

TENNESSEE DEPARTMENT OF HEALTH AND ENVIRONMENT

Bureau of Environment
T.E.R.R.A. BUILDING
150 NINTH AVENUE NORTH
NASHVILLE, TENNESSEE 37219-5404

SEP 30 1988

Mr. James A. Long, General Manager
Nuclear Fuel Services, Inc.
205 Banner Hill Road
Erwin, Tennessee 37650

RE: Modified NPDES Permit No. TN0002038
Nuclear Fuel Services, Inc.
Unicoi County

Dear Mr. Long:

In accordance with the provisions of "The Tennessee Water Quality Control Act" (Tennessee Code Annotated, Sections 69-3-101 through 69-3-120) your NPDES Permit is hereby modified by the Division of Water Pollution Control.

Please be advised that you have the right to appeal the modified provisions, in accordance with Tennessee Code Annotated, Section 69-3-110, and the General Regulations of the Tennessee Water Quality Control Board. If you elect to appeal, you should file a Petition within thirty (30) days of the receipt of this modification. Such Petition must be prepared on 8 -inch by 11-inch paper, addressed to the Water Quality Control Board, and filed in duplicate at the following address: Kenneth W. Bunting, Director; Division of Water Pollution Control; 150 Ninth Ave. North, Nashville, Tennessee 37219- 5404. In such Petition, you must state your contention in numbered paragraphs, describing how the action of the Division is inappropriate.

If you have questions concerning this correspondence, please do not hesitate to contact me or William E. Rowe at (615)741-7883.

Sincerely,

Ralph M. Sinclair

Ralph M. Sinclair
Manager, Permits Section
Division of Water Pollution Control

RMS/WER/E5138126

P/WAT/5-MOD

Enclosure

cc: Environmental Protection Agency
Division of Water Pollution Control, Basin Office
Division of Water Pollution Control, Permits Section

C/3

State of Tennessee
DEPARTMENT OF HEALTH AND ENVIRONMENT
Division of Water Pollution Control
150 Ninth Avenue, North
Nashville, Tennessee 37219-5404

Permit No. TN0002038 (Modification)

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Clean Water Act, (33 U.S.C. 1251) et seq.) and with the provisions of the Tennessee Water Quality Control Act (T.C.A. 69-3-101 et seq.) and Regulations of the Tennessee Division of Water Pollution Control.

Nuclear Fuel Services, Inc.

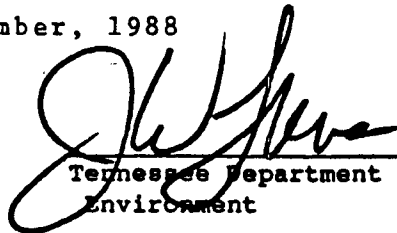
is authorized to discharge industrial process wastewater and non-contact cooling water to the Nolichucky River at mile 94.6 and to Banner Spring Branch at mile 0.17 from a facility located at Erwin, Unicoi County, Tennessee

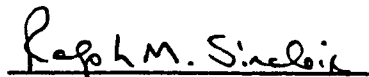
in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective on September 30, 1988

and shall expire on January 31, 1989

Signed this 30th day of September, 1988


_____, Commissioner
Tennessee Department of Health and
Environment


_____, Director
Division of Water Pollution Control

F/WAT/2

PH-0609

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Nuclear Fuel Services is authorized to discharge treated industrial process wastewater and noncontract cooling water from outfall 001 to the Nolichucky River at mile 94.6. Discharge 001 shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Effluent limitations				Monitoring Requirements	
	Monthly Avg. Conc. mg/l	Monthly Avg. Amount lb/day	Daily Max. Conc. mg/l	Daily Max. Amount lb/day	Measurement Frequency	Sample Type
Flow (See Note 1)					1/batch	volumetric
BOD & COD	NA	NA	NA	NA	(See Note 2)	
TSS	NA	NA	NA	9.0	1/batch	grab
Ammonia, as N	NA	NA	30	6.5	1/batch	grab
Nitrates, as N	NA	NA	NA	656	1/batch	grab
Fluoride	NA	NA	30	6.5	1/batch	grab
Uranium	NA	NA	4.0	0.9	1/batch	grab
Heavy Metals	NA	NA	NA	NA	(See Note 3)	grab
Settleable Solids	NA	NA	0.5 ml/L	NA	1/batch	grab
pH	within range 6.0 - 9.0		standard	units	1/batch	grab
Trichloroethylene (See Note 4)	0.5	---	1.0	---	1/batch	grab
*1,1,1-Trichloroethane (See Note 4)	0.6	---	1.0	---	1/batch	grab

Note 1 - This discharge shall be released uniformly over as long a time period as operational constraints allow.

