

TITLE 18

WATER AND SEWERS¹

CHAPTER

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CHAPTER 1

**SEWER USER RULES AND REGULATIONS FOR
WASTEWATER COLLECTION SYSTEMS IN THE CITY
OF EAST RIDGE, TENNESSEE**

SECTION

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¹Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

18-101. General provisions. (1) Purpose and policy. (a) The purpose of this section is to set uniform requirements for users of the Hamilton County Water and Wastewater Treatment Authority ("WWTA") wastewater collection system to enable the WWTA to comply with the provisions of the Clean Water Act and other applicable federal, state, and local laws and regulations, and to provide for the public health and welfare by regulating the quality of wastewater discharged into the wastewater collection system and treatment works and by regulating the quality of construction of extensions to the system.

(b) These regulations provide a means for determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits, among other things. These regulations establish effluent limitations and other discharge criteria and provides that certain users shall pretreat waste to prevent the introduction of pollutants into the publicly owned collection system (hereinafter referred to as POCS) and the Regional Wastewater Treatment Facility (hereinafter referred to as RWTF) which will interfere with the operation of the POCS and RWTF or contaminate the sewage sludge; and to prevent the introduction of pollutants into the POCS which will pass through the RWTF into the receiving waters or the atmosphere, or otherwise be incompatible with the RWTF; and to improve opportunities to recycle and reclaim wastewaters and the sludges resulting from wastewater treatment.

(c) These regulations provide measures for the enforcement of its provisions and abatement of violations thereof.

(2) Permitted use of the publicly owned collection system. Any premise on a lot contiguous to property with a WWTA public sewer may be granted permission to connect with such sewer and convey into the same drainage from all plumbing fixtures on the premises. Connection to a public sewer may be required by the Chattanooga-Hamilton County Health Department for health and environmental reasons. All permitted or required connections and use of the POCS shall be in accordance with the provisions of these regulations.

(3) Definitions. For purposes of these regulations the following phrases and words shall have the meaning assigned below, except in those instances where the content clearly indicates a different meaning:

(a) "Act" or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended by 33 U.S.C. 1251, et seq.

(b) "Approval authority." The director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

- (c) "Authorized representative of industrial user." An authorized representative of an industrial user may be:
- (i) A principal executive officer of at least the level of vice president, if the industrial user is a corporation;
 - (ii) A general or proprietor if the industrial user is a partnership or proprietorship, respectively;
 - (iii) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facility from which the indirect discharge originates.
- (d) "Board." Hamilton County WWTA Board of Commissioners.
- (e) "Categorical standards." National pretreatment standards.
- (f) "County." Hamilton County, Tennessee, a political subdivision of the State of Tennessee.
- (g) "Compatible pollutant." Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in the publicly-owned treatment work's NPDES permit, for which the publicly-owned treatment works is designed to treat such pollutants and in fact does remove such pollutants to a substantial degree.
- (h) "Control authority." The term "control authority" shall refer to any designee of the WWTA board.
- (i) "Contractor." Any class of user of the POCS.
- (j) "Developer." One who advances or furthers the extension of the existing Hamilton County sewer system for his/her own purposes.
- (k) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.
- (l) "Environmental Protection Agency," or "EPA." The Environmental Protection Agency, an agency of the United States, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.
- (m) "Garden meter." A meter installed by a utility district to measure flows that do not enter a POCS.
- (n) "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.
- (o) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (p) "Incompatible pollutant." All pollutants other than compatible pollutants as defined in (g) of this section.
- (q) "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 POCS (including holding tank

waste discharged into the system) for treatment before a direct discharge to the waters of the state.

(r) "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.

(s) "Interference." Inhibition or disruption of the sewer system treatment processes or operations or which contributes to a violation of any requirement of the WWTA's or the RWTF's NPDES permits. The term includes prevention of sewage sludge use or disposal by the POCS in accordance with section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substance Control Act, or more stringent state or local 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 POCS.

(t) "Mass emission rate." The weight of material discharged to the public sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of the particular constituent or combination of constituents.

(u) "Maximum concentration." The maximum amount of a specified pollutant in a volume of water or waste water.

(v) "National 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 industrial users.

(w) "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 permission to connected with such sewer and convey into the same drainage from all plumbing fixtures on the date of promulgation of the standard.

(x) "National Pollution Discharge Elimination System" or "NPDES permit." A permit issued to a POCS pursuant to section 402 of the Act (33 U.S.C. 1342).

(y) "Off-site." Describes a location as being off of the developer's property.

(z) "On-site." Describes a location as being on or part of the developer's property.

(aa) "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.

(bb) "Pollution." The man-made or man-induced alteration of the chemical physical, biological, and radiological integrity of water.

(cc) "Premises." A parcel of real estate or portion thereof including any improvements thereon which is determined by the WWTA to be a single user for purposes of receiving, using, and paying for services.

(dd) "Pretreatment." 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 POCS. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 C.F.R. section S4036(d).

(ee) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

(ff) "Public sewer." Any sewer and its appurtenances which are part of the POCS.

(gg) "Public sewer extension." Any sewer and its appurtenances which are being constructed with the intention of being connected to and dedicated as a part of the publicly owned collection system.

(hh) "Publicly owned collection system" or "POCS." A collection system as defined by section 212 of the Act (33 U.S.C. 1292) and by number (qq) of this section which is owned in this instance by the WWTA. This definition includes any sewers that convey wastewater to the RWTF, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment.

(ii) "Reclaimed water." Water which, as a result of treatment of waste, is suitable for direct beneficial uses or controlled use that would not occur otherwise.

(jj) "Regional Wastewater Treatment Facility (RWTF). The operator and staff of the facility used to treat the wastewater from the POCS. Presently the Moccasin Bend Wastewater Treatment Plant.

(kk) "Registered engineer." A person registered with the State of Tennessee as an engineer, and meeting all requirements for such designation as specified by the Board of Architectural and Engineering Examiners.

(ll) "Service lateral." A sewer service line located between the public sewer and the property line of a premises.

(mm) "Service tee (or service junction)." A pipe fitting installed in the public sewer for the purpose of connection of a sewer service line.

(nn) "Sewer service line." A sewer conveying wastewater from the premise of a user to a public sewer.

(oo) "Standard industrial classification." A classification pursuant to the standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(pp) "Superintendent." The person designated by the WWTA board in accordance with the WWTA law.

(qq) "Toxic pollutant." 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.

(rr) "Collection system." Any devices and systems used in the storage, treatment, and conveyance of domestic sewage or industrial wastes of a liquid nature, including interceptor sewers, outfall sewers, sewage collection systems, pumping stations, and other equipment and appurtenances; and extensions, improvements, remodeling, additions and alterations thereof.

(ss) "Twenty-four hour, flow proportional composite sample." A sample consisting of several effluent portions collected during a twenty-four (24) hour period in which the portions of sample are proportionate to the flow and combined to form a representative sample.

(tt) "Unpolluted water." Water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the State of Tennessee or the Environmental Protection Agency having jurisdiction thereof for disposal to storm or natural drainage, or directly to surface waters.

(uu) "User." Any person, firm, corporation or governmental entity that discharges, causes or permits the discharge of wastewater into a public sewer.

(vv) "Waste." Includes sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

(ww) "Wastewater." Waste and water, whether treated or untreated, discharged into or permitted to enter a public sewer.

(xx) "Water and Wastewater Treatment Authority (the WWTA)." The entity established by Hamilton County pursuant to the WWTA law.

(yy) "WWTA Board of Commissioners." The governing body of the WWTA, the powers and duties of which are defined in the WWTA law.

(zz) "WWTA law." Tennessee Code Annotated, § 68-221-601, et seq.

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

(bbb) "Waters of the State of Tennessee." Any water, surface or underground, within the boundaries of the state.

(ccc) "Wheelage and treatment rate." Applicable fees paid by the WWTA to the RWTF, City of Chattanooga, or other governing entity for the conveyance or treatment of wastewater.

(4) Abbreviations. The following abbreviations shall have the following meanings:

- (a) BOD - Biochemical oxygen demand.
- (b) CFR - Code of Federal Regulations.
- (c) COD - Chemical oxygen demand.
- (d) EPA - Environmental Protection Agency.
- (e) GMP - Good Management Practices.
- (f) l - Liter.
- (g) MBAS - Methylene-blue-active-substances.
- (h) mg - Milligrams.
- (i) mg/l - Milligrams per liter.
- (j) NPDES - National Pollutant Discharge Elimination System.
- (k) POCS - Publicly owned collection system.
- (l) RWTF - Regional Wastewater Treatment Facility.
- (m) SIC - Standard Industrial Classification.
- (n) SWDA - Solid Waste Disposal Act 42 U.S.C. 6901. et seq.
- (o) USC - United States Code.
- (p) WWTA - Water and Wastewater Treatment Authority.

(1993 Code, § 8-201, modified, as replaced by Ord. #719, June 2001, and Ord. #733, April 2002)

18-102. Prohibitions and limitations on discharge into the publicly owned collection system. (1) Purpose and policy. (a) This section

establishes limitations and prohibitions on the quantity and quality of wastewater which may be lawfully discharged into the publicly owned treatment works. Pretreatment of some wastewater discharge will be required by the WWTA or the RWTF to achieve the goals established by this section and the Clean Water Act. Pretreatment permits will be issued by the RWTF.

(b) The specific prohibitions and limitations of this section are subject to change as necessary to enable the WWTA and the RWTF to provide efficient wastewater treatment, to protect the public health and the environment, and to enable the WWTA to meet requirements contained in its NPDES permit.

(c) The WWTA board and the RWTF shall review said limitations from time to time to insure that they are sufficient to protect the operation of the collection system treatment facility, that they are sufficient to comply with NPDES permit, that they are sufficient to provide for a cost effective means of operation, and that they are sufficient to protect the public health and the environment.

(d) The WWTA board shall recommend changes or modifications to the RWTF, as necessary.

(2) Prohibited pollutants. No person shall introduce into the POCS any of the following pollutants which acting either alone or in conjunction with other substances present in the POCS or the RWTF interfere with the operation of the POCS or the RWTF as follows:

(a) Pollutants which create a fire or explosion hazard.

(b) Pollutants which cause corrosive structural damage, but in no case discharges with a pH lower than 5.0 or higher than 10.5;

(c) Solid or viscous substances which cause obstruction in the flow of the sewers, or other interference with the operation of the POCS or damage to POCS, including waxy or other materials which tend to coat and clog a sewer line or other appurtenances;

(d) Any waters or wastes containing toxic or poisonous substances in sufficient quantity to injure or interfere with the POCS or RWTF, constitute a health hazard, or create a public nuisance.

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

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

(3) Wastewater constituent evaluation. (a) The wastewater of every industrial user shall be evaluated upon the following criteria:

(i) Wastewater containing any element or compound which is not adequately removed by the RWTF which is known to be an environmental hazard.

(ii) Wastewater causing a discoloration or any other condition in the quality of the RWTF's effluent such that receiving water quality requirements established by law cannot be met.

(iii) Wastewater causing conditions at or near the RWTF, which violate any statute, rule, or regulation of any public agency of this state or the United States.

(iv) Wastewater containing any element or compound acting as a lacrimator known to cause nausea or odors which constitute a public nuisance.

(v) Wastewater causing interference with the effluent or any other product of the RWTF treatment process' residues, sludges, or scums causing them to be unsuitable for reclamation and reuse or causing interference with the reclamation process.

(vi) Wastewater having constituents and concentrations in excess of those listed in § 18-102(13), or cause a violation of the limits in § 18-102(14).

(b) The RWTF or the WWTA board shall establish reasonable limitations or prohibitions in the wastewater discharge permit of any user that discharges wastewater violating any of the above criteria as shall be reasonably necessary to achieve the purpose and policy of this section.

(4) National pretreatment standards. (a) Certain industrial users are now or hereafter shall become subject to National Pretreatment Standards promulgated by the Environmental Protection Agency specifying quantities of concentrations of pollutants or pollutant properties which may be discharged into the POCS. All industrial users subject to a National Pretreatment Standard shall comply with all requirements of such standard, and shall also comply with any additional or more stringent limitations contained in this section.

(b) Compliance with National Pretreatment Standards for existing sources subject to such standards, or for existing sources which hereafter become subject to such standards, shall be within three (3) years following promulgation of the standards, unless a shorter compliance time is specified in the standard. Compliance with National Pretreatment Standards for new sources shall be required upon promulgation of the standard.

(c) Except where expressly authorized by an applicable National Pretreatment Standard, no industrial user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with such standard.

(5) Prohibitions on storm drainage and ground water. Storm water, ground water, rain water, street drainage, roof top drainage, basement

drainage, subsurface drainage, or yard drainage shall not be discharged through direct or indirect connections to a public sewer.

(6) Swimming pool drainage. Drainage from swimming pools or swimming pool filters shall not be discharged through direct or indirect connections to a public sewer.

