing or recurring violations will be taken within sixty (60) days of initial enforcement response. For continuing violations, the response will include a compliance schedule.

Violations that threaten health, property or environmental quality are considered emergencies and will receive immediate response such as halting the discharge or terminating service.

All violations meeting the criteria for significant non-compliance will be addressed with an enforceable order within thirty (30) days of identification of the significant non-compliance.

Chronic and TRC violations will be determined by the PC on a six-month basis (April through September and October through March) per parameter as detailed in 40 CFR 403.8 (f) (2)

(vii).

(Ord. No. 88-2007-08, 4-7-08)

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

Chapter 7 INDUSTRIAL WASTEWATER PRETREATMENT

Sec. 13-701. Definitions.

(1) Unless the context specifically indicates otherwise, the meanings of the terms used in this chapter shall be as follows:

~~(1)~~ *Abnormal wastes* shall mean any waste having a suspended solids, BOD, or EPA Method 1664A n-Hexane extraction materials content or any other parameter in excess of that normally found in municipal sewage and having any wastes containing materials in concentrations that are incompatible with the wastewater system. Any waste that contains more than three hundred twenty-five (325) mg/l of suspended solids or has a BOD in excess of three hundred (300) mg/l or n-Hexane extraction materials content in excess of one hundred (100) mg/l shall be considered an abnormal industrial waste. Further, wastes containing toxic or poisonous substances in concentrations greater than those permitted by EPA rules and regulations shall be considered abnormal industrial wastes.

~~(2)~~ *Act* shall mean the Water Pollution Control Act Amendments of 1972 as amended, Public Law 92-500.

~~(3)~~ *Best management practices (BMPs)* shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 13-702. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

~~(4)~~ *Biochemical oxygen demand (BOD)* shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade expressed in terms of weight and concentration (milligrams per liter, or mg/l).

~~(5)~~ *Building drain* shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

~~(6)~~ *Building sewer* shall mean the extension of the building drain to the public sewer or other place of disposal.

~~(7)~~ *Categorical standards* shall mean national pretreatment standards.

~~(8)~~ *Combined sewer* shall mean a sewer receiving both surface runoff and sewage.

~~(9)~~ *Compatible pollutant* shall mean BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or may in the future be specified and controlled in the city's NPDES permits for its wastewater treatment plants where the plants have been designed and used to reduce or remove such pollutants.

~~(10)~~ *Cooling water* shall mean the water discharged from any use such as air conditioning, cooling, or refrigeration, during which the only pollutant added to the water is heat.

~~(11)~~ *City* shall mean the City of Clarksville, Tennessee, the mayor, the city engineer, the general manager, the wastewater division manager, the

pretreatment coordinator, the wastewater treatment plant superintendent, the wastewater collection system supervisor, the sewer lift station supervisor or their duly authorized representatives.

~~(12)~~—*Wastewater division manger* shall mean the manager of the sewage works of the city, or his authorized deputy, agent, or representative.

~~(13)~~—*Domestic wastes* shall mean liquid wastes:

- a. From the noncommercial preparation, cooking, and handling of food or
- b. Containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.

~~(14)~~—*EPA* shall mean the Environmental Protection Agency, an agency of the federal government, or its successor agency or body.

~~(15)~~—*Equivalent flow* shall mean the hydraulic flow adjusted to reflect the excessive waste loading of an industrial discharge; the highest concentration of any one (1) waste parameter shall determine the equivalent flow.

~~(16)~~—*Extraneous flow* shall mean any storm water, water runoff resulting from natural precipitation, drainage, or any other water the wastewater system is not designed to handle or accept.

~~(17)~~—*Garbage* shall mean solid wastes form the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

~~(18)~~—*Grab sample* shall mean a sample which is taken from the waste stream on a one-time basis with no regard to the flow in the waste stream and ~~without consideration of time~~ not to exceed 15 minutes.

~~(19)~~—*Hearing authority* shall mean the quasijudicial body that has the authority to adjudicate this chapter.

~~(20)~~—*Incompatible pollutant* shall mean any pollutant that is not a compatible pollutant as defined in this section.

Indirect discharge shall mean the introduction of pollutants into a POTW from any non-domestic source.

~~(21)~~—*Industrial user* shall mean a source of indirect discharge which does not constitute a "discharge of pollutants" under regulation issued pursuant to section 402 of the Act.

~~(22)~~—*Industrial wastes* shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

~~(23)~~—*Interference* shall mean a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge ~~processes~~ use or disposal; or exceeds the design capacity of the treatment works or the collection system.

~~(24)~~—*Major user* shall mean any industrial user of the city's wastewater system whose nondomestic flow or loading is greater than an equivalent flow of twenty-five thousand (25,000) gallons per day (gpd) but less than ten (10) percent of the average daily flow for which the system was designed.

~~(25)~~—*Minor user* shall mean any user whose flow or loading is equivalent to twenty-five thousand (25,000) gpd or less.

~~(26)~~—*National pollutant discharge elimination system (NPDES)* shall mean the program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone and the oceans pursuant to section 402 of the Act.

~~(27)~~—*National pollution discharge elimination system permit or NPDES permit* shall mean a permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).

~~(28)~~—*Natural outlet* shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

New source shall means

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

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

(ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) The production or wastewater generating processes of the building, structure,

facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs 13-701 (1) of this section, but otherwise alters, replaces, or adds to existing process or production equipment.

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

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

(A) Any placement, assembly, or installation of facilities or equipment; or

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

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

~~(29)~~ *Parameter* shall mean a specified characteristic of the wastewater relevant to its treatability (BOD, suspended solids, grease, etc.).

Pass Through means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

~~(30)~~ *Person* shall mean any individual, firm, company, partnership, corporation, association, group, or society and includes the state and agencies, districts, commissions and political subdivisions created by or pursuant to state law.

~~(31)~~ *pH* shall mean the logarithm of the reciprocal of the mass of hydrogen ions in moles per liter of solution.

~~(32)~~ *Pretreatment* shall mean the application of physical, chemical, and/or biological processes to reduce the amount of pollutant properties in a wastewater prior to discharging such wastewater into the publicly owned wastewater treatment system.

Pretreatment requirement shall means any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

~~(33)~~ *Pretreatment standards* shall mean all applicable federal rules and regulations implementing section 307 of the Act, including all local pollutant discharge limits, as well as any nonconflicting state or local standards. In cases of conflicting standards or regulations, the more stringent thereof shall be applied.

~~(34)~~ *Properly shredded garbage* shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles shall be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

~~(35)~~ *Public sewer* shall mean a sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

~~(36)~~ *Publicly owned treatment works (POTW)* shall mean the wastewater treatment facility owned and operated by the city.