Note 2 - Permittee shall continue to demonstrate 85% in house removal of BOD and COD. This shall be reported by addendum to the DMR submitted June 30th and December 31st of each year.

Note 3 - Permittee shall monitor quarterly heavy metals arsenic, cadmium, chromium, copper, lead, nickel, zinc, and silver and report results quarterly by addendum to the quarterly DMR's.

The total chlorine residual shall not exceed 2.0 mg/l when chlorine is used for treatment.

Note 4 - These limits apply after steam stripping and before mixing with other waste streams.

E6048130

PART II

A. General Provisions

1. Duty to Reapply

Permittee is not authorized to discharge after the expiration date of this permit. In order to receive authorization to discharge beyond the expiration date, the permittee shall submit such information and forms as are required to the Director no later than 180 days prior to the expiration date.

2. Right of Entry

The permittee shall allow the Director, the Regional Administrator of the U.S. Environmental Protection Agency, or their authorized representatives, upon the presentation of credentials:

- a. To enter upon the permittee's premises where an effluent source is located or where records are required to be kept under the terms and conditions of this permit, and at reasonable times to copy these records;
- b. To inspect at reasonable times any monitoring equipment or method or any collection, treatment, pollution management, or discharge facilities required under this permit; and
- c. To sample at reasonable times any discharge of pollutants.

3. Availability of Reports

Except for data determined to be confidential under Section 308 of the Federal Water Pollution Control Act, as amended, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Division of Water Pollution Control. As required by the Federal Act, effluent data shall not be considered confidential.

4. Proper Operation and Maintenance

- a. The permittee shall at all times properly operate and maintain all facilities and systems (and related appurtenances) for collection and treatment which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory and process controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- b. Dilution water shall not be added to comply with effluent requirements.

5. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

6. Severability

The provisions of this permit are severable. If any provision of this permit to any circumstance, is held invalid, then the application of such provision to other circumstances and to the remainder of this permit shall not be affected thereby.

7. Other Information

If the permittee becomes aware that he failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, then he shall promptly submit such facts or information.

B. Changes Affecting the Permit

1. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alternations or additions to the permitted facility. Notice is required only when:

- a. The alternation or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
- b. The alternation or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1).

2. Permit Modification, Revocation, or Termination

- a. This permit may be modified, revoked and reissued, or terminated for cause as described in 40 CFR 122.62 and 122.64, Federal Register, Volume 49, No. 188 (Wednesday, September 26, 1984).
- b. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

- c. If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established for any toxic pollutant under Section 307(a) of the Federal Water Pollution Control Act, as amended, the Director shall modify or revoke and reissue the permit to conform to the prohibition or to the effluent standard, providing that the effluent standard is more stringent than the limitation in the permit on the toxic pollutant. The permittee shall comply with these effluent standards or prohibitions within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified or revoked and reissued to incorporate the requirement.

3. Change of Ownership

This permit may be transferred to another person by the permittee if:

- a. The permittee notifies the Director of the proposed transfer at least 30 days in advance of the proposed transfer date;
- b. The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage, and liability between them; and
- c. The Director, within 30 days, does not notify the current permittee and the new permittee of his intent to modify, revoke or reissue, or terminate the permit and to require that a new application be filed rather than agreeing to the transfer of the permit.

4. Change of Mailing Address

The permittee shall promptly provide to the Director written notice of any change of mailing address. In the absence of such notice the original address of the permittee will be assumed to be correct.

C. Noncompliance

1. Effect of Noncompliance

All discharges shall be consistent with the terms and conditions of this permit. Any permit noncompliance constitutes a violation of applicable State and Federal laws and is grounds for enforcement action, permit termination, permit modification, or denial of permit reissuance.

2. Reporting of Noncompliance

a. 24-Hour Reporting

In the case of any noncompliance which could cause a threat to public drinking supplies, or any other discharge which could constitute a threat to human health or the environment, the required notice of non-compliance shall be provided to the appropriate Division field office within 24 hours from the time the permittee becomes aware of the circumstances. (The field office should be contacted for names and phone numbers of emergency response personnel.)

A written submission must be provided within five days of the time the permittee becomes aware of the circumstances unless this requirement is waived by the Director on a case-by-case basis. The permittee shall provide the Director with the following information:

- i. A description of the discharge and cause of noncompliance;
- ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- iii. The steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

b. Scheduled Reporting

For instances of noncompliance which are not reported under subparagraph 2.a. above, the permittee shall report the noncompliance on the Discharge Monitoring Report. The report shall contain all information concerning the steps taken, or planned, to reduce, eliminate, and prevent recurrence of the violation and the anticipated time the violation is expected to continue.