(7) Unpolluted water. Unpolluted water, including but not limited to cooling water or process water, shall not be discharged through direct or indirect connections to a public sewer. If no other reasonable alternative for removal of such drainage exists, such discharge may be permitted by the user's wastewater discharge permit and an appropriate fee shall be paid by the user for the volume thereof.

(8) Limitation on radioactive waste. No person shall discharge or permit to be discharged any radioactive waste into a public sewer except:

(a) When the person is authorized to use radioactive materials by the Tennessee Department of Public Health or the Nuclear Regulatory Commission; and,

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

(c) When a copy of permits received from said regulatory agencies have been filed with the superintendent; and,

(d) A special permit therefor has been granted by the WWTA board.

(9) Limitations on the use of garbage grinders. Waste from garbage grinders shall not be discharged into a public sewer except where generated in preparation of food consumed on the premises, and then only where applicable fees therefore are paid. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the public sewers. Garbage grinders shall not be used for the grinding of plastic, paper products, inert materials, or garden refuse. This provision shall not apply to domestic residences.

(10) Limitations on point of discharge. No person shall discharge any substance directly into a manhole or other opening in a public sewer other than through an approved sewer service line, unless issued a temporary permit by the superintendent. The superintendent shall incorporate in such temporary permit such conditions as deemed reasonably necessary to insure compliance with the provisions of this section and the user shall be required to pay applicable charges and fees therefore.

(11) Septic tank pumping, hauling, and discharge. (a) No person owning vacuum or "cesspool" pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the POCS, unless such person shall first have applied for and received a truck discharge operation permit from the superintendent.

(b) All applicants for a truck discharge operation permit shall complete such forms as required by the superintendent, pay appropriate fees, and agree in writing to abide by the provisions of this section and any special conditions or regulations established by the WWTAA.

(c) The owners of such vehicles shall affix and display the permit number on the side of each vehicle used for such purposes. Such permits shall be valid for a period of one (1) year from date of issuance, provided that such permit shall be subject to revocation by the superintendent for violation of the provision of this section or reasonable regulation established by the superintendent. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste.

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

(12) Other holding tank waste. (a) No person shall discharge any other holding tank waste into the POCS unless issued a permit by the superintendent. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge.

(b) The permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable charges or fees therefore, and shall comply with the conditions of the permit issued by the superintendent.

(c) No permit will be required to discharge domestic waste from a recreational vehicle holding tank provided such discharge is made at a designated location.

(13) Limitations on wastewater strength. No person or user shall discharge wastewater in excess of the concentration set forth in Table I unless an exception has been granted the user under the provisions of § 18-103 or the wastewater discharge permit of the user provides as a special permit condition a higher interim concentration level in conjunction with a requirement that the user construct a pretreatment facility or institute changes in operation and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in the table within a fixed period of time.

TABLE I

<u>Parameter</u>	Maximum Concentration (24 hr Flow, Proportional Composite Sample) <u>mg/l</u>	Maximum Instantaneous Concentration (Grab Sample) <u>mg/l</u>
Biochemical Oxygen Demand	*	--
Chemical Oxygen Demand	*	--
Suspended Solids	*	--
Arsenic (As)	1.0	2.0
Cadmium (Cd)	1.0	2.0
Chromium-Total (Cr)	5.0	10.0
Chromium-Hexavalent (Cr+6)	0.05	0.10
Copper (Cu)	5.0	10.0
Cyanide (CN)	2.0	4.0
Lead (Pb)	1.5	3.0
Mercury (Hg)	0.1	0.2
Nickel (Ni)	5.0	10.0
Selenium (Se)	1.0	2.0
Silver (Ag)	1.0	2.0
Zinc (Zn)	5.0	10.0
Oil and Grease (Petroleum and/or Mineral)	100.00	200.00

*Limited by design capacity.

(14) Criteria to protect the RWTF. (a) The RWTF influent will be monitored for each parameter in Table II. The industrial users shall be subject to the reporting and monitoring requirements set forth in § 18-105 and § 18-108 as to these parameters.

(b) In the event that the influent reaches or exceeds the levels established by Table II, the RWTF and the superintendent shall initiate technical studies to determine the cause of the influent violation, and shall recommend to the board such remedial measures as are necessary, including but not limited to recommending the establishment of new or revised pretreatment levels for these parameters.

(c) The superintendent shall also recommend changes to any of these criteria in the event the RWTF effluent standards are changed or in the event that there are changes in any applicable law or regulation

affecting same or in the event changes are needed for more effective operation of the POCS.

TABLE II

<u>Parameter</u>	Maximum Concentration (24 hr Flow, Proportional Composite Sample) <u>mg/l</u>	Maximum Instantaneous Concentration (Grab Sample) <u>mg/l</u>
Aluminum dissolved (Al)	15.00	30.00
Antimony (Sb)	0.50	1.0
Arsenic (As)	0.05	0.1
Barium (Ba)	2.50	5.0
Boron (B)	1.00	2.0
Cadmium (Cd)	0.01	0.02
Chromium-Total (Cr)	1.50	3.0
Cobalt 5.00	5.00	10.00
Copper (Cu)	0.40	0.8
Cyanide (CN)	0.05	0.1
Fluoride (F)	10.00	20.00
Iron (Fe)	5.00	10.0
Lead (Pb)	0.10	0.2
Manganese (Mn)	0.50	1.0
Mercury (Hg)	0.015	0.03
Nickle (Ni)	0.50	1.0
Phenols	1.00	2.0
Selenium (Se)	0.005	0.01
Silver (Ag)	0.05	0.1
Titanium-dissolved (Ti)	1.00	2.0
Zinc (Zn)	2.00	4.0
Total Kjeldahl Nitrogen (TKN)	45.00	90.0
Oil & Grease	25.00	50.0
MBAS 5.00	5.00	10.0
Total Dissolved Solids	1,875.00	3,750.00
BOD	*	

<u>Parameter</u>	Maximum Concentration (24 hr Flow, Proportional Composite Sample) <u>mg/l</u>	Maximum Instantaneous Concentration (Grab Sample) <u>mg/l</u>
COD	*	
Suspended Solids	*	

*Not to exceed the design capacity of treatment works.

(15) Pretreatment requirements. Users of the POCS shall design, construct, operate, and maintain wastewater pretreatment facilities whenever necessary to reduce or modify the user's wastewater constituency to achieve compliance with the limitations in wastewater strength set forth in paragraph (13) of this section, to meet applicable National Pretreatment Standards, or to meet any other wastewater condition or limitation contained in the user's wastewater discharge permit.

(16) Plans and specifications. (a) Plans, specifications, and operating procedures for such wastewater pretreatment facilities shall be prepared by a registered engineer, and shall be submitted to the superintendent for review in accordance with accepted engineering practices. The superintendent shall review said plans within 45 days and shall recommend to the user any appropriate changes.

(b) Prior to beginning construction of said pretreatment facility, the user shall submit a set of construction plans and specifications to be maintained by the superintendent. Prior to beginning construction the user shall also secure such building, plumbing, or other permits that may be required.

(c) The user shall construct said pretreatment facility within the time provided in the user's wastewater discharge permit. Following completion of construction the user shall provide the superintendent with "as built" drawings to be maintained by the superintendent.

(17) Prevention of accidental discharges. (a) All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POCS of waste regulated by this section from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this section.

(b) The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of waste regulated by this section shall be subject on a case-by-case basis to a

special permit condition or requirement for the construction of facilities or establishment of procedures which will prevent or minimize the potential for such accidental discharge.

(c) Plans, specifications, and operating procedures for such special permit conditions shall be developed by the user and submitted to the superintendent for review under the provisions of paragraph (16) of this section. (1993 Code, § 8-202, as amended by Ord. #503, Feb. 1991, and replaced by Ord. #719, June 2001; and Ord. #733, April 2002)

18-103. Exception to wastewater strength standard.

(1) Applicability. This section provides a method for non-residential users subject to the limitation on wastewater strength parameters listed in § 18-102 to apply for and receive a temporary exception to the discharge level for one or more parameters.

(2) Time of application. Applicants for a temporary exception shall apply for same at the time they are required to apply for a wastewater discharge permit or a renewal thereof, provided, however, that the superintendent shall allow applications at any time unless the applicant shall have submitted the same or substantially similar application within the preceding year and the same shall have been denied by the board.

(3) Written applications. All applications for an exception shall be in writing, and shall contain sufficient information for evaluation of each of the factors to be considered by the board pursuant to paragraph (5) hereof.

(4) Review by superintendent. All applications for an exception shall be reviewed by the superintendent. If the application does not contain sufficient information for complete evaluation, the superintendent shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the superintendent to correct such deficiencies. This thirty (30) day period may be extended by the board upon application and for just cause shown. Upon receipt of a complete application the superintendent shall evaluate same within thirty (30) days and shall submit recommendations to the board at its next regularly scheduled meeting.

(5) Review by WWTA. The board shall review and evaluate all applications for an exception and shall take into account the following factors:

(a) The board shall consider whether or not the applicant is subject to a National Pretreatment Standard containing discharge limitations more stringent than those in § 18-102 and grant an exception only if such exception may be granted within limitations of applicable federal regulations.

(b) The board shall consider whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of Section 307(a) of the Act (33 U.S.C. 1317), or similar

state regulations and then grant an exception only if such exception may be granted with the limitations of applicable federal or state regulations.

(c) The board shall consult with the RWTF to determine whether or not granting the exception would:

(i) Create conditions that would reduce the effectiveness of the RWTF, taking into consideration the concentration of said pollutant in the RWTF's influent and the design capability.

(ii) Cause the RWTF to violate the limitations in its NPDES permit, taking into consideration the concentration of the pollutant in the RWTF's influent and the demonstrated ability of the RWTF to consistently remove such pollutant.

(iii) Cause elements or compounds to be present in the sludge of the RWTF which would prevent sludge use or disposal or which would cause the RWTF to violate any regulation promulgated by EPA under the provisions of section 405 of the Act (33 U.S.C. 1345).

(d) The board may consider the cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive cost alone shall not be the basis for granting an exception.

(e) The board may consider the age of equipment and industrial facilities involved to the extent that such factors affect the quality of wastewater discharge.

(f) The board may consider the process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge.

(g) The board may consider the engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge.

(h) The board may consider an application for an exception based upon the fact that water conservation measures instituted by the user or proposed by the user result in a higher concentration of particular pollutants in the wastewater discharge of the user without increasing the amount of mass of pollutants discharged. To be eligible for an exception under this subparagraph, the applicant must show that, except for water conservation measures, the applicant's discharge has been or would be in compliance with the limitations on wastewater strength set forth in § 18-102(13). Provided, however, no such exception shall be granted if the increased concentration of pollutants in the applicant's wastewater would have a significant adverse impact upon the operation of the POCS or RWTF.

(6) Good management practices required. The board shall not grant an exception unless the applicant shall demonstrate to the board "good management practices" (GMP) to prevent or reduce the contribution of

pollutants to the POCS. GMP's include but are not limited to preventative operating maintenance procedures, schedule of activities, process changes, prohibiting activities, and other management practices to reduce the quality of quantity of effluent discharged and to control plant site runoff, spillage, leaks, and drainage from raw material storage.

(7) Exception may be granted following review. The board shall review the application for an exception at the first regularly scheduled meeting following recommendation of the superintendent. It may grant the application for exception with such conditions or limitations as may have been recommended by the superintendent without a hearing provided that no person, including the applicant, shall object thereto, and provided further that the board finds that the granting of the exception with such conditions as have been recommended by the superintendent will be in compliance with the provisions of this section.

(8) Hearing. (a) In the event that the applicant objects to recommendations of the superintendent concerning conditions to be imposed upon the applicant and the board desires a hearing to further investigate the matter, or any interested party granted permission by the board to intervene objects to the granting of the exception, then in such event the board shall schedule a hearing within ninety (90) days following presentation of the matter by the superintendent to resolve such matters.

(b) At such hearing, the applicant, the superintendent, and any intervening party shall have the right to present relevant proof by oral or documentary evidence. The procedure set forth in § 18-108 hereof shall be applicable to such a hearing. The applicant shall bear the burden of proof in such hearing. (1993 Code, § 8-203, as amended by Ord. #503, Feb. 1991, modified, and replaced by Ord. #719, June 2001; and Ord. #733, April 2002)

18-104. Permits for the connection to the publicly owned collection system. (1) Application and permit requirements. Any person who desires to connect with, extend, alter, uncover, excavate, move or in any way change any part of the publicly owned collection system or cause any such work to be done is first required to obtain a permit to do so. Application for a permit and the payment of required fees shall be made at the office of the superintendent. Detailed drawings may be required (see paragraph (3) of this section).

(2) Types of permits. The following are the types of permits that apply to the POCS:

(a) Sewer service line connection permit. For the connection of any premises to the public sewer.

(b) Public sewer extension permit. For the construction of new public sewers.