~~(37)~~ *Sanitary sewer* shall mean a sewer which carries wastewater and to which storm, surface, and ground waters are not intentionally admitted.

~~(38)~~ *Sewer* shall mean a pipe or conduit for carrying wastewater.

~~(39)~~ *Shall* is mandatory; may is permissive.

~~(40)~~ *SIC* shall designate standard industrial classification, a system developed by the office of management and budget, executive branch, U.S. Government, to promote the comparability of statistics describing industrial users. The SIC defines establishments in accordance with the type of activity in which they are engaged.

~~(41)~~ *Significant user* shall means all industrial users subject to categorical pretreatment standards, and any other industrial user that: Discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the publicly owned treatment works (POTW) (excluding sanitary, noncontact cooling and boiler blow-down wastewater); contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or

organic capacity of the treatment plant; or is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement. Upon finding that an industrial user meeting these criteria has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from an industrial user, determine that such industrial user is not a significant industrial user.

~~(42)~~—*Slug load* or *slug discharge* shall mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in section 13-702. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the POTW's regulations, local limits, or permit conditions. Significant Industrial Users are required to notify the POTW immediately of any changes at its facility affecting potential for a Slug discharge.-

~~(43)~~—*Standard methods* shall mean "Standard Methods for the Examination of Water and Wastewater" published jointly by the Water Pollution Control Federation, the American Water Works Association, and the American Public Health Association.

~~(44)~~—*Storm drain* (sometimes termed *storm sewer*) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

~~(45)~~—*Storm water* shall mean any extraneous flow resulting from natural precipitation.

~~(46)~~—*Suspended solids* shall mean solids that are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

~~(47)~~—*Toxic pollutant* shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of 33 U.S.C. 1317.

~~(48)~~—*Twenty-four-hour flow proportional composite sample* shall mean a sample consisting of several effluent portions collected during a 24-hour period in which the portions of sample are proportioned to the flow and combined to form a representative sample.

~~(49)~~—*Unpolluted water* shall mean water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of known receiving water quality standards.

~~(50)~~—*User* shall mean any person who discharges wastewater into the city's wastewater system or who causes or permits wastewater to be discharged.

~~(51)~~—*Wastewater* or *sewage* shall mean a combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments.

~~(52)~~—*Wastewater system* shall mean all separate sanitary sewers, all combined sewers, all wastewater pumping stations, all wastewater treatment plants, and all other facilities provided and owned by the city for the collection and treatment of sanitary sewage and industrial waste, together with their appurtenances and any additions, expansions, or improvements that hereafter may be made thereto by the

city. It shall also include all sewers that discharge into the public sanitary sewerage system, even though those sewers may not have been constructed with funds of the city. It does not include separate storm sewers, culverts, or other drains that have been constructed for the sole purpose of carrying storm and surface runoff, the discharge from which is not and does not become tributary to the wastewater treatment facilities.

~~(53)~~—*Wastewater treatment plant* shall mean any arrangement of devices and structures used for treating wastewater.

~~(54)~~—*Wastewater works* shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

~~(55)~~—*Watercourse* shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Terms not otherwise defined herein, if questioned shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater.
(Ord. No. 88-2007-08, 4-7-08)

Sec. 13-702. Prohibitions and limitations of wastewater discharges.

(1) General prohibitions. No User may introduce into POTW any pollutant(s) which cause Pass Through or Interference.

~~(1)~~—(2) *Deleterious wastes enumerated.* No deleterious industrial wastes shall be discharged to the city's wastewater system. An industrial waste shall be considered deleterious to the wastewater system if it may cause any of the following effects:

- (a) Violations of pretreatment standards as adopted by the city.
- (b) Violations by the treatment plant of its discharge permit or applicable receiving water standards, applicable air pollution permits, or solid waste permits.
- (c) Chemical reaction either directly or indirectly with the material of construction of the wastewater system in such a manner as to impair the strength or durability of the sewer structure.
- (d) Mechanical action that will destroy the sewer structure.
- (e) Restriction of the hydraulic capacity of the sewer structure.
- (f) Restriction of the normal inspection or maintenance of the sewer structure.
- (g) Danger to public health and safety.
- (h) Obnoxious conditions inimical to public interest.

~~(2)–(3)~~ *Prohibited discharges.* No persons shall discharge or cause or allow to be discharged or deposited into the city's wastewater system any wastewater that contains the following:

- (a) *Petroleum-based oils and greases.*
 - (i) Oil grease, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through ~~violate federal pretreatment standards, cause interference to the wastewater treatment plant process, or pass through the process untreated.~~
 - (ii) Wastewater from industrial facilities containing floatable fats, wax, grease, or oils.
- (b) *Explosive mixtures.* Liquids, solids, or gases that by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other

substances, to cause fire or explosion or be injurious in any other way to the wastewater system or its operation. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into the city's wastewater system be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter or have a closed cup flash point less than 140 degrees Fahrenheit or 60 degrees Celsius. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromides, carbides, hydrides, and sulfides.

(c) *Noxious material*. Noxious or malodorous solids, liquids, or gases that either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life or that are or may be of sufficient concentration to prevent entry into a sewer for its maintenance and repair. 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.

(d) *Improperly shredded garbage*. Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particle greater than one-half-inch in any dimension.

(e) *Radioactive wastes*. Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use or that may cause damage or hazards to the wastewater system or operating personnel.

(f) *Solid or viscous wastes.* Solid or viscous wastes that will or may cause obstruction to the flow in ~~a sewer or otherwise interfere with the proper operation of the wastewater system~~ the POTW resulting in interference. Prohibited materials include, but are not limited to, greases, uncomminuted garbage, paunch manure, ~~bones, hair, hides or fleshings, entrails, whole blood, feathers,~~ ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances, or other substances with a specific gravity in excess of two and sixty-five hundredths (2.65). Bones, hair, hides or fleshings, entrails, whole blood, and feathers, from slaughterhouses are also prohibited.

(g) *Excessive discharge rate.* Wastewaters at a flow rate or containing such concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average 24-hour concentration, quantities, or flow during normal operation that would cause ~~a treatment process upset and subsequent loss of treatment efficiency~~ Interference with the POTW.