3. Bypassing

a. "Bypass" means the diversion of wastes from any portion of a treatment facility or overflows anywhere in the collection system. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypass is prohibited unless the following (3) conditions are met:

- i. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;

ii. There are not feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment down-time. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment down-time or preventative maintenance;

iii. The permittee submits notice of an unanticipated bypass to the appropriate field office of the Division of Water Pollution Control within 24 hours of becoming aware of the bypass (if this information is provided orally, a written submission must be provided within five days). When the need for the bypass is foreseeable, prior notification shall be submitted for approval to the Director, if possible, at least ten (10) days before the date of the bypass; and

c. The Director may prohibit bypass in consideration of the adverse effect of the proposed bypass or if the proposed bypass does not meet the conditions set forth in subparagraphs 3.b.(i) and (ii).

d. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of subparagraph b. above.

4. Upset

a. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. An upset shall constitute an affirmative defense to an action brought for noncompliance with such technology - based permit effluent limitations if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence that:

i. An upset occurred and that the permittee can identify the cause(s) of the upset;

ii. The permitted facility was at the time being operated in a prudent and workman-like manner and in compliance with proper operation and maintenance procedures;

- iii. The permittee submitted information required under "Reporting of Noncompliance" within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days); and
- iv. The permittee complied with any remedial measures required under "Adverse Impact."

5. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to the waters of Tennessee resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Liabilities

1. Civil and Criminal Liability

Except as provided in permit conditions or "Bypassing", "Upset", and "Treatment Facility Failures", nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Notwithstanding this permit, the permittee shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge of wastewater to any surface or subsurface waters. Additionally, notwithstanding this Permit, it shall be the responsibility of the permittee to conduct its wastewater treatment and/or discharge activities in a manner such that public or private nuisances or health hazards will not be created.

2. Liability Under State Law

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or the Federal Water Pollution Control Act, as amended.

Rationale Sheet for a Modification
NPDES Permit No. TN0002038
June, 1988

I. Proposed Modification

On January 12, 1988, Nuclear Fuel Services, Inc., Unicoi County, Tennessee submitted a request for a modification to their NPDES permit. The proposed modification includes the treatment of a new process activity wastewater at their wastewater treatment facility. The activity will generate 500 gallons per day of aqueous wastewater. The wastewater contains nitrates and ammonia which are permitted under the current permit. The addition of these parameters will not exceed current effluent limitations. The wastewater may also contain trichloroethylene and 1,1,1-trichloroethane which are not permitted by the current permit.

II. Recommendations

The Division of Water Pollution Control believes that the most important consideration concerning the proposed modification is to ensure that the water quality criteria in the receiving stream are maintained. To maintain the water quality criteria of the Nolichucky River, the Division will:

- (1.) Leave the ammonia and nitrate limitations as they are in this current permit; and
- (2.) Establish a 0.5 mg/L monthly average and a 1.0 mg/L daily maximum trichloroethylene effluent limitation, and a 0.6 mg/L monthly average and a 1.0 mg/L daily maximum 1,1,1-trichloroethane effluent limitation. These criteria are based upon a review of the U.S. Environmental Protection Agency Treatability Manual. These criteria apply to the discharge from the steam stripping unit before the wastewater enters the wastewater treatment facility. They were agreed to by a letter dated December 18, 1987 between the Johnson City Basin Office and Nuclear Fuel Services, Inc.

WER:E6018130

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)

NAME _____
 ADDRESS _____

 FACILITY _____
 LOCATION _____

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
 DISCHARGE MONITORING REPORT (DMR)

(2-16) _____ (17-19) _____
 PERMIT NUMBER DISCHARGE NUMBER

MONITORING PERIOD
 FROM YEAR MO DAY TO YEAR MO DAY
 (20-21) (22-23) (24-25) (26-27) (28-29) (30-31)

Form Approved
 OMB No. 2040-0004
 Expires 3-31-88

NOTE: Read instructions before completing this form.

PARAMETER (32-37)	X	(3 Card Only) QUANTITY OR LOADING (46-51)			(4 Card Only) QUALITY OR CONCENTRATION (46-51)			NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
		AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM			
	SAMPLE MEASUREMENT									
	PERMIT REQUIREMENT									
	SAMPLE MEASUREMENT									
	PERMIT REQUIREMENT									
	SAMPLE MEASUREMENT									
	PERMIT REQUIREMENT									
	SAMPLE MEASUREMENT									
	PERMIT REQUIREMENT									
	SAMPLE MEASUREMENT									
	PERMIT REQUIREMENT									
	SAMPLE MEASUREMENT									
	PERMIT REQUIREMENT									

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER TYPED OR PRINTED	I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION I BELIEVE THE SUBMITTED INFORMATION IS TRUE ACCURATE AND COMPLETE I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT SEE 18 USC § 1001 AND 33 USC § 1319 (Penalties under these statutes may include fines up to \$10,000 and/or maximum imprisonment of between 6 months and 3 years)	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE		DATE		
			AREA CODE	NUMBER	YEAR	MO	DAY

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

WASTEWATER CONTRIBUTION PERMIT

FOR

NUCLEAR FUEL SERVICES, INC.