(c) Industrial wastewater discharge permit. Applicable to industrial users of the POCS. (Refer to § 18-105 for permit requirements and administration.)

(d) Truck discharge operation permit. Refer to § 18-102(11) and (12).

(3) Drawings and specifications. When required by the superintendent, three (3) copies of specifications and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work shall accompany the application for permit as outlined in § 18-107. Drawings indicating the structural plumbing plan and sources of wastewater within the structure may also be required. Drawings and specifications for extensions to the public sewer shall be designed by a registered engineer and shall bear his official seal.

(4) Permit conditions. (a) A permit issued shall be considered to be a license to proceed with the approved work and shall not be interpreted as authority to alter, violate, cancel, or set aside any of the provisions of this section. A permit issued shall not prevent the superintendent from requiring a correction of errors in plans, or in construction, or in violations of this section. Every permit issued shall become invalid unless the work authorized by such permit is begun within one (1) year after its issuance.

(b) Failure to obtain the necessary permit prior to beginning any work on a Hamilton County POCS shall subject the violator to the provisions of § 18-108 and/or five times the normal tapping privilege fees in § 18-106(1). (1993 Code, § 8-204, modified, as replaced by Ord. #719, June 2001; and Ord. #733, April 2002)

18-105. Industrial wastewater discharge permit, discharge reports and administration. (1) Applicability. The provisions of this section are applicable to all industrial users of the POCS. The RWTF (City of Chattanooga) has an "approved pretreatment program" as that term is defined in 40 CFR Section 403.3(d), and any permits issued hereunder to industrial users who are subject to or who become subject to a "National Categorical Pretreatment Standard" as that term is defined in 40 CFR 403.3(j) shall be conditioned upon the industrial user also complying with all applicable substantive and procedural requirements promulgated by the Environmental Protection Agency or the State of Tennessee in regard to such "categorical standards" unless an exception for the city's program or for specific industrial categories has been authorized.

(2) Application and permit requirements for industrial users. All industrial users of the POCS prior to discharging non-domestic waste into the POCS shall apply for and obtain a wastewater discharge permit in the manner hereinafter set forth. Prior to discharge of non-domestic wastewater into the POCS, an industrial user shall request the superintendent to determine if the

proposed discharge is significant and requires pretreatment. All requests shall include a site plan, floor plan, mechanical and plumbing plans with sufficient detail to show all sewers and appurtenances in the user's premises by size, location, and elevation; and the user shall submit to the superintendent revised plans whenever alterations or additions to the user's premises affect said plans. If the discharge is determined not to be significant, then the superintendent may still establish appropriate discharge conditions for the user. Any noncategorical industrial user designated as significant may petition the board to be deleted from the list of significant industrial users on the grounds that it has no potential for adversely effecting the POCS' operation or violating any pretreatment standard or requirement. All significant industrial users shall obtain an industrial wastewater discharge permit and shall complete such forms as required by the RWTF, pay appropriate fees, and agree to abide by the provisions of Article III, Industrial Waste, in the Sewer Use and Industrial Wastewater Discharge Regulations of the City of Chattanooga and any specific conditions or regulations established by the superintendent. (1993 Code, § 8-205, as replaced by Ord. #719, June 2001; and Ord. #733, April 2002)

18-106. Fees. (1) Tapping privilege fees. (a) A permit for a sewer service line connection or for a public sewer extension shall not be issued until the fees prescribed in this section have been paid. The minimum tapping privilege fee for each connection shall be computed in two (2) ways: (i) Based on water meter size, and (ii) B a s e d o n t y p e o f establishment. The larger of the two fees shall be the one that applies.

(i) Based on the size of the water meter:

<u>WATER METER SIZE</u>	<u>SEWER TAPPING FEE</u>
Less than 1"	\$ 600
1"	750
Between 1" & 2"	800
2"	1,500
3"	2,500
4"	3,000
6"	5,000
Larger than 6"	See paragraph below

The schedule above is not applicable to the tapping privilege fee for water meters larger than 6", process water or

wastewater for an industrial plant, any establishment with commercial garbage or commercial food waste grinders, or other special services. Such fee will be determined at the time application for service is made.

(ii) Based on the type of establishment:

<u>ESTABLISHMENT</u>	<u>SEWER TAPPING PRIVILEGE FEE</u>
Motel and Hotel	\$150 per unit
Restaurant	\$30 per employee plus \$30 per seat \$1,200.00 Minimum
Self-Service Laundry	\$1,000 for first 3 washing or cleaning units, \$200 each unit thereafter
Service Station	\$150 per vehicle that can pump at a given time
Theater and Church	\$3 per seat
Business under 10,000 sq. ft.	\$600 plus \$30 for each employee
Business over 10,000 sq. ft.	\$60 per 1,000 sq. ft. plus \$30 per employee
School and Day Care	\$10 per student, ultimate enrollment
Car Wash	\$1,000 minimum up to 6 bays \$200 each bay over 6
Doctors, Dentist, Veterinary Office, or Funeral Home	\$1,200 plus \$30 per employee
Trailer Park	\$300 per unit
Buildings with multiple units on one water meter	\$300 per unit
Buildings with multiple units with a single meter for each unit	\$600 per unit
Nursing Home and Hospital	\$200 per licensed bed
Multiple Use Facilities	Calculate using the present tap-on fee schedule and combining the fee for all of the uses, with the highest minimum on any use to be the minimum for the multiple use.

(b) The minimum tapping privilege fee does not include the cost of service assembly; i.e., making taps, furnishing and installing service line, pavement repair, or other restorative work, all of which is to be borne by the purchaser.

(c) Letters of credit that have been issued prior to the effective date of this subparagraph shall not be honored after January 1, 1998.

(d) A tapping privilege fee shall not be charged for the connection of buildings owned by political subdivisions, that are members of the WWTA.

(e) When an easement is required for the construction of a project, the WWTA will waive one residential tap-on fee for the property if the easement is donated, however, if the property owner requests payment for the easement, the tap-on fee will be the normal fee plus the cost of the easement.

(f) When a developer/builder builds a residence in a subdivision where the same developer/builder has paid for the installation of the sanitary sewer, the tapping privilege fee will be \$100. The tapping privilege fee is non transferable.

(2) Monthly rates and minimum bills. (a) The owner/occupant of land within the jurisdiction of the WWTA that abuts a street, public way, or easement containing a publicly-owned gravity sewer and upon which there is a residential, industrial or commercial building, and which can be connected by gravity to the sewer, shall pay a sewer fee based on water usage as if the structure were tied to the sewer, whether or not there is an actual connection made.

(b) Each customer shall pay monthly according to the following rates:

<u>Gallons/month</u>	<u>Cost/1,000 gallons</u>
First 100,000	\$3.43
Next 650,000	\$2.52
Next 1,250,000	\$2.03
Over 2,000,000	\$1.45

(c) The minimum monthly bill, based on water meter size, shall be as follows:

<u>WATER METER SIZE</u>	<u>SEWER MINIMUM BILL</u>
5/8"	\$ 7.12
3/4"	\$ 7.12
1"	\$44.41

<u>WATER METER SIZE</u>	<u>SEWER MINIMUM BILL</u>
1 ½"	\$99.40
2"	\$176.00
3"	\$412.56
4"	\$762.42
6"	\$1,815.97
8"	\$3,212.12

(d) The schedule above is not applicable to the minimum monthly bill for water meters larger than 6", process water or wastewater for an industrial plant, any establishment with commercial garbage or commercial food waste grinders, or other special services. Such bill will be determined at the time the application for service is made.

(3) Multi-unit complexes. (a) To provide equality between single-family and multi-family dwellings which have one or less number of water meters than the total number of dwelling units in the complex, the monthly sewer service charge to multi-unit complexes served by a master meter or any combination of meters totaling less than the number of units served shall be calculated by the following formula:

$$\text{Monthly Service Charge} = U_{\text{tot}} \times R$$

U_{tot} = Usage measurement of master meter or combination of meters.

R = The sewer service rate, as detailed in § 18-106(2)(b), using U_{adj}

$$U_{\text{adj}} = U_{\text{tot}} \div N$$

N = Ninety percent of the number of units for multi-unit dwellings, of the total number of units for a trailer park or apartment complex.

(b) In addition to the above rates the WWTA may determine a monthly surcharge to amortize any indebtedness associated with the sewage system.

(c) State law requires that a state fee be added to every sewer bill, which amount must be sufficient to repay the state to cover the funds advanced by the state to provide the local share of federally-assisted (Environmental Protection Agency) and mandated water pollution abatement projects.

(4) Billing adjustments. (a) Adjustments in the monthly sewer use bill as a result of a water leak at the premises will be made in accordance with any agreements and/or policies of the water company providing sewer billing services for WWTA. If such agreements and/or policies are not applicable, the following will apply.

(i) Upon notification to the superintendent of a water leak occurrence and/or an unusually high water meter reading indicating a leak, a determination will be made as to whether or not the leaking water entered the sanitary sewer system.

(ii) If the leaking water did not enter the sanitary sewer system, the monthly sewer use fee will be adjusted to equal the average of the three previous monthly sewer use fees.

(iii) If the leaking water did enter the sanitary sewer system, the monthly sewer use fee will be equal to the average three previous monthly sewer use fees plus the current wheelage and treatment rate paid by the WWTA for the excess water.

(b) Upon determination that a sewer customer is permitting extraneous flow (storm water run-off, storm drainage, groundwater, etc.) to enter the WWTA's wastewater treatment facilities, the WWTA will make a measurement of such flow during wet weather and thereafter the charge for sewer services will be based upon the flow measured at that time or upon any subsequent measurement indicating a greater demand. A monthly sewer charge determined upon this basis will be in addition to the monthly sewer charge set forth above, and can be reduced upon and to the extent of satisfactory demonstration to the WWTA that the sources of the extraneous flow into the customer's sewer service lines have been eliminated.

(c) A yearly adjustment shall be made to the monthly sewer use bill for the volume of water used in the initial filling of swimming pools upon submittal of a WWTA "swimming pool form." This adjustment is valid only when the pool does not discharge into a POCS.

(d) An adjustment will be made to the monthly sewer use bills for the previous four summer months if the user installs a garden meter to determine the average monthly usage.

(5) Grinder pumps. (a) The tapping privilege fee for a grinder pump shall be the same as the fees listed in § 18-106(1).

(b) All grinder pumps used in conjunction with the interceptor sewer system which will discharge into the system owned and operated by the Hamilton County Water and Wastewater Treatment Authority must conform to the specifications of the authority or purchased from either the authority or from an approved manufacturer.

Beginning March 15, 2000 the selling price for the grinder pumps will be based on a ten percent markup based on the selling price (cost divided by 0.9) rounded up to the nearest \$10 if purchased from the

authority. Those wishing to purchase a grinder pump, or who seek to purchase the same from an approved manufacturer, or are interested in obtaining a copy of the specifications should contact the Hamilton County Engineering Department at 300 Newell Towers, 117 East 7th Street, Chattanooga, TN 37402 or by phone at 423-209-6410.

(c) Each grinder pump customer shall pay monthly according to the rates listed in § 18-106(2)(b) multiplied by a factor of 1.10.

(d) The owner/operator of land within the jurisdiction of the WWTA that abuts a street, public way, or easement containing a publicly-owned sewer and upon which there is a residential, industrial, or commercial building, and which can only be connected to the sewer by using a grinder pump, will not be required to pay a sewer fee until the structure is tied to the sewer. The owner/operator of said land may be required to pay a sewer fee based on water usage as if the structure were tied to the sewer, whether or not there is an actual connection made to the sewer, if the city which has jurisdiction over said property passes an ordinance, resolution, or law requiring said payment. (1993 Code, § 8-206, as replaced by Ord. #719, June 2001, and Ord. #733, April 2002)

18-107. Construction of connections to the publicly owned collection system. (1) Construction of sewer service line connections. The construction of all sewer service line connections to the POCS shall conform to the following requirements.

(a) Service line connections shall not be permitted for public sewers or public sewer extensions that are incomplete and not accepted by the WWTA unless approved by the superintendent and all documents determined to be necessary by the superintendent for the purpose of indemnifying the WWTA for all costs, losses, damages, etc. caused by the connection to the incomplete sewer are executed.

(b) All sewer service line connection, sewer taps, repairs, excavations or other work required and approved by the service line connection permit shall be carried out only by a plumber having a license to do such work, or by an employee working directly under the personal supervision of one holding such license.

(c) A separate and independent sewer service line connection shall be provided for every premise or property owner or individual building site.

(d) The use of existing sewer service lines for the connection of new buildings shall only be used if they are found, on inspection by the superintendent or authorized representative, to meet all requirements of this section.

(e) All costs and expenses incidental to the installation and connection of the sewer service line shall be borne by the applicant.

(f) All excavations for service line installation shall be adequately guarded and marked to protect the public from hazard.