(h) *Toxic substances.* Any toxic substances that would cause the concentration of the wastewater at the influent structure of the treatment facility to exceed the limits in table 1. The city shall monitor the treatment works influent for each parameter in the following tables. Each industrial user shall be responsible for monitoring and reporting these requirements. In the event that the influent at the treatment works reaches or exceeds the levels established by the table, the city

shall initiate technical studies to determine the cause of the influent violation and shall recommend to the city such remedial measures as are necessary, including, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The city shall also recommend changes to any of these criteria in the event the publicly owned treatment works' effluent standards are changed, that there are changes in any applicable law or regulation affecting them, or in the event changes are needed for more effective operation of the publicly owned treatment works. The intent of these limitations is to prevent:

- (i) Interference with the operation of the treatment works;
- (ii) Pass through of pollutants in violation of the publicly owned treatment works' NPDES permit limitations; and
- (iii) Municipal sludge contamination.

Table I. Protection Criteria

Incompatible Pollutant Influent Limitations for the Clarksville Wastewater

Treatment Plant

TABLE INSET:

Pollutant	Maximum Daily Average Concentration (mg/l)
Arsenic	0.10
Cadmium	0.01
Chromium (total)	0.34

Copper	1.0
Cyanide	0.05
1, 2 and 1, 4 dichlorobenzene	1.6
Iron	10.0
Lead	0.1
Mercury	0.007
Nickel	0.26
Silver	0.94
Tetrachloroethylene	0.1
Toluene <u>Toluene</u>	1.0
Zinc	0.29

Table II. Protection Criteria

Compatible Pollutant Influent Limitations for the Clarksville Wastewater

Treatment Plant

TABLE INSET:

Pollutant	Maximum Daily Average Concentration (mg/l)	Maximum Instantaneous Concentration (mg/l)
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5-day BOD	245	270
TSS	238	270

Modification of federal categorical pretreatment standards. Where the city's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the city may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" (as defined hereinafter) shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent that is achieved by the system when ninety-five (95) percent of the samples taken measured according to the procedures set forth in section 403.7(c)(2) of title 40 of the Code of Federal Regulations, part 403, "General Pretreatment Regulations for Existing and New Sources of Pollution," promulgated pursuant to the Act. The city may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR, part 403, section 403.7 are fulfilled and prior approval from the approval authority is obtained.

(i) *Unpolluted waters and extraneous flow.* Any unpolluted water of extraneous flow, including, but not limited to, water from cooling systems or of storm water origin that will increase the hydraulic load on the wastewater treatment system.

(j) *Discolored material.* Wastes with objectionable color or that cause excessive discoloration (such as, but not limited to, dye wastes, vegetables, and tanning solutions).

(k) *Corrosive wastes.* Any waste that will cause corrosion or deterioration of the wastewater system. All wastes discharged to the city's wastewater system must have a pH value in the range of six (6) to nine (9) standard units. Prohibited materials include, but are not limited to, acids, bases, sulfides, concentrated chloride and fluoride compounds, and substances that react with water to form acid or basic products.

(l) *Thermal pollution.* Any wastewater that has a temperature equal to or greater than one hundred fifty (150) degrees Fahrenheit or equal to or less than thirty-two (32) degrees Fahrenheit that will cause the temperature of the receiving wastewater at the plant to exceed one hundred four (104) degrees Fahrenheit or heat in amounts which will inhibit biological activity in the POTW resulting in Interference-

(m) *Trucked or hauled pollutants.* Any trucked or hauled pollutants, except at discharge points designated and approved by the city.

~~(3)~~ (4) *Limitations on wastewater discharges.* The normal upper limits on compatible pollutants are three hundred (300) mg/l for biochemical oxygen demand, three hundred twenty-five (325) mg/l for suspended solids, and one hundred (100) mg/l for oils and greases. Customers discharging wastewater containing compatible pollutants within the range of concentrations listed below may be allowed to discharge and be charged a surcharge in accordance with section 13-~~709~~706:

(a) Biochemical oxygen demand (BOD) within three hundred (300) mg/l to one thousand (1,000) mg/l.

(b) Suspended solids within three hundred twenty-five (325) mg/l to eight hundred (800) mg/l.

(c) Animal and/or vegetable oils and greases within one hundred (100) mg/l to three hundred (300) mg/l.

Customers discharging wastewater containing compatible pollutants greater than the upper limit concentrations listed in this section may be issued a violation of their wastewater permit in addition to the surcharge.

~~(4)~~ (5) *Septic tank and other disposal system discharges.* No person, firm, association, or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excreted disposal system into the publicly owned treatment works unless the person, firm, association, or corporation obtains a permit from the city to perform such acts or service. Any person, firm, association, or corporation desiring a permit to perform such services shall complete and file with the city an application on the form prescribed by the city. Upon any such application, the city shall issue the permit when the conditions of this section have been met, providing the city is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner. The waste hauler permit shall be conditional upon payment of annual user charges and dumping charges as established by the gas, water, and sewer committee. The city shall designate approved locations for the emptying and cleansing of all equipment used on the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association, or corporation to empty or clean such equipment at any place other

than a place so designated. No person, firm, association, or corporation rendering services under the permit herein provided for shall discharge any incompatible pollutant.

(6) Dilution Prohibited as substitute for Treatment. Except where expressly authorized no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement.

(7) The Industrial User shall notify the POTW, 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 Tennessee code 1200-1-11.

(a) Such notification must include the name of the hazardous waste as set forth in 1200-1-11, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). The notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: An identification of the hazardous constituents contained in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve months.

(b) In the case of an notification made under this paragraph, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of

hazardous wastes generated to the degree it has determined to be economically practical.

(Ord. No. 88-2007-08, 4-7-08)

Sec. 13-703. Pretreatment control of prohibited wastes.

(1) *Regulatory actions.* If wastewaters containing any substances described in section 13-702 are discharged or proposed to be discharged into the city's wastewater system, the city may take any action necessary to:

- (a) Prohibit the discharge of such wastewater.
- (b) Require a discharger to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances to comply with this chapter.
- (c) Require the pretreatment necessary, including storage facilities or flow equalization, to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these rules and regulations.
- (d) Recover costs for maintenance of flow in the wastewater system. Recover in full costs incurred to maintain flow in the wastewater system as a result of the discharge, including the following costs:
 - (i) Personnel costs.
 - (ii) Equipment rental.
 - (iii) Supplies used.
 - (iv) Overhead.
 - (v) Taxes.

(vi) Debt service or capital costs.

In regard to extraneous flow, the method of charging therefore shall be in accordance with the charges and fees in effect at that time of billing.

In addition, parties found to be responsible for damages to the wastewater system caused by abnormal or deleterious wastes shall be liable to the city and/or any third parties for claims for personal injury and/or property damages caused by such abnormal and/or deleterious wastes.