Issued By:

Erwin Board of Public Utilities
Erwin, Tennessee
August 1, 1986

AUTHORIZATION TO DISCHARGE
UNDER THE
PRETREATMENT REGULATIONS OF 1985
OF THE
TOWN OF ERWIN, TENNESSEE

Permit # 001

Effective Date: August 1, 1986

Expiration Date: July 31, 1989

Nuclear Fuel Services, Inc. located at
5100 Carolina Ave., Erwin, TN 37650 is authorized
to discharge from their facility into the Wastewater Collection
System of the Town of Erwin in accordance with the Pretreatment
Regulations of 1985 of the Town of Erwin, Tennessee, (Title 13,
Chapter 4 of the Erwin Municipal Code) copy of which is included
herewith as Attachment C.

This Permit is conditional upon conformance to the above mentioned
Pretreatment Regulations and all other requirements and limitations
set forth in Parts I through VII hereof.

Signed this 22nd day of July, 1986.

HCBrown

Manager
Erwin Utilities

WASTEWATER DISCHARGE PERMIT

Part I. Authorization to discharge is limited to those discharge points described in Attachment A.

- Part II. A. Any substantial change in the information contained in the Wastewater Survey for Nonresidential Establishments: Application for Wastewater Discharge Permit dated November 11, 1983, (Attachment B) which would change the nature of the wastewater loading shall be reported, in writing, to the Manager of the Erwin Utilities (Manager) within 15 days of known changes.
- B. All accidental discharges of substances regulated in the Pretreatment Regulations of 1985 shall be reported to the Erwin Utilities as soon as said discharge is known to occur. During the day, Monday through Friday, call 743-6191 - at night, Saturdays, Sundays and Holidays, call 743-7604 or 743-4628 or 743-6381.
- Within five (5) days a report detailing the nature of the discharge shall be filed with the Manager. At a minimum, this report shall include the substance(s), volume, time and duration of discharge and measures taken to correct and prevent reoccurrence of the discharge.

Be it known that if said discharge causes interference or damage to the collection system or treatment plant of the Town, the management of Nuclear Fuel Services, Inc. shall be held responsible.

- C. No intentional discharge of substances regulated in the Pretreatment Regulations of 1985 shall be allowed unless stipulated in writing from the Manager.

- Part III. A. An annual review shall be made of the Application for Wastewater Discharge Permit by the person in responsible charge.

A submittal of an update of the Application for Wastewater Discharge Permit shall be filed with the Manager 180 days prior to the expiration date of this Permit.

- B. An effluent monitoring report shall be submitted to the Erwin Utilities on the last working day of each reporting period. This report, at a minimum, shall include: flow volume, method of analysis, method of sampling, duration of sample, date and time of sampling, any pertinent operation conditions

at time of sample, date of analysis if different from date of sampling, laboratory which conducted analysis, and concentration value of the parameters cited in Part III. C. The duration of each reporting period shall be 3 months starting at the permit effective date. A representative sample shall be a composite of grab samples taken at intervals of no more than one (1) hour over a normal period of operation.

C. Attachment A provides a list of pollutants. Those to be monitored are indicated by "Yes" in the column headed Analysis Required. Also, Attachment A provides the monitoring frequency per year and whether the monitoring is to be done by the Industry or Erwin Utilities. If all monitoring is to be done by Erwin Utilities, the effluent monitoring report specified in Part III. B. above will not be required.

Pending further investigation, and at the discretion of the Erwin Utilities, the list of pollutants and monitoring requirements are subject to change. The Permittee shall be notified in advance of any change and shall have 60 working days to comply with said change.

D. A report shall be submitted quarterly to the Erwin Utilities detailing chemicals purchased, disposed of, and method of disposal during the quarter. This report shall include the volume of specific chemicals and ultimate disposal site with name and address of hauler.

Part IV. The monitoring structure described in Attachment A shall be maintained by the Permittee and 24-hour access provided to the Erwin Utilities personnel.

Part V. This authorization to discharge is conditional upon the following compliance schedule.

COMPLIANCE SCHEDULE

Item No.	Date			Event
	Month	Day	Year	
	NOT REQUIRED AT THIS TIME			

Part VI. Variance from any conditions set forth in Part V. may be granted by the Manager. Requests for variance shall be made in writing not less than 30 days preceding the date on which a compliance goal is to be completed.

PART VII. Be it known that violation of any conditions, requirements or limitations set forth in this Permit or the Pretreatment Regulations of 1985 shall cause the Permittee to be subjected to enforcement actions set forth in Title 13, Chapter 4, Section 13-405 of the Erwin Municipal Code.