(g) The size, slope, location, alignment and materials of construction of a sewer service line, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the currently adopted building and plumbing code or other applicable rules and regulations of the Hamilton County Building Inspection Office and shall also be approved by the superintendent or authorized representative.

(h) When required by the currently adopted building and plumbing code, or by the superintendent or authorized representative, a grease trap or oil/water separator tank shall be provided to prevent prohibited grease and other similar pollutants from entering the public sewer.

(i) Where grease traps, oil/water separator tanks, or other appurtenances are provided by the property owner, it shall be the responsibility of the property owner or user of the sewer to provide regular maintenance and repair of such appurtenances to assure proper functioning.

(ii) If prohibited grease and other pollutants enter the public sewer, the superintendent will perform such maintenance and repair to the sewer, and charge the cost thereof to the property owner.

(i) All service line connections made to the public sewer at a location where a service junction or tee has not been provided shall only be made under the inspection of the superintendent or authorized representative.

(j) All sewer service connections shall be made airtight and watertight.

(k) A clean-out shall be provided on the sewer service line at the property line between the public sewer and the structure being connected. Other clean-outs shall be provided in accordance with the governing plumbing code.

(l) Where pavement cuts and installation in public right-of-ways are required, the following shall be applied:

(i) State highways and right-of-ways: Where excavations are required in state right-of-ways, permission shall be obtained from the Tennessee Department of Transportation (TDOT). All work shall be in accordance with the requirements of TDOT and the WWTAA.

(ii) County roads and right-of-ways. Where excavations are required in county right-of-ways, permission shall be obtained from the Hamilton County Engineer's Office. All work shall be in

accordance with the requirements of the county engineer and the WWTA.

(m) Sewer service connections made which do not meet the requirements of this section shall be uncovered and/or repaired at the expense of the applicant.

(n) All repair and maintenance of sewer service lines shall be the responsibility of the property owner or user of the sewer and shall include, upon connection, any portions of the sewer service line installed by the WWTA or the developer between the property line and the public sewer.

(2) Construction of public sewer extensions. The construction of public sewer extensions to the POCS shall conform to the following requirements:

(a) All public sewer extensions shall be designed by a registered engineer licensed to practice in the State of Tennessee. All extensions shall be designed and constructed in accordance with the WWTA's standard details and specifications for sanitary sewers, and State of Tennessee Design Criteria for Sewage Works, and in accordance with all applicable federal, state and local laws and regulations. The location of all sewer extensions will be required to be located according to current master planning for Hamilton County.

(b) No construction shall begin until a public sewer extension permit is obtained from the office of the superintendent, final written approval of plans and specifications are obtained from the superintendent, and the applicant has scheduled a pre-construction meeting with the superintendent.

(c) Three copies of preliminary plans, profiles, details, and specifications shall be submitted to the superintendent for review. Plans may be submitted along with preliminary subdivision plats, if applicable. Plans and specifications must also be submitted to the Tennessee Department of Environment and Conservation, Division of Water Pollution Control for approval, unless the approval authority has been delegated to the WWTA by the Tennessee Department of Environment and Conservation. Maintenance bonds and/or maintenance agreements may be required.

(d) Public sewer extensions that are not to be located totally within dedicated county or state public road right-of-ways shall deed to the WWTA a minimum twenty (20) feet wide permanent maintenance easement with access from a public road right-of-way. Wider easements may be required for sewers over 15 feet deep. Easements are to be acquired on forms approved by the superintendent. Easements shall be made a part of subdivision plats, if applicable. Additional on-site easements may be required by the superintendent for future extensions of the sewer system. Sewer easements must be free of all obstructions, including other utilities.

(e) All public sewer extrusions shall be located within the edges of the pavement of the roadway with the manholes located in the center of the roadway or the center of a driving lane. Any variance shall be approved by the superintendent.

(f) Three copies of final plans, profiles, flow calculations, details, and specifications, and a copy of the final or corrective plat, if applicable, shall be submitted to the superintendent for review. These plans shall incorporate all changes required by Hamilton County, WWTA, the Tennessee Department of Environment and Conservation, and any other federal, state and local entities having jurisdiction. One copy of the approving letter and stamped, approved plans from the Tennessee Department of Environment and Conservation shall be filed with the office of the superintendent before a public sewer extension permit will be issued, unless the approval authority has been delegated to the WWTA by the Tennessee Department of Environment and Conservation.

(g) The applicant for service shall be responsible for obtaining the necessary permits for the permanent location and construction of the sewer extension in public or private right-of-ways and easements.

(h) In accordance with Section 207.3.3 and Section 208 of the Hamilton County Subdivision Regulations, public sewer extensions shall have been installed and accepted by WWTA prior to the signing and recording of the "cronaflex" copy of the final plat of the subdivisions. If the improvements have not been installed or completed, a performance bond sufficient to secure the installation shall be required prior to the signing and recording of the "cronaflex."

(i) The superintendent will arrange for the inspection of public sewer extension construction. The applicant for a public sewer extension permit shall request inspection from the superintendent 30 days before beginning any construction of the extension and the applicant shall pay the WWTA the exact cost of inspection. The applicant shall provide a contractor's written certification of the fair market cost of the extension.

(j) Public sewer extension permits issued shall become invalid if construction of the extension has not begun within one (1) year after the date of issuance. Plans and specifications must be re-submitted for approval.

(k) All construction of public sewer extensions shall be performed by contractors licensed in the State of Tennessee for municipal and utility construction of underground piping (Classification MU-A)

(l) No connection to the existing public sewer shall be made until the sewer extension lines have been tested and cleaned, and approved in writing by the superintendent.

(i) No debris of any nature that would obstruct the flow in sewers or interfere with the proper operation of the sewage works shall be permitted to enter the existing public sewer.

(ii) No surface water, storm water, or ground water during the construction of the sewer extension or water or other fluids used to flush and clean the sewer extension shall be permitted to enter the existing public sewer.

(iii) No interruption of the operation of any existing sewage works shall be permitted without the approval of the superintendent.

(m) No sewer service line connections to the public sewer extension shall be permitted until the extension is complete and accepted by the superintendent in writing, unless approved by the superintendent in accordance with (1)(a) of this section. In accordance with the provisions of this section, a permit for such connections at the time of approval is required.

(n) No changes or variations to the approved sewer extensions plans and specifications shall be made during construction without the approval of the superintendent.

(o) One complete set of reproducible drawings and digital CAD files, indicating the actual as-built plans, profiles, and details of the public sewer extension, including the location of all service tees and laterals, shall be submitted to the superintendent upon completion of the construction.

(p) The applicant for a public sewer extension shall provide the superintendent in writing, on forms approved by the superintendent, an agreement to immediately repair or cause to be repaired, at no cost to the WWTA, all breaks, leaks, or defects of any type whatsoever arising from any cause whatsoever occurring within one (1) year from the date the extension is accepted in writing by the WWTA board of commissioners.

(q) The construction of public sewer extensions shall include the provision of either service tees and laterals or stub-outs for each tract and/or structure abutting both on-site and off-site portions of the extension as shown by plat and/or property records. The WWTA may, at its option, elect to pay the developer of the sewer extension the exact cost of the provision of service laterals to off-site tracts and/or structures, not to exceed \$600.00 per lateral.

The developer shall provide the superintendent with a contractor's written certification of the exact cost of these service laterals. In cases where the average cost of the service laterals exceeds \$600.00 each, the developer may petition the WWTA board for additional funds. Such petitions shall be accompanied by a construction cost breakdown.

(r) The WWTA may, at its option, elect to pay for any design modifications, i.e., increases in size, depth, location, pump capacity, etc., required to meet the future needs of the WWTA. The WWTA may, at its option, elect to contract the construction of off-site public sewer extensions for the developer. In such cases, the developer will pay the

WWTA for the cost of construction, excluding the cost of service laterals on the extension, before construction begins.

(s) Final acceptance of public sewer extensions shall be made by the WWTA board of commissioners upon the satisfactory completion of the requirements of this section.

(t) Public sewer extensions which do not comply with the requirements of this section shall not be accepted as the WWTA public sewers and no service line connection permits will be issued for premises served by the extension. A waiver of any of these requirements must be obtained in writing from the WWTA board.

(3) Construction of public sewer extensions by the WWTA. The construction of public sewer extensions to the POCS by the WWTA shall be governed by the following policies:

(a) The WWTA may construct sewers to alleviate potential health hazards as outlined in the following:

(i) Property owners of an area request sewers to be installed in their area because of septic tank problems that could create health hazards. These areas shall be verified to have potential health hazards by a study/report from the regional health department.

(ii) Property owners in the areas identified above by the health department will be asked to participate in the remediation of the potential health hazard by contributing toward the estimated project cost. At least 70 percent of the property owners in the area must agree to contribute toward the estimated project cost. The property owners shall designate a representative among themselves who will be the contact between the property owners and the WWTA. The WWTA will not be responsible for contacting individual property owners.

(iii) Prior to design and construction of the sewer extension by the WWTA, the property owners shall contribute 60% of the estimated project cost or the sum total of the property owners' tapping privilege fees, whichever is greater. The estimated project cost shall be an estimate of the cost of construction, inspection, and easement acquisition (see paragraph (v) below).

(iv) If the actual cost is different from the estimated cost, the residents will not be charged more if the cost is higher and they will not be rebated costs back if the actual cost is lower.

(v) At the discretion of the superintendent, the WWTA may enter into a contract with a registered engineer, licensed to practice in the State of Tennessee, to design the public sewer extension. The cost of said design contract shall be included in the estimated project cost. The WWTA will be responsible for the

design and construction administration of the sewer extension project. The remainder of the project cost will be funded by the WWTA.

(vi) The participants' tapping privilege fee, which is required before a property owner can connect to the sewer, is included in the property owner's payment. Upon completion of the project, a tapping fee certificate shall be issued to the property owner by the WWTA. The certificate should be presented when applying for a tapping permit (see § 18-104 of these regulations).

(vii) When applying for a tapping privilege permit, any property owner located along the proposed project, that did not participate in the payment of the 60 percent cost, will be required to pay a tapping privilege fee equal to the participating property owners' cost plus the cost of a normal tapping privilege fee.

(viii) Any property owner in the designated area, who has been identified by the health department as having problems with their sewerage disposal system, will be required to connect to the sewer within sixty (60) days of its completion. (See paragraph (vi) above.)

(ix) See § 18-106 Fees, for tapping permit fees, monthly rates, minimum bills, and payment policies.

(x) The property owners shall be individually responsible for connecting to the sewer extension at their own cost. Construction of sewer service line connections shall comply with paragraph (1) of this section in its entirety. No sewer service line connections to the public sewer extension shall be permitted until the extension is complete and accepted by the superintendent in writing, unless approved by the superintendent in accordance with paragraph (1) of this section.

(xi) Projects shall be prioritized and approved by the WWTA board and the superintendent, and shall be constructed as allowed by the yearly budget.

(b) The WWTA may construct sewers to extend the interceptor infrastructure in accordance with current master planning for the WWTA.

(i) The region will be continuously studied and main sewer interceptors be constructed to encourage development growth: residential, commercial and industrial.

(ii) Projects shall be prioritized and approved by the WWTA board and shall be constructed as allowed by the yearly budget.

(c) The WWTA may assist developers and existing businesses in extending sewers to their property. This policy may be applied

anywhere in the WWTA coverage region as long as all of the following criteria are met:

(i) The WWTA receives the revenue from all users who tie to the proposed sewerline.

(ii) The projected cost of the sewerline located outside of the developers/owners property is more than the potential amount of tap-on fees. If the projected cost is less than the potential amount of tap-on fees, the developer/owner would be required to pay the cost to extend the sewers, and the WWTA would issue tap-on certificates for the construction costs according to the existing WWTA regulations.

(iii) The WWTA board approves the project and funds available to the WWTA.

(d) A developer/owner may select one of the following options for the construction of the sewerline:

(i) Option 1 - Certificates for off-site construction. The WWTA may assist developers with the construction of sanitary sewers by issuing tapping privilege fee certificates equal to all or part of the design and construction cost of any off-site sewer line to be dedicated to the WWTA.

(A) The number of certificates will be determined by dividing the design and construction cost of the off-site sewer line by the applicable tap fee less \$50.00. The number of certificates shall not exceed the number of establishments and/or building lots to be served by the sewers inside of the developer's property (on-site) and constructed at the same time the off-site sewers are constructed. The constructed and design cost of pump stations and force mains will only be included when the design matches the requirements of the master sewer plan.

(B) The certificates are assigned to individual establishments and/or building lots and may be redeemed when applying for a tapping permit. Certificates can only be applied towards the tapping permit fee and cannot reduce the tapping permit fee below fifty dollars (\$50.00). The certificates are non-transferable and can only be used for the establishment and/or building lots listed on the certificates. Certificates must be redeemed within five (5) years from the date on the certificate.

(C) Tapping privilege fee certificates will be issued when the sewer system is accepted by the WWTA.