The city shall also have the authority to:

(e) Make special agreement or arrangements to treat high strength wastes provided unit operations, sludge handling or disposal, and pass-through pollutant standards are not exceeded, thereby violating the NPDES permit. In order for any exemption or grant to be approved, the requesting industry must demonstrate good management practices including, but not limited to, preventing or reducing the contribution of pollutants to the sewer system, preventative operating and maintenance procedures, scheduling of activities, process changes, prohibiting of activities, and other management practices to reduce the quantity and quality of effluent discharge and drainage.

(f) Take other remedial action as may be deemed necessary or desirable to achieve the purpose of this chapter.

(g) Require grease, oil, and sand interceptors when, in the opinion of the city engineer or his representative, they are necessary for the proper handling of liquid waste containing grease in excessive amounts of any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for

private living quarters or dwelling units. All interceptors shall be of a type and capacity and must be approved by the city engineer or his representative prior to installation and shall be located as to be readily and easily accessible for cleaning and inspection.

(h) Require the owner of any property serviced by a building sewer carrying industrial wastes to install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. The manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the city. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(2) *Submission of plans.* When pretreatment or equalization of wastewater flows prior to discharge into any part of the city's wastewater system is required by the city, plans, specifications, and other pertinent data or information related to the pretreatment or flow control facilities shall first be submitted to the city for written approval. The approval shall not exempt the discharger of such facilities from compliance with any applicable code, ordinance, rule, regulation, or order of any governmental authority. Any subsequent alterations or additions to the pretreatment or flow control facilities shall not be made without due notice to and prior approval of the city. The approval shall not operate to waive any other requirements of this chapter or relieve any person from civil or criminal liability under this chapter or any other applicable law that either is currently enacted or may be enacted in the future.

(3) *Pretreatment facilities operations.* If pretreatment or control of waste flows is required, such facilities shall be maintained in good working order and operated as efficiently as possible by the owner or operator at his own cost and expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances, and laws.

(4) *Powers and authority of inspectors.*

(a) The city engineer, wastewater division manager or their duly authorized employees, and agents representing the state or the federal government are hereinafter designated governmental inspectors for compliance with this chapter.

The governmental inspectors bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. ~~The governmental inspector shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.~~

(b) While performing the necessary work on private properties referred to in subsection (a), the governmental inspectors shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the governmental inspectors. The governmental agency shall indemnify the company against loss or damage to its property by governmental inspectors and against liability claims and demands for personal injury or property damage asserted against the company and growing out

of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in subsection (1)(h).

(c) The governmental inspectors bearing proper credentials and identification shall be permitted to enter all private properties through which the governmental agency holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(5) *Physical protection from accidental discharge.* Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the expense of the owner or operator. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review and be approved before construction of the facilities. Review and approval of such plans and operational procedures shall not relieve the industrial user from the responsibility to modify his facilities as necessary to meet the requirements of this chapter. The city may require an alarm system or diking or other facilities to protect against accidental discharges.

(6) *Reporting of potential problems including accidental discharge/slug discharge.* If for any reason a facility does not or is not able to comply with any

prohibition or limitation in this chapter, the facility responsible for the discharge shall immediately notify the wastewater division manager or his representative by the quickest means possible so that corrective action may be taken to protect the wastewater system. In addition, a written report addressed to the wastewater division manager or his representative detailing the date, time, and cause of the accidental discharge; the quantity and characteristics of the discharge; and corrective action taken to prevent future discharges shall be filed by the responsible industrial facility within five (5) days of the occurrence of the noncomplying discharge or incident.

(7) *Accidental discharge/slug discharge control plans.* The wastewater division manager or his representative shall evaluate whether each significant industrial user needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The wastewater division manager or his representative may require any user to develop, submit for approval or implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the wastewater division manager or his representative may develop such a plan for any user. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- (a) Description of discharge practices, including nonroutine batch discharges;
 - (b) Description of stored chemicals;
 - (c) Procedures for immediately notifying the wastewater division manager or his representative of any accidental or slug discharge, as required by section 13-705;
- and

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

(Ord. No. 88-2007-08, 4-7-08)

Sec. 13-704. Industrial wastewater monitoring and reporting.

(1) *Discharge reports.*

(a) Every significant and major industrial user shall file a periodic discharge report at such intervals as are designated by the city with a minimum requirement of twice a year. The city may require any other industrial user discharging or proposing to discharge into the wastewater system to file these periodic reports.

(b) A discharge report shall include, but need not be limited to, the following: Nature and process, volume, rates of flow, mass emission concentrations of controlled pollutants, compliance with BMPs, or other information that relates to the generation of waste. These reports may also include the chemical constituents and quantity of liquid materials stored on site even though they are not normally discharged. In addition to discharge reports, the city may also require information in the form of annual self-monitoring reports. The following certification statement is also required on each of the monitoring reports.

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

(c) Individuals authorized to sign significant industrial user reports include:

(i) If the user is a corporation; the president, secretary, treasure, or a vice-president of the corporation in charge of a principal business function or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one (1) or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations, can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements, and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(ii) If the user is a partnership or sole proprietorship, a general partner or proprietor, respectively.

(iii) If the user is a federal, state, or local governmental facility, a director or highest official appointed or designated to oversee the operation and

performance of the activities of the government facility, or his documented designee.

(iv) The individuals described in paragraphs (i) through (iii) may designate a duly authorized representative. ~~if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the~~
Industrial
discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and the written authorization is submitted to the Control Authority.

(d) All self monitoring data shall be submitted . If monitoring of wastewater is done on site for purposes other than the discharge monitoring reports the results shall be included with the discharge monitoring reports.

(2) Baseline Monitoring Reports

(a) Baseline Monitoring Reports shall be submitted within 180 days of decision of a categorical Pretreatment Standard. Existing Industrial Users subject to categorical Pretreatment Standards shall submit a report that includes identifying information, environmental control permits held by or for the facility, description of

operation, flow measurement, measurement of pollutants, certification, and a compliance schedule if the facility requires O and M of a pretreatment device to meet the Pretreatment Standards. New Sources and sources that become Industrial Users subsequent to the promulgation of an applicable categorical standard shall submit a report at least 90 days prior to discharge that includes identifying information, environmental control permits held by or for the facility, description of operation, flow measurement, measurement of pollutants, and a description of pretreatment method that will be used to meet the Pretreatment Standards.

~~(2)~~ (3) *Records and monitoring.*

(a) All industrial users who discharge or propose to discharge to the city's wastewater system shall maintain such records of production and related factors, effluent flows, BMPs, and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this chapter and any applicable state or federal pretreatment standards or requirements. Such records shall include the following:

- (i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples.
- (ii) The dates analyses were performed.
- (iii) Who performed the analyses.
- (iv) The analytical techniques/methods use.
- ~~(v)~~(v) The results of such analyses.