As a person in responsible charge, I have read and understand the conditions for authorization to discharge wastewater into the collection system of the Town of Erwin, Tennessee, as set forth in this Permit.

Signed: _____

Date: _____

Title: _____

Facility Name: _____

Facility Address: _____

INDUSTRIAL USER FIELD DATA SURVEY

Nuclear Fuel Services, Inc.

Industrial User

Plant Inspection Date: 3/17/86 Estimated Service Charge: \$ 84.00 /month
 Inspected By: (1) Scott Street I. U. Representative: (1) Bruce Knight
 (2) _____ (2) _____

I. U. Representative to be Contacted: Bruce Knight or Dale Gergely 743-9141
 Name Phone

Wastewater Discharge Permit No. 001 Self-Monitoring: Yes X
 Average Flow, GPD 40,000 No _____

Plant Inspection:

- a) Sketch of floor drains and all wastewater effluent lines Received Yes ___ No ___
- b) Brief process description Yes ___ No ___
- c) Detailed description & sketch of pretreatment facilities Yes ___ No ___
- d) List of pollutants used Yes ___ No ___
- e) I. U. desires split sample Yes X No ___
- f) Sampling location identified Yes X No ___

Monitoring Frequency Per Year:

Industry	<u>4</u>	
Erwin Utilities	<u>1</u>	Scheduled
Erwin Utilities	<u>1</u>	Unscheduled
Erwin Utilities	_____	Demand
Total Required	<u>6</u>	

- Sampling Method:
- S - Scheduled
 - U - Unscheduled
 - FC_x - Flow Proportion Composite
 - D - Demand
 - H - Self-Monitoring
 - G - Grab
 - F - Flow
 - C_x - Composite (Hour)

Description: Manhole outside of fenced area north of plant beside a large dirt pile (ramp shaped)

Date Taken	Sample Type	Pollutant	Analysis Required	Pollutant Limits	Analytical Results	Flow
		BOD	Yes	300 mg/l		
		TSS	Yes	300 mg/l		
		pH	Yes	Not < 5		
		Cadmium	Yes			
		Chromium	Yes			
		Copper	Yes			
		Cyanide	Yes			
		Lead	Yes			
		Nickel	Yes			
		Selenium	Yes			
		Silver	Yes			
		Zinc	Yes			
		Phenol	Yes			
		Oil & Grease	Yes	30 mg/l		
		Gross Alpha	Yes			
		Gross Beta	Yes			

ORDINANCE NUMBER 473

AN ORDINANCE AMENDING TITLE 13 OF THE ERWIN MUNICIPAL CODE FOR THE TOWN OF ERWIN, TENNESSEE, TO ADD A NEW CHAPTER TO SAID TITLE, THAT BEING CHAPTER 4, TO BE KNOWN AS THE "PRETREATMENT REGULATIONS OF 1985".

WHEREAS, the Department of Health and Environment, Division of Water Management of the State of Tennessee, has mandated, pursuant to Federal law, a sewage pretreatment program for publicly owned treatment works; and

WHEREAS, the Town of Erwin (hereinafter referred to as the Town) owns a publicly owned treatment works (hereinafter sometimes referred to as POTW); and

WHEREAS, the Town of Erwin has transferred to and conferred upon the Erwin Board of Public Utilities for the Town of Erwin (hereinafter "Erwin Utilities") the jurisdiction over said publicly owned treatment works;

THEREFORE, be it ordained by the Town of Erwin, Tennessee, that Chapter 4, Title 13, of the Erwin Municipal Code be enacted as follows:

13-401 GENERAL PROVISIONS

13-401.1 Purpose and Policy

This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Town of Erwin, Tennessee, and enables the Town to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this ordinance are:

- (1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

- (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (4) To provide for equitable distribution of the cost of the municipal wastewater system.

This ordinance provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assures that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This ordinance shall apply to the Town of Erwin, Tennessee, and to persons outside the Town who are, by contract or agreement with Erwin Utilities, Users of the Erwin POTW. This ordinance is a supplement to Title 13 of the Erwin Municipal Code, as amended. Except as otherwise provided herein, the Manager of the Erwin Utilities shall administer implement, and enforce the provisions of this ordinance.

13-401.2 Definitions

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

- (1) Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
- (2) Approval Authority. The Director of the Division of Water Management of the Department of Health and Environment of the State of Tennessee.
- (3) Authorized Representative of Industrial User. An authorized representative of an Industrial User may be: (1) A principal executive officer of at least the level of vice-president, if the Industrial User is a corporation; (2) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
- (4) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight (lbs.) and concentration (milligrams per liter (mg/l)).