(ii) Option 2 - WWTA contribution. The WWTA will contribute the following amount to the construction costs:

(A) The projected net sewer revenue from the project for the first 3 years. The net revenue is the WWTA sewer charge less the amount charged by the accepting authority (City of Chattanooga or Collegedale); plus

(B) The amount of the known tap-on fees. This does not include tap-on fees for future or proposed construction.

The developer/owner would be responsible for the remaining costs. These remaining costs could be obtained from the developer/owner, other property owners along the proposed sewerline, loans, grants, municipalities, or county governments.

(iii) Option 3 -- WWTA financing. The WWTA will assist in the construction of the sewerline construction by financing the construction. The developer/owner must agree to the following items before the WWTA will finance the project.

(A) A lien will be placed on the developers/owners property to assure repayment of the loan.

(B) Before the project will be financed, the developer/owner must pay at least an amount equal to 60% of the tap-on fees of the ultimate development.

(C) Collection of funds from other adjacent property owners or potential developers, to help reduce the amount of the loan, is the responsibility of the developers/owner and not the WWTA.

Once the developer/owner agrees to the above items, the WWTA will finance the project costs in excess of item (B) above. The developer/owner must agree to repay the WWTA in equally monthly payments with the loan amortized over 5 years at a rate equal to 2% over the rate at which the WWTA borrowed the funds or, if the funds are not borrowed, 2% over the prevailing interest rate if the WWTA had borrowed the funds. The monthly payment would be divided by the minimum sewer rate to determine the number of minimum bills the monthly payment represents. The initial payment would be reduced by the number of residents that would have to pay a minimum payment due to being located adjacent to the sewerline. As other property owners tie to the sewerline, the monthly payment by the developer/owner would be reduced by that number of minimum bills. Adjustments to the payments would be made on January 1 and July 1, of each year.

(4) Private sewer system. (a) There shall be no new construction of a private sanitary sewer system that connects to or could connect to a public sewer system or to another private sewer system.

(b) Any private non-traditional sanitary sewer system that is not covered by part (a) above and serves more than one user must post

with the WWTa a performance bond equal to the total cost of the design and construction of the sewer system a maintenance bond equal to the cost of five (5) years maintenance as determined by the WWTa. The bonds must be cash, cashier's check, or a surety bond and the amount of the bonds must be approved by the WWTa before building permits are issued to structures connecting to the system.

(5) Construction of a grinder pump system. The construction of a grinder pump system shall be governed by the following policies:

(a) Grinder pump systems shall only be used at locations approved by the WWTa.

(b) The construction of a grinder pump system shall meet the requirements of section (2). Construction of public sewer extensions, with the following exceptions:

(i) The grinder pump forcemain may be located in the right-of-way of a roadway if approved by the superintendent.

(ii) The connection of the grinder pump to the building service shall be made by a plumber licensed to do such work. The installation of the grinder pump and the line to the collector forcemain of gravity line may be made by a plumber licensed to do such work and trained by the WWTa to install such systems. The control panel, disconnect, and connection to the electrical power at the structure must be made by a licensed electrician.

(c) The grinder pump system must be designed to use grinder pumps approved by the WWTa and the system must be constructed using grinder pumps purchased from the WWTa.

(d) The applicant must fill out an "application for sewer service (pressure sewers)" and a "pressure sewer easement" before installation of the grinder pump and be responsible for all items listed therein.

(e) The tapping privilege fee, monthly rate, and minimum bill shall be the same as listed in § 18-106 Fees. The cost of the grinder pump shall be paid when the tapping privilege fee is paid. (1993 Code, § 8-207, modified, as replaced by Ord. #719, June 2001, and Ord. #733, April 2002)

18-108. Inspections, monitoring, and entry. (1) Applicability. The provisions of this section shall apply as required to carry out the objectives of this section, including but not limited to the regulation and enforcement of any permit conditions or construction procedures in accordance with this section; developing or assisting in the development of any effluent limitation, or other limitation prohibition, or effluent standard, pretreatment standard, or standard of performance under this section; determining whether any person is in violation of any permit condition, effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance; and any requirement established under this section.

(2) Inspection of sewer service line. (a) The applicant for a sewer service line connection permit shall notify the office of the superintendent at least 24 hours prior to the connection being complete and ready for inspection.

(b) No connection to the public sewer or the sewer service line shall be covered before it is inspected and approved. An applicant failing to secure such an inspection shall be required, at his/her own expense, to uncover the line for inspection. Notification of at least 24 hours shall also be required for connections that must be re-inspected for approval.

(c) The superintendent or authorized representative shall have the right of entry upon the premises from which a connection is being made to the public sewer in order to determine compliance with sewer use and connection regulations.

(d) No connection to the public sewer shall be made at any point except where a service junction or tee has been installed and left for that purpose without prior approval of the superintendent. When a service junction or tee is not available, the applicant shall notify the superintendent at least 24 hours in advance of when the connection needs to be made. In all cases, connections of this type shall be done under the inspection of the superintendent or authorized representative, at the risk and expense of the party making the connection.

(3) Inspection of public sewer extensions. (a) The applicant for a public sewer extension permit shall request inspection from the office of the superintendent 30 days before beginning any construction of the extension. The applicant shall pay the WWTA through the office of the superintendent the exact cost of inspection of the extension as billed to the WWTA. The applicant shall provide a contractor's written certification of the fair market cost of the extension.

(b) Sewer extensions that are not inspected and approved shall not be accepted as WWTA public sewers and no service line connection permits will be issued for premises served by the extension.

(4) Inspections and monitoring of industrial wastewater discharge permits. (a) Inspections and monitoring shall be by RWTF (City of Chattanooga) personnel according to the provisions of Article III, Industrial Waste, in the Sewer Use and Industrial Wastewater Discharge Regulations of the City of Chattanooga.

(b) The superintendent or authorized representative, upon presentation of credentials:

(i) Shall have a right of entry to, upon, or through any premises in which an effluent source is located for which records are required to be maintained according to paragraph (a) above, and,

(ii) May at reasonable times have access to and copy any records, inspect any monitoring equipment or method required

under paragraph (a) above, and sample any effluents which the owner or operator of such source is required to sample. (1993 Code, § 8-208, modified, as replaced by Ord. #719, June 2001, and Ord. #733, April 2002)

18-109. Dangerous discharge notification requirements.

(1) Telephone notification. Any person causing or suffering any discharge whether accidental or not, which presents or may present an imminent or substantial endangerment to the health and welfare of persons, to the environment, or which is likely to cause interference with the POCS, shall notify the superintendent immediately by telephone.

(2) Written report. Within five (5) days following such occurrence, the user shall provide the superintendent with a detailed written report describing the cause of the dangerous discharge and measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POCS, RWTF, 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 the RWTF, or other applicable federal, state and local laws.

(3) 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 area are advised of the emergency notification procedure. (1993 Code, § 8-209, as replaced by Ord. #719, June 2001, and Ord. #733, April 2002)

18-110. Enforcement and abatement. (1) Public nuisance. Discharge of wastewater in any manner in violation of this section, or of any condition of a wastewater discharge permit is hereby declared a public nuisance and shall be corrected or abated as provided herein.

(2) Superintendent to notify user of violation. Whenever the superintendent determines or has reasonable cause to believe that a discharge of wastewater has occurred in violation of the provisions of this section, the user's wastewater discharge permit, or any other applicable law or regulation, the superintendent shall notify the user of such violation. Failure of the superintendent to provide notice to the user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge.

(3) Conciliation meetings. (a) The superintendent may, but shall not be required, to invite representatives of the user to a conciliation meeting to discuss the violation and methods of correcting the cause of violation. Such additional meetings as the superintendent and the user deem advisable may be held to resolve the problem.

(b) If the user and the superintendent can agree to appropriate remedial and preventative measures, they shall commit such agreement to writing with provisions for a reasonable compliance schedule and the same shall be incorporated as a supplemental condition of the user's wastewater discharge permit.

(c) If an agreement is not reached through the conciliation process within sixty (60) days, the superintendent shall institute such other actions as he deems advisable to insure the user's compliance with the provision of this section or other law or regulation.

(4) Show cause hearing. (a) The superintendent may issue a show cause notice to the user directing the user to appear before the WWTA or RWTF at a specified date and time to show cause why the user's wastewater discharge permit should not be modified, suspended, or revoked for causing or suffering violation of this section, or other applicable law or regulation, or conditions in the wastewater discharge permit of the user.

(b) If the superintendent seeks to modify the user's wastewater discharge permit to establish wastewater strength limitations or other control techniques to prevent future violations, the superintendent shall notify the user of the nature of the violation for which revocation or suspension is sought with sufficient specificity as to the character of the violation and the dates at which such violation occurred to enable the user to prepare a defense.

(c) Such notice shall be mailed to the user by certified mail, return receipt requested, or shall be personally delivered to the user at least twenty (20) days prior to the scheduled hearing date.

(5) Injunctive relief. (a) The superintendent shall, in the name of the WWTA, file in Circuit or Chancery Court of Hamilton County, Tennessee, or such other courts as may have jurisdiction, a suit seeking the issuance of an injunction, damages, or other appropriate relief to enforce the provisions of this section or other applicable law or regulation.

(b) Suit may be brought to recover any and all damages suffered by the WWTA and/or RWTF as a result of any action or inaction of any user or other person who causes or suffers damage to occur to the POCS or RWTF or for any other expense, loss or damage of any kind or nature suffered.

(6) Assessment of damages to users. (a) When a discharge of waste causes an obstruction, damage, or any other impairment to the facilities, or any expense of whatever character or nature to the WWTA or RWTF, the superintendent shall assess the expenses incurred by the WWTA or RWTF to clear the obstruction, repair damage to the facility, and any other expenses or damages incurred which may include, without limit, damage to the public right-of-way.

(b) The superintendent shall file a claim with the user or any other person causing or meaning said damages to incur seeking reimbursement for any and all expenses or damages suffered by the WWTA or RWTF. If the claim is ignored or denied, the superintendent shall notify the WWTA counsel to take such measures as shall be appropriate to recover for any expense or other damages suffered.

(7) Superintendent may petition for federal or state enforcement. In addition to other remedies for enforcement provided herein, the superintendent may petition the State of Tennessee or the United States Environmental Protection Agency, as appropriate to exercise such methods or remedies as shall be available to such government entities to seek criminal or civil penalties, injunction relief, or such other remedies as may be provided by applicable federal or state laws to insure compliance by industrial users of applicable pretreatment standards, to prevent the introduction of toxic pollutants or other regulated pollutants into the POCS or RWTF, or to prevent such other water pollution as may be regulated by local, state or federal law.

(8) Emergency termination of service. (a) In the event of an actual or threatened discharge to the POCS of any pollutant which, in the opinion of the superintendent, presents or may present an imminent and substantial endangerment to the health or welfare of persons, or cause interference with the POCS, the superintendent, shall immediately notify the WWTA chairperson and counsel of the nature of the emergency.

(b) The superintendent shall also attempt to notify the industrial user or other person causing the emergency and request their assistance in abating same. Following consultation the superintendent shall temporarily terminate the service of such user or users as are necessary to abate the condition when such action appears reasonably necessary. Such service shall be restored by the superintendent as soon as the emergency situation has been abated or corrected.

(9) Reporting by superintendent. The superintendent shall report to the board any intent to institute any action under the provisions of subsections (5) and (7) hereof and seek the advice of the board in regard thereto, unless he shall determine that immediate action is available. (1993 Code, § 8-210, as replaced by Ord. #719, June 2001, and Ord. #733, April 2002)

18-111. WWTA board. The WWTA board shall consist of such persons as specified in the WWTA law. The WWTA board shall have such powers and duties as specified in the WWTA law.

(1) General duties of the board. In addition to any other duty or responsibility otherwise conferred upon the board the WWTA law, the board shall have the duty and power as follows:

(a) To grant exceptions pursuant to the provisions hereof, and to determine such issues of law and fact as are necessary to perform this duty;

(b) To hold hearings upon appeals from orders or actions of the superintendent as may be provided under any provision of this section;

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

(d) To hold such other hearings relating to any aspect or matter in the administration of these regulations and to make such determinations and issue such orders as may be necessary to effectuate the purposes of these regulations.

(e) To request assistance from any officer, agent, or employee of the Chattanooga-Hamilton County Regional Planning Commission, or other public agencies, to obtain such information or other assistance as the board might need;

(f) The board, acting through its chairperson, shall have the power to issue subpoenas requiring attendance testimony and of witnesses and the production of documentary evidence relevant to any matter properly heard by the board to the extent authorized by law;

(g) The chairperson or vice-chairperson shall be authorized to administer oaths to those persons giving testimony before the board;

(h) The board shall hold regular meetings and such special meetings the board may find necessary;

(i) Three (3) members of the board shall constitute a quorum, but a lesser number may adjourn the meeting from day to day. A majority vote of those members of the board present at any meeting is required to make determination or to act on issues that are under the authority of the board.