(b) Such records shall be made available upon the request of the city. All such records relating to compliance with pretreatment standards shall be made available to EPA officials upon demand. A summary of such data, including the industrial user's compliance with this chapter, shall be prepared and submitted to the city annually. All records relating to compliance with pretreatment standards shall be made available to local, state, or federal compliance and enforcement officials upon request. These records shall remain available for a period of at least three (3) years. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Industrial User or the operation of the WWF Pretreatment Program or when requested by the Director or the Regional Administrator.

(c) The owner or operator of any premises of a facility discharging industrial wastes into the city's system shall install, at his own cost and expense, suitable monitoring equipment and manholes to facilitate the accurate observation, sampling, and measurement of the wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.

(d) Monitoring equipment shall be located and maintained on the industrial user's premises outside the building. When such a location would be impractical or cause undue hardship on the user, the city may allow the facility to be constructed in the public street or sidewalk area, provided that the public agency having jurisdiction over the street or sidewalk gives approval and that the facility is so located as not to be obstructed by public utilities, landscaping, or parked vehicles.

(e) When more than one (1) user can discharge into a common sewer, the city may require the installation of separate monitoring equipment for each user. If there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the city may require that separate monitoring facilities be installed for each separate discharge.

(f) Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the city's requirements and all applicable construction standards and specifications.

~~(3)~~(4) *Inspection, sampling, and analysis.*

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

(i) Except as indicated in subsections (ii) or (iii), the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the wastewater division manager or his representative. Where time-proportional composite sampling or grab sampling is authorized by the wastewater division manager or his representative, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the

laboratory or the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the wastewater division manager or his representative, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

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

(iii) For sampling required in support of baseline monitoring and 90-day compliance reports, if required by the permit, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the wastewater division manager or his representative may authorize a lower minimum. For the reports required by this section, 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) *Analysis of wastewater.* All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with 40 CFR, Part 136, or equivalent methods approved by the EPA and shall be determined at the control manhole provided or upon suitable samples taken at the control manhole. Sampling shall be carried out

by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards of life, limb, and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises are appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

(c) *Sampling frequency.* Sampling of industrial wastewater for the purpose of compliance determination with respect to the prohibitions and limitations of section 13-702 shall be done at such intervals as the city may designate. However, significant industrial users are required to report, within twenty-four (24) hours, any noncompliance and have two (2) additional samples taken and analyzed and submitted within thirty (30) days of becoming aware of the violation for those parameters found to be in violation. If the city performed the sampling and analysis in lieu of the industrial user, the city will perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis.

(d) *Representative samples.* 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.

~~(4)~~(5) -Compliance schedule for meeting categorical Pretreatment Standards.

(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 required for the Industrial User to meet the applicable categorical Pretreatment Standards (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 subparagraph (a) of this paragraph shall exceed 9 months.

(c) Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Control Authority including, at 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 delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Control Authority.

(Ord. No. 88-2007-08, 4-7-08)

Sec. 13-705. Industrial discharge permit system.

(1) *Wastewater discharge permits required.* All industrial users proposing to connect to or discharge into any part of the city's wastewater system shall first obtain a discharge permit. Any existing industrial users connected to or discharging

to any part of the city's system shall obtain a wastewater discharge permit within ninety (90) days from and after the effective date of this chapter.

(2) *Permit application.* Industrial users seeking a wastewater discharge permit shall complete and file with the city an application prepared on the form prescribed by the city and accompanied by an application fee, the amount of which is to be established by the gas, water, and sewer committee. In support of this application, the user shall submit the following information:

- (a) Name, address, and SIC number of the applicant.
- (b) Volume of wastewater being or to be discharged.
- (c) Wastewater constituents and characteristics, including, but not limited to, those set forth in section 13-702 as determined by an approved wastewater analytical laboratory.
- (d) Time and duration of the discharge.
- (e) Average and 15-minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.
- (f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers and appurtenances by size, location, and elevation.
- (g) Description of activities, facilities, and plant processes on the premises, including all materials and types of materials that are or could be discharged, or other evidence that satisfies the city.
- (h) The type, amount, and rate of production of each product made.
- (i) Number and type of employees and hours of work.

(j) Any other information the city may deem necessary to evaluate the permit application.

The provisions of this section may be modified to protect patents, trade secrets, or other classified production information, if requested and agreed to by the city.

The city shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit, subject to terms and conditions provided herein. If a discharge permit is denied, then the applicant may appeal to the hearing authority.

(3) *Permit conditions.* Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other regulations, user charges, and fees established by the city. The conditions of wastewater discharge permits shall be uniformly enforced in accordance with this chapter and applicable state and federal regulations. Permit conditions shall include the following:

- (a) Payment of all charges and fees when due during permit period.
- (b) The average and maximum wastewater constituents and characteristics.
- (c) Limits on rates and time of discharge or requirements for flow regulation and/or equalization.
- (d) Requirements for installation of inspection and sampling facilities and specifications for monitoring programs.
- (e) Requirements for maintaining and submitting technical reports and plant records related to wastewater discharges.

(f) Daily average and daily maximum discharge rates or other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's wastewater discharge.

(g) BMPs required by a pretreatment standard, local limits, state, or local law.

(h) Slug control requirements.

(i) Compliance schedules.

(j) Other conditions to ensure compliance with this chapter.

(k) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements.

(4) *Duration of permits.* Permits shall be issued for a specified time period, not to exceed five (5) years. If the user is not notified by the city one hundred eighty (180) days prior to the expiration of the permit, the permit shall automatically be extended one hundred eighty (180) days from the date of notice. The terms and conditions of the permit may be subject to modification and changed by the city during the life of the permit if the limitations or requirements identified in section 13-702 are modified and/or changed. The permittee shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(5) *Transfer of a permit.* 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, a new user, different premises, or a new or changed operation.

(6) *Revocation of a permit.* Any user who violates any of the conditions of his permit listed below, any provisions of this chapter, or any applicable state or federal regulations is subject to having his permit revoked. Violations subjecting a user to revocation of his permit include, but are not limited to, the following:

(a) Failure of a user to report the wastewater quantity, constituents, or characteristics accurately.

(b) Failure of a user to report significant changes in operations or wastewater constituents and characteristics.

(c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.

(d) Violations of conditions of the permit.

(7) *Change of potential for slug discharge.* The permit holder must notify the wastewater division manager or his representative immediately if the potential for slug discharge(s) changes.