- (5) Building Sewer. A sewer conveying wastewater from the premises of a User to the POTW.
- (6) Categorical Standards. See National Categorical Pretreatment Standards or Pretreatment Standard.
- (7) Town. The Town of Erwin, Tennessee, or the Board of Mayor and Aldermen for the Town of Erwin, Tennessee.
- (8) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- (9) Control Authority. The term "control authority" shall refer to the "Approval Authority", defined hereinabove; or the Manager of Erwin Utilities if the Town has an approved Pretreatment Program under the provisions of 40 CFR, 403.11.
- (10) Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.
- (11) Environmental Protection Agency, or EPA. The U. S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
- (12) Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- (13) Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (14) Indirect Discharge. The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
- (15) Industrial User. A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Act. (33 U.S.C. 1342).
- (16) Interference. The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the Town's NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345), or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

- (17) National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.
- (18) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.
- (19) New Source. Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.
- (20) National Pollutant Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- (21) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- (22) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- (23) Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- (24) Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
- (25) Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by 40 CFR Section 403.6(d).

- (26) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.
- (27) Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the Town. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City Limits of the Town of Erwin, Tennessee, who are, by contract or agreement with the Erwin Utilities, users of the Town's POTW.
- (28) POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
- (29) Shall is mandatory; May is permissive.
- (30) Significant Industrial User. Any Industrial User of the Town's wastewater disposal system who (i) has a discharge flow of 25,000 gallons or more per average work day, or (ii) has a flow greater than 5% of the flow in the Town's wastewater treatment system, or (iii) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act or the State of Tennessee Statutes and rules, or (iv) is found by the Erwin Utilities, the Tennessee Division of Water Management or the U. S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
- (31) State. State of Tennessee.
- (32) Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (33) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- (34) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.
- (35) Manager. The Manager of the Erwin Utilities designated by the Erwin Utilities Board to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

- (36) Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.
- (37) User. Any person who contributes, causes or permits the contribution of wastewater into the Town's POTW.
- (38) Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- (39) Waters of the State. All streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.
- (40) Wastewater Contribution Permit. As set forth in Section 13-404.2 of this ordinance.

13-401.3 Abbreviations

The following abbreviations shall have the designated meanings:

- . BOD - Biochemical Oxygen Demand.
- . CFR - Code of Federal Regulations.
- . COD - Chemical Oxygen Demand.
- . EPA - Environmental Protection Agency.
- . l - Liter.
- . mg - Milligrams.
- . mg/l - Milligrams per liter.
- . NPDES - National Pollutant Discharge Elimination System.
- . POTW - Publicly Owned Treatment Works.
- . SIC - Standard Industrial Classification.
- . SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et seq..
- . USC - United States Code.
- . TSS - Total Suspended Solids.

13-402 REGULATIONS

13-402.1 General Discharge Prohibitions

No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply

to all such Users of a POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements. A User may not contribute the following substances to any POTW:

- (1) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the Erwin Utilities, the State or EPA has notified the User is a fire hazard or a hazard to the system.
- (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
- (3) Any wastewater having a pH less than 5.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
- (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.
- (5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

- (6) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- (7) Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.
- (8) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104°F).
- (10) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has a reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.
- (11) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Manager in compliance with applicable State or Federal regulations.
- (12) Any wastewater which causes a hazard to human life or creates a public nuisance.

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

13-402.2 Federal Categorical Pretreatment Standards

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more

stringent than limitations imposed under this ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this ordinance. The Manager shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.

13-402.3 Modification of Federal Categorical Pretreatment Standards.

Where the Town's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the Town may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent Removal" 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 which is achieved by the system in 95 percent of the samples taken when 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 Erwin Utilities 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.

13-402.4 Specific Pollutant Limitations

The Erwin Utilities may establish specific limitations for the following pollutants whereas no person shall discharge wastewater into the Town's POTW containing in excess of:

_____	mg/l	arsenic
_____	mg/l	cadmium
_____	mg/l	copper
_____	mg/l	cyanide
_____	mg/l	lead
_____	mg/l	mercury
_____	mg/l	nickel
_____	mg/l	silver
_____	mg/l	total chromium
_____	mg/l	zinc
_____	mg/l	total identifiable chlorinated hydrocarbons
_____	mg/l	phenolic compounds which cannot be removed by the Town's Wastewater treatment processes.

13-402.5 State Requirements

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this ordinance.

13-402.6 Town's Right of Revision

The Town reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 13-401.1 of this ordinance.

13-402.7 Excessive Discharge

No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the Town or State. However, dilution may be an acceptable means of complying with some of the prohibitions set forth in Section 13-402.1 e.g. the pH prohibition.