(j) The board may adopt rules of order and by laws to govern its affairs. (1993 Code, § 8-211, as replaced by Ord. #719, June 2001, and Ord. #733, April 2002)

18-112. Superintendent. (1) Superintendent and staff. The superintendent and staff shall be responsible for the administration of these regulations and such duties as may be required, from time to time, by the board.

(2) Authority of superintendent. The superintendent shall have the authority to enforce these regulations. The superintendent shall be responsible and have the authority to operate the various treatment works. The superintendent shall be responsible for the preparation of operating budgets and recommendations to the board, concerning activities within the superintendent's responsibility and authority.

(3) Records. The superintendent shall keep in office all applications required under these regulations, a complete record thereof, including a record of all wastewater discharge permits. The superintendent shall also maintain other records of the WWTAA, as directed by the board.

(4) Superintendent's responsibilities. (a) The superintendent shall attend all meetings of the WWTA board. Whenever necessary to be absent, the superintendent shall send a designated representative.

(b) The superintendent shall notify industrial users identified in 40 CFR 403.8(f)(2) and (i) of any applicable pretreatment standards or other applicable requirements promulgated by the Environmental Protection Agency under the provisions of section 204(b) of the Act (33 U.S.C. 1284), section 405 of the Act (33 U.S.C. 1345), or under the provisions of sections 3001 (42 U.S.C. 6921), 3004 (42 U.S.C. 6924) or 4004 (42 U.S.C. 6944) of the Solid Waste Disposal Act.

(c) Failure of the superintendent to so notify industrial users shall not relieve said users from the responsibility of complying with said requirements.

(d) The superintendent shall comply with all applicable public participation requirements of section 101(e) of the Act (33 U.S.C. 1251(e) and 40 CFR Part 105 in the enforcement of National Pretreatment Standards).

(e) The superintendent shall at least annually provide public notification, in a daily newspaper published in Hamilton County, of industrial users during the previous twelve (12) months which at least once were not in compliance with the applicable pretreatment standards or other pretreatment requirements.

(f) The notification shall summarize enforcement actions taken by the control authorities during the same twelve (12) months. An industrial user shall be deemed to be in compliance with applicable pretreatment standards or other pretreatment requirements if the user has completed applicable increments of progress under the provisions of any compliance schedule in the user's wastewater discharge permit or if the user has been granted an exception under the provision of § 18-103. (as added by Ord. #733, April 2002)

18-113. Wastewater regulations board hearing procedure: judicial review. (1) Adjudicatory hearing. (a) The WWTA board shall schedule an adjudicatory hearing to resolve disputed questions of fact and law whenever provided by any provision of this section.

(b) At any such hearing, all testimony presented shall be under oath or upon solemn affirmation in lieu of oath. The board shall make a record of such hearing, but the same need not be a verbatim record.

(c) Any party coming before the board shall have the right to have said hearing recorded stenographically, but in such event the record need not be transcribed unless any party seeks judicial review of the order or action of the board by common law writ of certiorari, and in such event the parties seeking such judicial review shall pay for the

transcription and provide the board with the original of the transcript so that it may be certified to the court.

(d) The chairperson may issue subpoenas requiring attendance and testimony of witnesses or the production of evidence, or both. A request for issuance of a subpoena shall be made by lodging with the chairperson at least ten (10) days prior to the scheduled hearing date a written request for a subpoena setting forth the name and address of the party to be subpoenaed, and identifying any evidence to be produced.

(e) Upon endorsement of a subpoena by the chairperson, the same shall be delivered to the sheriff for service by any police officer of the county. If the witness does not reside in the county, the chairperson shall issue a written request that the witness attend the hearing.

(f) Upon agreement of all parties, the testimony of any person may be taken by deposition or written interrogatories. Unless otherwise agreed, the deposition shall be taken in manner consistent with the Tennessee Rules of Civil Procedure, with the chairperson to rule on such matters as would require a ruling by the court under said rules.

(g) The party at such hearing bearing the affirmative burden of proof shall first call witnesses, to be followed by witnesses called by other parties to be followed by any witnesses which the board may desire to call.

(h) Rebuttal witnesses shall be called in the same order. The chairperson shall rule on any evidentiary questions arising during such hearing, and shall make such other rulings as shall be necessary or advisable to facilitate an orderly hearing subject to approval of the board.

(i) The board, the superintendent, or representative, and all parties shall have the right to examine any witness. The board shall not be bound by or limited to rules of evidence applicable to legal proceedings.

(2) Appeals. (a) Any person aggrieved by an order or determination of the superintendent or by any provision of this section may appeal said order, determination or provision and have such reviewed by the board under the provisions of this section.

(b) A written notice of appeal shall be filed with the superintendent and with the chairperson, and said notice shall set forth with particularity the provision being appealed and the reasons therefore or the action or inaction of the superintendent complained of and the relief being sought by the person filing said appeal.

(c) Such an appeal shall be filed within 30 days of written notification by the superintendent of a violation of the provisions of this section in order to be considered by the board. Appeals shall be considered by the board at the next regularly scheduled board meeting following receipt or within 40 days after receipt, provided however, that nothing in this section shall require the board to consider any one particular appeal more than once.

(d) A special meeting of the board may be called by the chairperson upon the filing of such appeal, and the board may in its discretion suspend the operation of an order or determination of the superintendent appealed from until such time as the board has acted upon the appeal. Provided, however, that actions and determinations of the superintendent under the provisions of § 18-110(5) through (8) inclusive shall not be subject to review under this section.

(3) Delegation of authority. The vice-chairperson shall possess all the authority delegated to the chairperson by this section when acting in the chairperson's absence.

(4) Judicial review. Any person aggrieved by an final order or determination of the board hereunder shall have judicial review by common law writ of certiorari. (as added by Ord. #733, April 2002)

18-114. Penalties for violations of section permit conditions or order. (1) Any person who violates any provision of these regulations shall be guilty of a misdemeanor and, upon conviction, is punishable by a fine. This includes but is not limited to the following violations:

- (a) Violates an effluent standard or limitation;
- (b) Violates the terms or conditions of a wastewater discharge permit;
- (c) Fails to complete a filing or report requirement;
- (d) Fails to perform or properly report any required monitoring;
- (e) Violates a final order or determination of the WWTA board or the superintendent; or
- (f) Fails to pay any established sewer service charge or industrial cost recovery charge.

(2) Each separate violation shall constitute a separate offense and upon conviction, each day of violation shall constitute a separate offense, for which prosecution is authorized, in the manner provided by law.

(3) If any part, section, subsection, sentence, clause or phrase of this resolution is for any reason declared to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this resolution. (as added by Ord. #733, April 2002)

CHAPTER 2

[DELETED]

This chapter was deleted by Ord. #733, April 2002.

CHAPTER 3

[DELETED]

This chapter was deleted by Ord. #733, April 2002.

CHAPTER 4**CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.**¹**SECTION**

- 18-401. Definitions.
- 18-402. Regulated.
- 18-403. Statement required.
- 18-404. Violations.

18-401. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water supply." The waterworks system furnishing water to the municipality for general use and which supply is recognized as the public water supply by the Tennessee Department of Public Health.

(2) "Cross connection." Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back-pressure valves, or because of any other arrangement.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(5) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which normally contains sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or county. (1993 Code, § 8-301, as replaced by Ord. #719, June 2001)

18-402. Regulated. It shall be unlawful for any person to cause a cross-connection, auxiliary intake, by-pass or interconnection to be made, or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Public Health, and the operation of such cross-connection, auxiliary intake, by-pass or

¹Municipal code reference
Plumbing code: title 12.

interconnection is at all times under the direct supervision of the superintendent of the water works supplying water at that location. (1993 Code, § 8-302, as replaced by Ord. #719, June 2001)

18-403. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent of the water works a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises until the construction and operation of same have received the approval of the Tennessee Department of Public Health, and the operation and maintenance of same have been placed under the direct supervision of the superintendent of the water works supplying water at that location. (1993 Code, § 8-303, as replaced by Ord. #719, June 2001)

18-404. Violations. Any person who now has cross-connections, auxiliary intakes, by-passes or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with such provisions. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time to be allowed shall be designated by the superintendent of the water works. In addition to, or in lieu of any fines and penalties that may be judicially assessed for violations of this chapter, the superintendent of the water works shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or interconnection, and service shall not be restored until such cross-connection, auxiliary intake, by-pass, or interconnection has been discontinued. (1993 Code, § 8-304, as replaced by Ord. #719, June 2001)

CHAPTER 5

STORM WATER MANAGEMENT

SECTION

- 18-501. Storm water management.
- 18-502. Construction activities and erosion and sediment control.
- 18-503. Monitoring and inspecting.
- 18-504. Enforcement and abatement.

18-501. Storm water management. (1) Purpose. It is the purpose of this chapter to protect, maintain, and enhance the environment of the City of East Ridge and the short-term and long-term public health, safety, and general welfare of the citizens of East Ridge by controlling discharges of pollutants to the East Ridge Storm Water System and to maintain and improve the quality of the community waters into which the storm water outlets discharge, including without limitation, the streams, ponds, wetlands, sinkholes, and groundwater of East Ridge.

(2) Definitions. For the purpose of this chapter the following terms, phrases and words and their derivatives, shall have the meaning given herein:

(a) "Accidental discharge," means a discharge prohibited by this chapter into the "community waters" or the "waters of the state" which occur by chance and without planning or consideration prior to occurrence.

(b) "Best management practices" or "BMPs," means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of storm water runoff. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(c) "Clear Water Act," means the Federal Water Pollution Control Act, as amended, codified at 33 U.S.C. § 1251 *et. seq.*

(d) "Commercial," means property devoted in whole or in part to the commerce, that is, the exchange and buying and selling of commodities or services. The term shall include, by way of example but not of limitation, the following businesses: amusement establishments, animal clinics or hospitals, automobile service stations, new or used automobile dealerships, automobile car washes, automobile and vehicular repair shops, banking establishments, beauty and barber shops, bowling alleys, bus terminals and repair shops, camera shops, dental offices or clinics, day care centers, department stores, drug stores, funeral homes, furniture stores, gift shops, grocery stores, hardware stores, hotels, jewelry stores, laboratories, laundries and dry cleaning establishments, liquor stores, medical offices and clinics, motels, movie theaters, office

buildings, paint stores or shops, parking lots, produce markets, professional offices, radio stations, repair establishments, retail stores, restaurants and similar establishments serving prepared food and beverages, rooming houses, shopping centers, stationary stores, television stations and production facilities, theaters, or other establishments selling goods or services.

(e) "Community waters," means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the City of East Ridge the waters into which the East Ridge Storm Water System outfall flow.

(f) "Erosion and sediment control plan," means a written plan, including drawings or other graphic representations, for the control of soil erosion and sedimentation resulting from a construction activity.

(g) "Impervious," means not allowing the passage of water through the surface of the ground or ground covering or a substantial reduction in the capacity for water to pass through the surface of the ground or ground covering.

(h) "Industrial," means a business engaged in industrial production or service, that is a business characterized by manufacturing or productive enterprise or a related service business. This term shall include, by way of example but not of limitation, the following: apparel and fabric finishers, blast furnace, blueprint and related shops, boiler works, cold storage plants, contractors plants and storage facilities, foundries, furniture and household good manufacturing, forge plants, foundries, greenhouses, junk yards, manufacturing plants, metal fabricating shops, ore reduction facilities, planing mills, rock crushers, rolling mills, saw mills, smelting operations, stockyards, stone mills or quarries, textile production, utility transmission or storage facilities, warehousing, and wholesaling facilities.

(i) "Institutional," means an established organization, especially of a public or charitable character. This term shall include, by way of example but not of limitation, the following: churches, community buildings, colleges, day care facilities, dormitories, drug or alcohol rehabilitation facilities, fire halls, fraternal organizations, golf courses and driving ranges, government buildings, hospitals, libraries, kindergartens or preschools, nursing homes, mortuaries, schools, social agencies, synagogues, parks and playgrounds.

(j) "Director," means the person designated by the city manager to supervise the operation of the storm water management program and who is charged with certain duties and responsibilities by this chapter, or a duly authorized representative.

(k) "Multi-family residential," means an apartment building or other residential structure built for three or more family units, mobile home parks with three or more units or lots under common ownership, and condominiums of three or more units.

(l) "National Pollution Discharge Elimination System" or "NPDES" permit, means a permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

(m) "Notice of intent," (NOI) is a permit application referred to as a notice of intent to be covered under the general NPDES permit to discharge storm water associated with construction activity. This application serves as a written notice by a discharger to the Commissioner of the Tennessee Department of Environment and Conservation, or his designated agent, that the person wishes his discharge to be authorized under a general permit authorized by state law or regulation, particularly Rule 1200-4-10-04 or Rule 1200-4-10-05, Rules and Regulations of the State of Tennessee.