(8) *Continuing to discharge.* Any person who discharges or continues to discharge without a permit is in violation of this chapter and shall be subject to the procedures of section 13-707.

(9) *Significant noncompliance (SNC).* Instances of SNC are industrial user violations, which meet one (1) or more of the following criteria:

(a) Violations of wastewater discharge limits.

(i) *Chronic violations.* Sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter taken during a six-month period exceed

(by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as provided in subsection (3);

(ii) *Technical review criteria (TRC) violations.* Thirty-three (33) percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as provided in subsection (3), multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(iii) *Other violations of an effluent limit.* Any other violation(s) of a pretreatment standard or requirement (daily maximum, average, instantaneous limit, or narrative standard) that the wastewater division manager or his representative determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of the POTW personnel or the public;

(iv) *Discharge of a pollutant causing endangerment.* Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the publicly owned treatment works (POTW) exercise of its emergency authority to halt or prevent such a discharge.

(v) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism of enforcement order for starting construction, completing construction, or attaining final compliance.

(vi) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(vii) Failure to accurately report noncompliance.

(viii) Any other violation or group of violations, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

(b) Compliance schedule milestones. Violations of compliance schedule milestones, contained in a local control mechanism or enforcement order, for starting construction, completing construction, and attaining final compliance by ninety (90) days or more after the schedule date.

(c) Reports. Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports, and periodic reports) within thirty (30) days from the due date.

(d) Failure to accurately report noncompliance.

(e) Any other violation or group of violations that the city considers to be significant.

(10) *Annual publication of significant violations.* The city shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those industrial users which are found to be in significant noncompliance, as defined in this section, with any provisions of this section or any permit or order issued hereunder during the period since the previous publication.

(11) Notification of changed discharge. All Industrial Users shall promptly notify the Wastewater Division Manager or his representative in advance of any ~~substantial~~ substantial change in the volume or character of pollutants in their discharge, including the listed wastes for which the Industrial User has submitted initial notification.

(12) Any submitted information that is claimed to be confidential must be stamped with the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, it will become public information without further notice.

(13) The POTW is responsible for developing and enforcing limits to implement the prohibitions listed in section 13-702.

(Ord. No. 88-2007-08, 4-7-08)

Sec. 13-706. Waste surcharge.

(1) *Who is to be charged.* In the event the city waives the requirements of section 13-702 and/or section 13-703 for any customer and that customer discharges to the city's wastewater system abnormal wastes otherwise prohibited or limited under section 13-702 and/or section 13-703, then the customer shall pay a surcharge as hereinafter set forth.

(2) *Annual review of treatment cost.* The costs of treatment for flow, BOD, suspended solids, grease, and any other parameter, the discharge of which is limited by the NPDES permit, removed by the city's wastewater system, will be reviewed at the end of each fiscal year and adjusted to cover the cost of operating the pretreatment program.

(3) *Waste of less than specified strength.* No reduction in sewerage service charges, fees, or taxes shall be permitted because certain industrial wastes discharged to the city's sewerage system contain less than three hundred twenty-

five (325) mg/l of suspended solids, three hundred (300) mg/l of BOD, or one hundred (100) mg/l of freon-extractable materials.

(4) *Reduction of sewerage bills when unpolluted waste is excluded from the system.* The monthly sewer charge can be reduced upon and to the extent of satisfactory demonstration to the city that the sources of the extraneous flow and extraneous flows into the customer's sewer service lines have been eliminated. The industrial user to account for the water use difference can install a sewer flow meter.

(5) *Method of billing.* The surcharge provided for in this section may be included in the city's combined bill for water and sewerage services.

(6) *Determination of surcharge.*

(a) The City will determine its surcharge for each parameter based on the following formula:

$$(0.0083453)(F)(TC)(Pa - Pm) = \text{Surcharge } (\$)$$

Where:

F = Monthly flow in thousand gallons

TC = Treatment costs for servicing wastewater treatment works per unit of parameter

Pa = Parameter, actual

Pm = Parameter, maximum allowable

(b) The surcharge for extraneous flow shall be at the current rate of one thousand (1,000) gallons of wastewater as set forth in the city's schedule of charges and fees [subsection 13-312(5)].

The total surcharges payable to the city shall be the total of the surcharges for BOD, suspended solids, grease, extraneous flow, and other parameters, the discharge of which is limited by the city's NPDES permit.

(Ord. No. 88-2007-08, 4-7-08)

Sec. 13-707. Enforcement procedures.

(1) *Hearing authority.*

(a) *Composition.*

(i) *Voting membership.* The hearing authority either shall be the utilities committee of the city council or shall consist of three (3) persons appointed by the city council with terms to be set by the city council.

(ii) *Ex officio membership.* The following representatives shall constitute the ex officio (nonvoting) membership of the hearing authority and shall serve a continuous term.

a. The mayor of the city.

b. The city engineer, who shall serve as secretary of the hearing authority.

c. The wastewater division manager.

(b) *Conflict of interest.* In the event of a conflict of interest involving any voting member of the hearing authority, the mayor of the city shall temporarily replace the voting member and assume his voting status until the conflict is adjudicated.

(2) *Notification of violation.* Whenever the city finds that any person has violated or is in violation of a section of this chapter or any prohibition, limitation, or requirement contained herein, he may serve upon the person a written notice

stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days, for the satisfactory correction thereof.

(3) *Show-cause hearing.*

(a) The city may order any industrial user which causes or contributes to violation of this section or wastewater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any principal executive, general partner, or corporate officer. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.

(b) The hearing authority shall conduct the hearing and take the evidence; issue notices of hearings requesting the attendance and testimony of witnesses and requesting the production of evidence relevant to any matter involved in any such hearings; and prepare a report of the evidence and hearing, including transcripts and other evidence, together with recommendations for action thereon.

(c) At any public hearing, testimony taken before the hearing authority or any person designated by it must be under oath and recorded. The transcript so recorded shall be made available to any member of the public or any party to the hearing upon payment of the usual charges therefore.

(d) After the hearing authority has reviewed the evidence, it may issue an order to the party responsible for the discharge dictating that, following a specified time period, adequate corrective action be taken.

(e) The hearing authority can hear appeals on previously denied discharge permits and rule on these cases.

(f) The hearing authority can hear appeals on enforcement actions issued under the city's sewer use ordinance and rule on these cases.

(4) *Enforcement actions.*

(a) *Consent orders.* The city is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to section 13-707.