13-402.8 Accidental Discharges

Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Erwin Utilities for review, and shall be approved by the Erwin Utilities before construction of the facility. All existing Users shall complete such a plan by January 1, 1986. No User who commences contribution to the POTW after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Erwin Utilities. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of this ordinance. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the Erwin Utilities of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

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

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

13-403 FEES

13-403.1 Purpose

It is the purpose of this chapter to provide for the recovery of costs from Users of the Town's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Erwin Utilities' Schedule of Charges and Fees.

13-403.2 Charges and Fees

The Erwin Utilities may adopt charges and fees which may include:

- (1) fees for reimbursement of costs of setting up and operating the Town's Pretreatment Program;
- (2) fees for monitoring, inspections and surveillance procedures;
- (3) fees for reviewing accidental discharge procedures and construction;
- (4) fees for permit applications;
- (5) fees for filing appeals;
- (6) fees for consistent removal (by the Erwin Utilities) of pollutants otherwise subject to Federal Pretreatment Standards;
- (7) other fees as the Erwin Utilities may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this ordinance and are separate from all other fees chargeable by Erwin Utilities.

13-404 ADMINISTRATION

13-404.1 Wastewater Dischargers

It shall be unlawful to discharge without a permit to any natural outlet within the Town of Erwin, or in any area under the jurisdiction of the Erwin Utilities and/or to the POTW any wastewater except as authorized by the Manager in accordance with the provisions of this ordinance.

13-404.2 Wastewater Contribution Permits

13-404.2.1 General Permits

All significant Users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW. All existing significant Users connected to or contributing to the POTW shall obtain a Wastewater Contribution Permit within 180 days after the effective date of this ordinance.

13-404.2.2 Permit Application

Users required to obtain a Wastewater Contribution Permit shall complete and file with the Erwin Utilities an application in the form prescribed by the Erwin Utilities and accompanied by a fee of \$100.00. Existing Users shall apply for a Wastewater Contribution Permit within 60 days after the effective date of this ordinance and proposed new Users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the User shall submit, in units and terms appropriate for evaluation, the following information.

- (1) Name, address and location, if different from the address;
- (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (3) Wastewater constituents and characteristics including but not limited to those mentioned in Section 13-402 of this ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
- (4) Time and duration of contribution;
- (5) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- (7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged.

(8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any Town, State or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional Operation and Maintenance (O & M) and/or additional pretreatment is required for the User to meet applicable Pretreatment Standards;

(9) If additional pretreatment and/or O & M will be required to meet the Pretreatment Standards; the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established or the applicable Pretreatment Standard:

The following conditions shall apply to this schedule:

(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 User to meet the applicable 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 paragraph (a) shall exceed 9 months.

(c) Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Manager, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date of which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Manager.

(10) Each product produced by type, amount, process or processes and rate of production;

(11) Type and amount of raw materials processed (average and maximum per day);

(12) Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system.

- (13) Any other information as may be deemed by the Erwin Utilities to be necessary to evaluate the permit application.

The Erwin Utilities will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the Erwin Utilities may issue a Wastewater Contribution Permit subject to terms and conditions provided herein.

13-404.2.3 Permit Modifications

Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Contribution Permit as required by Section 13-404.2.2, the User shall apply for a Wastewater Contribution Permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the User with an existing Wastewater Contribution Permit shall submit to the Manager within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard, the information required by paragraphs (8) and (9) of Section 13-404.2.2.

13-404.2.4 Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, User charges and fees established by the Erwin Utilities. Permits may contain the following:

- (1) The unit charge or schedule of User charges and fees for the wastewater to be discharged to the POTW's;
- (2) Limits on the average and maximum wastewater constituents and characteristics;
- (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (4) Requirements for installation and maintenance of inspection and sampling facilities;
- (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

- (6) Compliance schedules;
- (7) Requirements for submission of technical reports or discharge reports (See Section 13-404.3);
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Erwin Utilities and affording Erwin Utilities access thereto;
- (9) Requirements for notification of the Erwin Utilities of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (10) Requirements for notification of slug discharges as per Section 13-405.2;
- (11) Other conditions as deemed appropriate by the Erwin Utilities to ensure compliance with this ordinance.

13-404.2.5 Permits Duration

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The User shall apply for permit reissuance a minimum of 180 days prior to the expiration of the User's existing permit. The terms and conditions of the permit may be subject to modification by the Erwin Utilities during the term of the permit as limitations or requirements as identified in Section 13-402 are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

13-404.2.6 Permit Transfer

Wastewater Discharge Permits are issued to a specific User for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the Erwin Utilities. Any succeeding owner or User shall also comply with the terms and conditions of the existing permit.

13-404.3 Reporting Requirements for Permittee

13-404.3.1 Compliance Date Report

Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a new source, following commencement of the introduction of wastewater into

the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.

13-404.3.2 Periodic Compliance Reports

- (1) Any User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Manager during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Manager, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Section 13-404.2.2(5). At the discretion of the Manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Manager may agree to alter the months during which the above reports are to be submitted.
- (2) The Manager may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by paragraph (1) of this section shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Manager, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act

contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

(Comment: Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.)