(n) "Person," means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, or any other legal entity, or their legal representatives, agents or assigns other than a governmental entity. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

(o) "Pollution prevention plans," means a written site specific plan to eliminate or reduce and control the pollution of water through designed facilities, sedimentation ponds, natural or constructed wetlands, and best management practices.

(p) "Significant spills," includes, but is not limited to releases of oil or hazardous substances in excess of reportable quantities under section 311 of the Clean Water Act (see 40 CFR 110.10 and CFR 117.21) or section 102 of CERCLA (see 40 CFR 302.4).

(q) "Storm water," means storm water runoff, snow melt runoff, and surface runoff and drainage.

(r) "Storm water management," means the collection, conveyance, storage, treatment and disposal of storm water runoff in a manner to meet the objectives of this chapter and its terms, including, but not limited to measures that control the increased volume and rate of storm water runoff and water quality impacts caused by manmade changes to the land.

(s) "Storm water management plan" or "SWMP," means the set of drawings and other documents that comprise all of the information and specifications for the programs, drainage systems, structures, BMPs, concepts, and techniques for the control of storm water and which is incorporated as part of the NPDES permit for East Ridge and as part of this chapter.

(t) "Toxic pollutant," means any pollutant or combination of pollutants listed as toxic in 40 FR Part 401 promulgated by the Administrator of the Environmental Protection Agency under the provisions of 33 U.S.C. § 1317.

(u) "Variance," means the modification of the minimum storm water management requirements contained in this chapter and the storm water management plan for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this chapter.

(v) "Water quality," means those characteristics of storm water runoff that relate to the physical, chemical, biological, or radiological integrity of water.

(w) "Water quantity," means those characteristics of storm water runoff that relate to the rate and volume of the storm water runoff.

(x) "Waters of the State of Tennessee" or "waters of the state," means any water, surface or underground, within the boundaries of the state, which the Department of Environment and Conservation exercises primary control over with respect to storm water permits.

(3) Abbreviations. (a) "BMP," means best management practices.

(b) "CFR," means Code of Federal Regulations.

(c) "NOI," means notice of intent to be covered under the general NPDES permit to discharge storm water associated with construction activity.

(d) "NPDES," means National Pollutant Discharge Elimination System.

(e) "T.C.A.," means Tennessee Code Annotated.

(f) "U.S.C.," means United States Code. (Ord. #689, July 1999, as replaced by Ord. #719, June 2001)

18-502. Construction activities and erosion and sediment control.

(1) Construction activities. All construction activities shall be in compliance with and permitted under this division of this chapter. If the construction activity requires a general NPDES permit for storm water discharges from construction activities, a notice of intent (NOI) to be covered under the general NPDES permit to discharge storm water associated with construction activity should be sent to the appropriate Environmental Assistance Center (EAC). For more information call 1-888-891-TDEC.

(2) Construction activities regulated. (a) It shall be unlawful for any person to conduct or permit to be conducted any construction activity upon land owned or controlled by them without a permit issued under this chapter. If coverage under the general NPDES permit to discharge storm water associated with construction activity is required, a copy of the completed NOI form is necessary before an East Ridge Construction Activities Permit can be issued.

(b) For purposes of this chapter the phrase construction activities are defined as follows:

(i) "Construction activities." Any land change which may result in soil erosion from water and wind and the movement of sediments into community waters or onto lands and roadways within the community, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land, except that the term shall not include the following:

(A) "Surface mining" as the same as defined in Tennessee Code Annotated, § 59-8-202;

(B) Such minor land disturbing activities as home gardens and individual home landscaping, home repairs, home maintenance work, and other related activities which could result in minor soil erosion;

(C) The construction of single-family residences when built separately on lots within subdivisions which have been approved and recorded on the office of the Hamilton County Register, and when applicable for subdivisions of ten or more lots have been issued a permit under this chapter: provided that excavation is limited to trenches for the foundation, basement, services and sewer connections, and minor grading for driveways, yard areas and sidewalks;

(D) Individual service and sewer connections for single- or two-family residences;

(E) Agriculture practices involving the establishment, cultivation or harvesting of products of the field or orchard, preparing and planting of pasture land, forestry land management practices including harvesting, farm ponds, dairy operations, and livestock and poultry management practices, and the construction of farm buildings;

(F) Any project carried out under the technical supervision of the Soil Conservation Service of the United States Department of Agriculture.

(G) Construction, installation or maintenance of electrical telephone and cable television lines and poles;

(H) Installation, maintenance and repair of any underground public utility lines when such activity occurs on an existing hard-surface road, street, or sidewalk, provided the activity is confined to the area of the road, street, or sidewalk that is hard;

(I) Construction, repair or rebuilding of tracks or related other facilities of a railroad company;

(ii) The above activities listed in A-I may be undertaken without a permit; however, the persons conducting these excluded activities shall remain responsible for otherwise conducting those activities in accordance with the provisions of this chapter and other applicable law including responsibility for controlling sedimentation and runoff.

(iii) Best management practices for construction activities. The minimum standards for controlling erosion and sedimentation from construction activities shall be set forth in the "Best Management Practices Manual," as adopted and amended from time to time by resolution approval by the city council. A copy of the BMP manual shall be maintained on file in the offices of the director, building inspector, the city finance officer and the city manager.

(3) Construction activities permit required. (a) No construction activity, whether temporary or permanent, shall be conducted within the City of East Ridge until either a construction activities permit shall have been issued by the city manager or his designated agent allowing such activity pursuant to the provisions of this chapter or pursuant to a general NPDES permit for storm water discharges associated with construction activity issued by the Department of Environment and Conservation. Such permit shall be available for inspection by the city manager or his designated agent on the job site at all time during which land disturbing activities are in progress. Such permit shall be required in addition to any building permit or other permit required upon the site.

(i) Any application for the issuance of a construction activities permit under this chapter shall include the following:

(A) Name of applicant;

(B) Business or residence address of applicant;

(C) Name and address of owner of subject property;

(D) Address and legal description of subject property;

(E) Name and address of the contractor and any subcontractor(s) who shall perform the construction activity and who shall implement the erosion control plan;

(F) A statement setting forth the nature, extent and purpose of the construction activity including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the construction activity.

(ii) Each application for a construction activities permit shall be accompanied by a map or plat of the premises showing the present contour lines and the proposed contour lines resulting from the construction activity in relation to all parts of the premises and

the properties immediately adjacent thereto and in relation to all abutting street grades and elevations; such map or plat shall show all existing drainage facilities and the proposed permanent disposition of surface waters upon completion of the construction activity.

(iii) Each application for a construction activities permit shall be accompanied by an erosion and sediment control plan that shall accurately describe the potential for soil erosion and sedimentation problems resulting from the construction activity. It shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage; the plan shall contain a description of the existing site conditions, a description of adjacent topographical features, a description of soil types and characteristics in the area, potential problems of soil erosion and sedimentation, stabilization, a time schedule for completion of the construction activity and for maintenance after completion of the project, clearing and grading limits, and all other information needed to accurately depict solutions to potential soil erosion and sedimentation problems. Any erosion and sediment control plan shall meet guidelines of the Best Management Practices Manual and shall be approved by the city manager or his designated agent prior to the issuance of the construction activities permit. The construction activities permit shall be issued promptly upon approval of the plan.

(iv) At any time the city manager or his designated agent determines that an erosion and sediment control plan does not comply with the provisions of this chapter, he shall notify the applicant in writing of all deficiencies within said plan.

(v) Each application for a construction activities permit shall demonstrate how the owner or developer will insure that the post-development off-site discharge rates shall not exceed the predevelopment discharge rates.

(4) General requirements. No construction activity shall be conducted within the city except in such manner that:

(a) The post-development off-site discharge rate does not exceed the pre-development discharge rates.

(b) The off-site discharges for the existing and developed conditions shall be computed using the 2-5-10 year frequency and 2-hour duration storm based on the following scheme:

Up to 10 acre controlled basin:	2-year frequency storm event
10-50 acre controlled basin:	5-year frequency storm event

Over 50 acre controlled basins: 10-year frequency storm event

Frequency of storm in years	Duration in Hours	Depth of Rainfall (inches)
2	2	2.0*
5	2	2.5*
10	2	2.8*

*According to 1995 Report by Piedmont Olsen Hensley

(c) Stripping of vegetation, regrading and other development activities shall be conducted to minimize erosion. Clearing and grubbing must be held to the minimum necessary for grading and equipment operation. Pre-construction vegetative ground cover shall not be destroyed, removed or disturbed more than twenty (20) calendar days prior to grading or earth moving. Construction must be sequenced to minimize the exposure time of cleared surface area.

(d) Property owners shall be responsible upon completion of land disturbing activities to leave slopes so that they will not erode. Such methods could include revegetation, mulching, riprapping, or gunniting. Regardless of the method used, the objective will be to leave the site as erosion-free and maintenance-free as practicable.

(e) Whenever feasible, natural vegetation shall be retained, protected and supplement.

(f) Permanent or temporary soil stabilization must be applied to disturbed areas to the extent feasible within seven days on areas that will remain unfinished for more than thirty (30) calendar days. Permanent soil stabilization with perennial vegetation shall be applied as soon as practicable after final grading is reached on any portion of the site. Soil stabilization refers to measures which protect soil from the erosive forces of wind, raindrop impact and flowing water, and includes the growing of grass, sod, application of straw, mulch, fabric mats, and the early application of gravel base on areas to be paved.

(g) A permanent vegetative cover shall be established on disturbed areas not otherwise permanently stabilized.

(h) To the extent necessary, sediment in runoff water must be trapped by the use of check dams, brush barriers, sediment basins, silt traps, settling ponds or similar measures until the disturbed area is stabilized.

(i) Neighboring persons and property shall be protected from damage or loss resulting from excessive storm water runoff, soil erosion

or sediment deposition upon private property or public streets of water transported silt and debris. Adjacent property owners shall be protected from land devaluation due to exposed bare soil or banks.

(j) Erosion and sediment control measures must be in place and functional before earth moving operations begin, and must be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the workday, but must be replaced at the end of the workday.

(k) Structural controls shall be designed and maintained as required to prevent pollution. Using berms, channels, pipes or other method of diversion as necessary shall to the extent practicable divert all surface water flowing toward the construction area. Erosion and sediment control measures shall be designed according to the size and slope of disturbed or drainage areas, to detain runoff and trap sediment. Discharges from sediment basins and traps must be through a pipe or channel that is lined with non-erodible material so that the discharge does not cause erosion. Muddy water to be pumped from excavation and work areas must be held in settling basins or treated by filtration prior to its discharge into surface waters where practicable. Waters must be discharged through a pipe or lined channel so that the discharge does not cause erosion and sedimentation.

(l) All control measures shall be checked, and repaired as necessary, weekly in dry periods and within 24 hours after any rainfall of 0.5 inches with a 24-hour period. During prolonged rainfall, daily checking and repairing is necessary. The permittee shall maintain record of such checks and repairs.

(m) A specific individuals shall be designated to be responsible for erosion and sediment controls on each site.

(n) There shall be no distinctly visible floating scum, oil or other matter contained in the storm water discharge. The storm water discharge must not cause an objectionable color contrast in the receiving water. The storm water discharge must result in no materials in concentrations sufficient to be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life, or fish and aquatic life in the receiving stream.

(o) When the construction activity is finished and stable perennial vegetation has been established on all remaining exposed soil, the developer shall notify the city manager or designated agent of these facts and request termination of the permit issued under this section. The city manager or his designated agent shall then inspect the site within twenty (20) days after receipt of such notice, and when advisable may require additional measures to stabilize the soil and prevent erosion. If such requirements are given by letter, the owner or developer shall continue to be covered by the provisions of this section, until a request for

termination of the permit has been accepted by the city manager or his designated agent.

(p) Appropriate proof and records of compliance with the provisions of the East Ridge Construction Activities Permit will be maintained in the office of the designated contact person and be made available for review at any time by the director or designated agent.

(q) Any applicant that identifies a project with a nominal discharge rate, a discharge location that is unfeasible or other circumstances that prevent adherence to the aforementioned discharge limitations shall propose alternative methods of runoff control. Alternative methods of runoff control will be accepted only by city council approval.

(5) Land filling requirements in certain residential areas. (a) It shall be unlawful for any person to fill any unimproved land in any property which is within one hundred feet of any R-1 Residential Zone or R-2 Residential Zone or which itself is zoned in one of these zone categories without first obtaining a construction activities permit which shall be subject to the following additional restrictions:

(i) Fill material must be comprised only of suitable dirt, bricks, concrete without exposed rebar, stones or other similar inert materials;

(ii) For land within the one hundred (100) year flood plain, no net increase in fill may result from the fill activity except by council approval.