(b) *Compliance order.* When the city finds that an industrial user has violated or continues to violate the ordinance or a permit or order issued there under, the city may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the

noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(c) *Administrative orders.* When the city finds that a user has violated or continues to violate the provisions set forth in this program, or the order issued thereunder, the city may issue an order for compliance to the user responsible for the discharge. Orders may contain any requirements as might be reasonable, necessary, and appropriate to address the noncompliance, including but not be limited to the installation of pretreatment technology, additional self-monitoring, and management practices.

(d) *Cease and desist orders.* When the city finds that an industrial user has violated or continues to violate this section or any permit or order issued hereunder, the city may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(i) Comply forthwith.

(ii) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(e) *Administrative ~~fin~~es penalties.* Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter, or permits and orders issued hereunder, shall be ~~fin~~edpenalized in an amount not to exceed ten thousand dollars (\$10,000.00) per violation. Each day on which noncompliance shall occur or continue may be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer

service charge and the city shall have such other collection remedies as he has to collect other service charges. Unpaid charges, ~~finer~~, and penalties shall constitute a lien against the individual user's property. Industrial users desiring to dispute such ~~finer~~penalties must file a request for the city to reconsider the ~~finer~~penalty within ten (10) days of being notified of the ~~finer~~penalty. Where the city believes a request has merit, a hearing shall be convened on the matter with fifteen (15) days of receiving the request from the industrial user.

(f) *Injunctive relief.* Whenever an industrial user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the city, through counsel may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the industrial user. The city shall have such remedies to collect these fees as it has to collect other sewer service charges.

(g) *Civil penalties.*

(i) Any industrial user who has violated or continues to violate this chapter or any order or permit issued hereunder, shall be liable to the city for a civil penalty of not more than ten thousand dollars (\$10,000.00) plus actual damages incurred by the publicly owned treatment works (POTW) per day for as long as the violation continues. In addition to the above described penalty and damages, the city may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

(ii) The city shall petition the court to impose, assess, and recover such sums. In determining amount of liability, the court shall take into account all relevant

circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factor as justice requires.

(h) *Criminal prosecution.*

(i) Any industrial user who willfully or negligently violates any provision of this chapter or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a ~~fine~~penalty not to exceed one thousand dollars (\$1,000.00) per violation per day or imprisonment for not more than one year or both.

(ii) In the event of a second conviction, the user shall be punishable by a ~~fine~~penalty not to exceed ten thousand dollars (\$10,000.00) per violation per day or imprisonment for not more than three (3) years or both.

(iii) Any industrial user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a ~~fine~~penalty of not more than one thousand dollars (\$1,000.00) per violation per day or imprisonment for not more than one year or both.

(iv) In the event of a second conviction, the user shall be punishable by a ~~fine~~penalty not to exceed ten thousand dollars (\$10,000.00) per violation per day or imprisonment for not more than three (3) years or both.

(v) Any discharge in violation of the substantive provisions of this chapter or an order of the hearing authority shall be considered a public nuisance. If any person discharges sewage, industrial waste, extraneous flow, or other wastes into the city's wastewater system contrary to the substantive provisions of this chapter or any order of the hearing authority, the city attorney may commence action for appropriate legal and/or equitable relief in the chancery or circuit courts of Montgomery County, Tennessee. Such action may be in lieu of or in addition to proceedings before the hearing authority.

(k) The POTW shall have authority and procedures (after informal notice to the discharger) ~~immediatly~~immediately and effectively to halt or prevent any discharge of pollutants to the POTW which appears to present an imminent endangerment to the health or welfare of persons.

(Ord. No. 88-2007-08, 4-7-08)

Sec. 13-708. Penalty and insurance.

(1) *Liability for violations.* Any person who is found to have violated an order of the hearing authority or who fails to comply with any provision of this chapter and the orders, rules, and regulations issued hereunder shall be ~~fined~~penalized under the general penalty clause for this code for each offense. In addition to the penalties provided herein, the city may recover all damages or costs resulting from the violation and may recover reasonable attorney's fees, court costs, court reporters' fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, and regulations

issued hereunder. The protection of public sanitary sewers and public waters is hereby deemed to be of such importance to the public health and welfare that scienter, negligence, or intent shall not be considered an element of this offense and lack of scienter, negligence, or intent shall not be a defense. This provision shall in no way be construed to waive any common law or statutory cause of action for damages. The city shall have the right to terminate water and sewer service to those industrial users who habitually violate any portion of the sewer use ordinance.

(2) *Alarms and insurance.* In any case in which the city determines deleterious wastes pose a threat to the public or to the wastewater system set forth in subsection 13-702~~(1)~~(2), he may require the person responsible for the discharge of deleterious wastes to provide a detection and warning system to be approved by the city and to provide an insurance policy or bond in whatever amount deemed necessary that names the city as insured or bond recipient.

(3) *Amount of insurance.* This insurance shall protect the city from damage to the wastewater system caused by abnormal and/or deleterious wastes and from judgments against the city from suits of personal injury and/or property damage caused by the abnormal and/or deleterious wastes.

(4) *Distribution of damage liability.* Such insurance policies shall provide that where two (2) or more users of the wastewater system discharge deleterious wastes that are found to have caused or contributed to damage to the sewers and/or resulted in suits against the city, the insurer shall not require proof of the extent of damages caused by each user but shall cover the full extent of any loss,

provided the city does not recover from any combination of insurers more than the full amount of the loss resulting from suits and/or damage to sewers.

(Ord. No. 88-2007-08, 4-7-08)

Sec. 13-709. Enforcement response guide.

The enforcement actions taken in response to violations of the city's pretreatment program are as follows:

Description of Terms:

PC--Pretreatment Coordinator

WWDM--Wastewater Division Manager

AO--Administrative Order

IU--Industrial User

NOV--Notice of Violation

POTW--Public Owned Treatment Works

NA--Not Applicable

ENFORCEMENT RESPONSE GUIDE

ENFORCEMENT RESPONSE GUIDE TABLE

UNAUTHORIZED DISCHARGE (NO PERMIT)

TABLE INSET:

NONCOMPLIANCE	NATURE OF VIOLATION	CATEGORY/ <u>FINE</u> <u>PENALTY</u> RANGE	ENFORCEMENT RESPONSE	PERSONNEL
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Industrial user survey	Failure to return	1	No penalty	1 st - phone call repeated terminate service	PC
Unpermitted discharge	IU unaware of requirements, no harm to POTW or environment	1	No penalty	Phone call, NOV with application	PC
	IU unaware of requirements, harm to POTW or environment (significant non-compliance)	4	\$1,000--\$5,000	AO and fine <u>penalty</u> termination of service	WDM
	Failure to apply continues after notification by PC	5	\$5,000--\$10,000	Civil action in chancery court Criminal investigation termination of service	WDM