13.404.4 Monitoring Facilities

The Erwin Utilities shall require to be provided and operated at the User's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but Erwin Utilities may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Erwin Utilities' requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Erwin Utilities.

13-404.5 Inspection and Sampling

The Erwin Utilities shall inspect the facilities of any User to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Erwin Utilities, or their representative, ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The Erwin Utilities, Approval Authority and the EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where

a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Erwin Utilities, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

13-404.6 Pretreatment

Users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the Erwin Utilities shall be provided, operated and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Erwin Utilities for review, and shall be acceptable to the Erwin Utilities before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Erwin Utilities under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Erwin Utilities prior to the User's initiation of the changes.

The Erwin Utilities shall annually publish in the Erwin Record newspaper a list of the Users which were not in compliance with any Pretreatment Requirements or Standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the User(s) during the same 12 months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Approval Authority upon request.

13-404.7 Confidential Information

Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Erwin Utilities that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related

to this ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System Permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Erwin Utilities as confidential shall not be transmitted to any governmental agency or to the general public by the Erwin Utilities until and unless a ten-day notification is given to the User.

13-405 ENFORCEMENT

13-405.1 Harmful Contributions

The Erwin Utilities may suspend the wastewater treatment service and/or a Wastewater Contribution Permit when such suspension is necessary, in the opinion of the Erwin Utilities in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons to the environment, causes interference to the POTW or causes the Town to violate any condition of its NPDES Permit.

Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Contribution Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Erwin Utilities shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Erwin Utilities shall reinstate the Wastewater Contribution Permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the User describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Erwin Utilities within 15 days of the date of occurrence.

13-405.2 Revocation of Permit

Any User who violates the following conditions of this ordinance, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of Section 13-405 of this ordinance.

- (1) Failure of a User to factually report the wastewater constituents and characteristics of his discharge;

- (2) Failure of the User to report significant changes in operations, or wastewater constituents and characteristics;
- (3) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or,
- (4) Violation of conditions of the permit.

13-405.3 Notification of Violation

Whenever the Erwin Utilities finds that any User has violated or is violating this ordinance, Wastewater Contribution Permit, or any prohibition, limitation or requirements contained herein, the Erwin Utilities may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Erwin Utilities by the User.

13-405.4 Show Cause Hearing

13-405.4.1

The Erwin Utilities may order any User who causes or allows an unauthorized discharge to enter the POTW to show cause before the Erwin Utilities Board (hereinafter "Board") why the proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail return receipt requested at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

13-405.4.2

The Board may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the Erwin Utilities to:

- (1) Issue in the name of the Board notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (2) Take the evidence;
- (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board for action thereon.

13-405.4.3

At any hearing held pursuant to this ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

13-405.4.4

After the Board has reviewed the evidence, it may issue an order to the User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

13-405.5 Legal Action

If any person discharges sewage, industrial wastes or other wastes into the Town's wastewater disposal system contrary to the provisions of this ordinance, Federal or State Pretreatment Requirements, or any order of the Erwin Utilities, the Erwin Utilities' attorney may commence an action for appropriate legal and/or equitable relief in the Circuit, Chancery or other appropriate Court of this county.

13-406 PENALTY: COSTS

13-406.1 Civil Penalties

Any User who is found to have violated an Order of the Board or who willfully or negligently failed to comply with any provision of this ordinance, and the orders, rules, regulations and permits issued hereunder, shall be fined not less than One Hundred Dollars nor more than One Thousand Dollars for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Erwin Utilities may recover reasonable attorneys' fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this ordinance or the orders, rules, regulations and permits issued hereunder.

13-406.2 Falsifying Information

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or Wastewater Contribution Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this

ordinance, shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for not more than six (6) months, or by both.

13-407 SEVERABILITY

13-407.1

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

13-408 CONFLICT

13-408.1

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

13-409 EFFECTIVE DATE

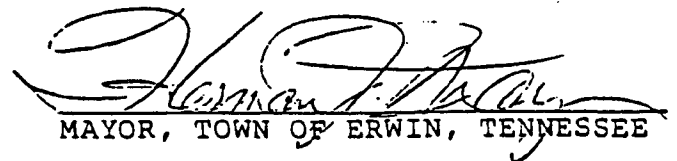
13-409.1

This ordinance shall be in full force and effect ten (10) days from and after its final passage, the public welfare requiring it.

PASSED FIRST READING: March 25, 1985.

PASSED SECOND READING: April 8, 1985.

PASSED THIRD READING: April 22, 1985.


MAYOR, TOWN OF ERWIN, TENNESSEE

ATTEST: Joe E. Troyer
CITY RECORDER