	IU has not submitted application within 10 days of due date	1	No penalty	Phone call, NOV	PC
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DISCHARGE PERMIT VIOLATIONS

TABLE INSET:

NONCOMPLIANCE	NATURE OF VIOLATION	CATEGORY/ FINE <u>PENALTY</u> RANGE		ENFORCEMENT RESPONSE	PERSONNEL
Exceeding of Local, State or Federal standards	Isolated, not significant	1	No penalty	Phone call, NOV	PC
	Isolated, significant (no harm)	2	\$50--\$500	AO to develop spill prevention plan (if not previously submitted)	WDM
	Isolated harmful to POTW or environment	3	\$500--\$1,000	Show cause hearing AO and fine <u>penalty</u>	PC WDM

	Chronic or TRC, no harm	2	\$50--\$500	AO and fine <u>penalty</u>	WDM
	Chronic or TRC, harm to POTW or environment	4	\$1,000--\$5,000	AO and fine <u>penalty</u> termination of service	WDM

MONITORING AND REPORTING VIOLATIONS

TABLE INSET:

NONCOMPLIANCE	NATURE OF VIOLATION	CATEGORY/ FINE <u>PENALTY</u> RANGE		ENFORCEMENT RESPONSE	PERSONNEL
Reporting violation	Report improperly signed or certified	1	No penalty	Phone call, NOV	PC
	Report improperly signed or certified after prior notice	2	\$50--\$500	Show cause hearing AO	PC WDM

	Isolated, not significant (<5 days late)	1	No penalty	Phone call, NOV	PC
	significant (>5 days late)	2	\$50--\$500	AO to submit and fine <u>penalty</u> for each day late	WDM
	Report always late: failure to submit (significant non-compliance)	5	\$5,000--\$10,000	Civil action, chancery court termination of service	WDM
	Failure to report spill or discharge, no harm	1	No penalty	NOV	PC
	Failure to report spill or discharge with harm	3	\$500--\$1,000	AO and fine <u>penalty</u> , civil action	WDM

	Repeated failure to report spills	5	\$5,000--\$10,000	AO and fine penalty, civil action termination of service	WDM
	Falsification of records	5	\$5,000--\$10,000	Criminal investigation termination of service	WDM
Failure to monitor correctly	Failure to monitor all required permit pollutants	1 2	No penalty \$50--\$500	NOV AO	PC WDM
	Recurring failure to monitor	3	\$500--\$1,000	AO and fine penalty, civil action	WDM
Improper sampling	No evidence of intent	1	No penalty	NOV	PC
	Evidence of intent	5	\$5,000--\$10,000	Criminal investigation termination of service	WDM

Failure to install monitoring equipment	Delay of less than 30 days	1	No penalty	NOV	PC
	Delay of more than 30 days	2	\$50--\$500	AO to install with <u>fine penalty</u> for each additional day	WDM
	Recurring, violation of AO	5	\$5,000--\$10,000	Civil action, criminal investigation termination of service	WDM
Compliance schedule	Missed milestone, less than 30 days, will affect final schedule	1	No penalty	NOV	PC

	Missed milestone, more than 30 days, will affect final schedule (good cause)	2	\$50--\$500	AO	WDM
	Missed milestone, more than 30 days, will affect final schedule (no good cause)	4	\$1,000--\$5,000	AO and fine penalty, civil action termination of service	WDM
Recurring violations or violations of AO	5	\$5,000--\$10,000	Civil action, criminal investigation termination of service	WDM	

OTHER PERMIT VIOLATIONS

TABLE INSET:

NONCOMPLIANCE	NATURE OF VIOLATION	CATEGORY/ FINE <u>PENALTY</u> RANGE		ENFORCEMENT RESPONSE	PERSONNEL
Waste stream dilution in lieu of pretreatment	Initial violation	2	\$50--\$500	AOL and fine <u>penalty</u>	WDM
	Recurring	3	\$500--\$1,000	Show cause hearing termination of service	WDM
Failure to mitigate non-compliance or halt production	Does not cause harm	1	No penalty	NOV	PC
	Does cause harm	5	\$5,000--10,000	AO and fine <u>penalty</u> , civil action	WDM
Failure to properly maintain and operate facility	Does not cause harm	1	No penalty	NOV	PC
	Does cause harm	4	\$1,000--\$5,000	AO and fine <u>penalty</u> , civil action	PC

VIOLATIONS DETECTED DURING SITE VISIT

TABLE INSET:

NONCOMPLIANCE	NATURE OF VIOLATION	CATEGORY/ FINE <u>PENALTY</u> RANGE		ENFORCEMENT RESPONSE	PERSONNEL
Entry denial	Entry denied or consent withdrawn; copies of records denied	2	\$50--\$500	Obtain warrant and return to IU	PC
Illegal discharge, violation of general discharge prohibitions	No harm to POTW or environment	2	\$50--\$500	AO and fine <u>penalty</u>	WDM
	Caused harm or evidence of intent or negligence	4	\$1,000--\$5,000	AO and fine <u>penalty</u> , civil action criminal investigation	WDM
	Recurring, violation of AO	5	\$5,000--\$10,000	Termination of service	WDM

Improper sampling	Unintentional sampling at incorrect location	1	No penalty	NOV	PC
	Unintentional using of incorrect sample type	1	No penalty	NOV	PC
	Unintentional using incorrect sample techniques	1	No penalty	NOV	PC
Inadequate record keeping	Files incomplete or missing (no evidence of intent)	1	No penalty	NOV	PC
	Recurring	3	\$500-- \$1,000	AO and fine <u>penalty</u>	WDM

Failure to report additional monitoring	Inspection finds additional files (unintentional	2	\$50--\$500	NOV	WDM
	Recurring (considered falsification)		\$1,000--\$5,000	AO and fine <u>penalty</u>	WDM

TIME FRAMES FOR ENFORCEMENT RESPONSES

All violations will be identified and documented within five (5) days of receiving compliance information.

Initial enforcement response involving contact with the IU and requesting information on corrective or preventative action will occur within fifteen (15) days of violation detections.

Follow up actions for continuing or recurring violations will be taken within sixty (60) days of initial enforcement response. For continuing violations, the response will include a compliance schedule.

Violations that threaten health, property or environmental quality are considered emergencies and will receive immediate response such as halting the discharge or terminating service.

All violations meeting the criteria for significant non-compliance will be addressed with an enforceable order within thirty (30) days of identification of the significant non-compliance.

Chronic and TRC violations will be determined by the PC on a six-month basis (April through September and October through March) per parameter as detailed in 40 CFR 403.8 (f) (2) (vii).

(Ord. No. 88-2007-08, 4-7-08)