(iii) Maximum height of fill shall be two (2) feet above the adjacent roads or two (2) feet above the one hundred (100) year flood elevation, whichever is higher;

(iv) Fill must not interfere with the free drainage of the adjacent properties;

(v) Except where existing storm water conveyances are adequate for any increase in drainage, appropriately sized on-site retention facilities shall be provided;

(vi) Filling of the property must be completed, including capping the fill with stable perennial vegetation, within one (1) year of permit issue date, at which time the permit shall become null and void; and

(vii) A second construction activities permit may be issued only in conjunction with building on the property but only after ninety (90) days from the termination or completion of the proceeding construction activities permit on the same property.

(b) Each application for permit, with the required fee therefore, shall be filed with the city manager or his designated agent and in addition to the general requirements, shall contain the following information:

- (i) Written approval of the request for a permit from the owner of the property;
- (ii) The character and description of the fill material to be deposited;
- (iii) The rate at which the fill materials are expected to be deposited on a weekly or monthly basis;
- (iv) Equipment to be used; and
- (v) The date upon which the applicant desires the permit to be issued.

(c) The city manager or his designated agent may impose conditions upon the issuance of a permit which are reasonably calculated to eliminate excessive noise, scattering of dust or dirt, scattering of materials, to prevent nuisances and to prevent obstruction of public streets or interference with traffic.

(d) Where any filling work for which a permit is required is started prior to obtaining said permit, the fee herein shall be doubled but the payment of such doubled fee shall not relieve any person from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

(e) Any person filling property at the time of the enactment of this provision shall obtain a permit within ten (10) days and shall to the extent practical comply with all provisions in this section.

(6) Permit application fee. (a) Each application for the issuance of a construction activities permit under this chapter shall be (\$100.00) per acre developed or a minimum fee of one hundred dollars (\$100.00).

(b) Each application for the issuance of a construction activities permit that includes fill activity will include an additional fee of fifty dollars (\$50.00) per acre or part thereof.

(7) Transfer of permit. An East Ridge Construction Activities Permit may be transferred only upon the filing of an amendment to the permit application or an amended or restated application containing all changes from the original application providing there are no charges in the overall plan for the construction activity which may affect the quantity or quality of the storm water runoff. If there are any changes in the construction activity which may effect the quantity or quality of storm water runoff, then the new owner or operator shall re-apply for an East Ridge Construction Activities Permit prior to the beginning of operation of the new construction activity. Filing an amendment to transfer an East Ridge Construction Activities Permit shall be treated as an interim permit allowing the continued operation of the facility pending review of the application by the city manager or his designated agent, which shall remain in force until the application shall be approved or denied by the city manager or his designated agent.

(8) Signatory requirement. (a) All applications and reports required by this chapter to be submitted shall be signed as follows:

(i) Corporation: a president, secretary, treasurer, or 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.

(ii) Partnership or sole proprietorship: by a general partner or the proprietor.

(iii) Municipality, state, federal, or other public facility: by either a principal executive officer or the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

(iv) Private property owner(s) all persons listed as owner(s) on the property deed.

(b) Any person signing any document above shall make the following certification:

"I certify under the penalty of law that I have personally examined and am familiar with the information submitted in the attached document; 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 civil penalty." (Ord. #689, July 1999, as replaced by Ord. #719, June 2001, and amended by Ord. #725, Oct. 2001)

18-503. Monitoring and inspecting. (1) Monitoring. The city manager or his designated agent shall periodically monitor the quantity and quality of the storm water discharging from areas covered under an East Ridge Construction Activities Permit.

(2) Detection of illicit connections and improper disposal. (a) The city manager or his designated agent shall take appropriate steps to detect and eliminate illicit connections to the East Ridge Storm Water System, including the adoption of a program to screen illicit discharges and identify their source or sources.

(b) The city manager or his designated agent shall take appropriate steps to detect and eliminate improper discharges, including programs to screen for improper disposal and programs to provide for public education, public information, and other appropriate activities to facilitate the proper management and disposal of used oil, toxic materials and household hazardous waste.

(3) Inspections. (a) The city manager or his designated agent, bearing proper credentials and identification, may enter and inspect all properties for regular periodic inspections, investigations, monitoring, observation, measurement enforcement, sampling and testing, to effectuate the provisions of this chapter and the storm water management program.

The city manager or designated agent shall duly notify the owner of said property or the representative on site and the inspection shall be conducted at reasonable times.

(b) Upon refusal by any property owner to permit an inspector to enter or continue an inspection, the inspector shall terminate the inspection or confine the inspection to areas concerning which no objection is raised. The inspector shall immediately report the refusal and the grounds to the city manager or designated agent. The city manager or designated agent may seek appropriate compulsory process.

(c) In the event the city manager or designated agent reasonably believes that discharges from the property into the East Ridge Storm Water System may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any time and without notice to the owner of the property or a representative on site. The inspector shall present proper credentials upon reasonable request by the owner or representative.

(d) At any time during an inspection or at such other times as the city manager or designated agent may request information from an owner or representative, the owner or representative may identify areas of its facility or establishment, material or processes which contains or which might reveal a trade secret. If the director or designated agent has no clear and convincing reason to question such identification, the inspection report shall note that trade secret information has been omitted. To the extent practicable, the city manager or designated agent shall protect all information that is designated as a trade secret by the owner or their representative. (Ord. #689, July 1999, as replaced by Ord. #719, June 2001)

18-504. Enforcement and abatement. (1) Unauthorized discharge a nuisance. Discharge of storm water in any manner in violation of this chapter or of any condition of a permit issued pursuant to this chapter or storm water discharge permit issued by the State of Tennessee is hereby declared a public nuisance and shall be corrected or abated.

(2) Illicit discharge and illegal dumping. (a) The following direct or indirect discharges into "community waters" or "waters of the State of Tennessee" are prohibited and shall be unlawful:

- (i) Sewage dumping or dumping of sewage sludge;
- (ii) Chlorinated swimming pool discharge;
- (iii) Discharge of any polluted household wastewater, such as but not limited to laundry wash water and dishwater, except to a sanitary sewer or septic system;
- (iv) Leaking sanitary sewers and connections, which shall have remained uncorrected for seven days or more;

(v) Leaking water lines shall have remained uncorrected for seven days or more;

(vi) Commercial, industrial or public vehicle wash discharge;

(vii) Garbage or sanitary waste disposal;

(viii) No dead animals or animal fecal waste shall be directly discharged or discarded into the "community waters;"

(ix) No non-storm water discharges shall be discharged into the "community waters," except pursuant to a permit issued by the State of Tennessee;

(x) No dredged or spoil material shall be directly or indirectly discharged or discarded into "community waters;"

(xi) No solid waste shall be directly or indirectly discharged or discarded into "community waters;"

(xii) No chemical waste shall be directly or indirectly discharged or discarded into "community waters;"

(xiii) No wrecked or discarded vehicles or equipment shall be discharged or discarded into "community waters."

(b) Prohibition of pollutant discharge not covered by the NPDES program.

(i) A permit is a license to conduct an activity that is regulated by the Clean Water Act, the Water Pollution Control Act (Tennessee Code Annotated, § 69-3-101, et seq.) or this chapter.

(ii) Every person who is or who is planning to carry out any of the activities that require a permit shall obtain such a permit prior to the start-up of activities.

(iii) It shall be a violation of this chapter for any person to carry out any of the following activities, except in accordance with the conditions of a valid permit:

(A) The alteration of the physical, chemical, radiological, biological, or bacteriological properties of any waters of the state or community waters;

(B) The construction, installation, modification, or operation of any treatments works or part thereof or any extension or addition thereto;

(C) The increase in volume or strength of any wastes in excess of permissive discharges specified under any exiting permit;

(D) The development of a natural resource or the construction, installation, or operation of any establishment or any extension or modification thereof or addition thereto; the operation of which will or is likely to cause an increase in the discharge of wastes into the waters of the waters of the state, or would otherwise alter the physical, chemical,

radiological, biological or bacteriological properties of any waters of the state in any manner not already lawfully authorized;

(E) The construction or use of any new outlet for the discharge of any wastes into the waters of the state;

(F) The discharge of sewage, industrial wastes or other wastes into waters, or a location from which it is likely that the discharged substance will move into waters;

(G) The discharge of sewage, industrial wastes, or other wastes into a well or a location that is likely that the discharged substance will move into a well, or the underground placement of fluids and other substances which do or may affect the waters of the state.

(3) Accidental discharges. (a) In the event of any discharge of a hazardous substance in amounts which could cause a threat to public drinking supplies, a "significant spill," or any other discharge which could constitute a threat to human health or the environment, the owner or operator of the facility shall give notice to the city manager or his designated agent and the Chattanooga Environmental Assistance Center as soon as practicable. The report must be made no later than the close of business on the day following the accidental discharge or within 24 hours of the time the owner or operator becomes aware of the circumstances. If an emergency response by governmental agencies is needed, the owner or operator should also call 911 immediately to report the discharge. A written report must be provided within five days of the time that the owner or operator becomes aware of the circumstances, unless this requirement is waived by the director for good cause shown on a case-by-case basis, containing the following particulars:

(i) A description of the discharge;

(ii) The exact dates and times of discharge; and

(iii) Steps being taken to eliminate and prevent recurrence of the discharge.

(b) The owner or operator shall take all reasonable steps to minimize any adverse impact to the "community waters" or the "waters of the State of Tennessee," including such accelerated or additional monitoring as necessary to determine the nature and impact of the discharge. It shall not be a defense for the owner or operator in an enforcement action that it would have been necessary to halt or reduce the business or activity of the facility in order to maintain water quality and minimize any adverse impact that the discharge may cause.

(c) It shall be unlawful for any person to fail to comply with the provisions of this section.

(4) Administrative enforcement remedies. (a) Notification of violation. Whenever the city manager or his designated agent finds that

any permittee or any person discharging storm water has violated or is violating this chapter, or a construction activities permit or order issued hereunder, the city manager or his designated agent may serve upon said user written notice of the violation. Within 10 days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the director or designated agent. Submission of this plan in no way relieves the owner or operator of liability for any violations occurring before or after receipt of the notice of violation.

(b) Consent order. The city manager or designated agent is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharge 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 paragraph (d) below.

(c) Show cause hearing. The city manager or designated agent may order any person who uses or contributes to violation of this chapter or storm water permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator 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 10 days prior to the hearing. Such notice may be served on any principal executive, general partner, corporate officer or property owners.

(d) Compliance order. When the city manager or designated agent finds that any person has violated or continues to violate this chapter or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specified time period, adequate structures, devices be installed or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.

(e) Cease and desist orders. When the city manager or designated agent finds that any person has violated or continues to violate this chapter or any permit or order issued hereunder, the city manager or designated agent may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

- (i) Comply forthwith; or

(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.

(5) Violations. (a) It shall be a violation of this chapter for any person to:

(i) Violate any provision of this chapter;

(ii) Violate the provisions of any permit issued pursuant to this chapter;

(iii) Fail or refuse to comply with any lawful notice to abate issued by the city manager or his designated agent, which has not been timely appealed to the city council, within the time specified by such notice; or

(b) Any person who does any of the following acts or omissions shall be subject to a fine of up to five hundred dollars (\$500.00) per day for each day during which the act or omission continues or occurs:

(i) Who fails to obtain any permit required;

(ii) Violates any provisions of a permit;

(iii) Violates any provisions of this chapter.

(6) Judicial proceedings and relief. (a) The city manager or his designated agent, with the assistance of the city attorney, and approval of the city council may initiate proceedings in any court of competent jurisdiction against any person who has or is about to:

(i) Violate the provisions of this chapter;

(ii) Violate the provisions of any permit issued pursuant to this chapter;

(iii) Fail or refuse to comply with any lawful order issued by the city manager, which has not been timely appealed to the city council, within ten days of the issuance of the order.

(b) Any person who shall commit any act or fail to perform any act required under this chapter shall be fined a maximum of \$500.00 and up to 30 days in jail. Each day of such violation or failure shall be deemed a separate offense and punishable accordingly.

(c) The city manager with consent of the council may also initiate civil proceedings in any court of competent jurisdiction seeking monetary damages for any damages caused to publicly owned storm water facilities by any person, and to seek injunctive or other equitable relief to enforce compliance with the provisions of this chapter or to enforce compliance with any lawful orders of the city manager or his designated agent. (Ord. #689, July 1999, as replaced by Ord. #719, June 2001)

CHAPTER 6**HAMILTON COUNTY STORM WATER POLLUTION PROGRAM****SECTION**

- 18-601. General provisions.
- 18-602. Definitions.
- 18-603. Best Management Practices (BMP) manual.
- 18-604. Land disturbance permits required.
- 18-605. Runoff management permits.
- 18-606. Non-storm water discharge permits.
- 18-607. Program remedies for permittee's failure to perform.
- 18-608. Existing locations and developments.
- 18-609. Illicit discharges.
- 18-610. Conflicting standards.
- 18-611. Program fees.
- 18-612. Penalties.
- 18-613. Appeals.
- 18-614. Implementation schedule.
- 18-615. Overlapping jurisdiction.

18-601. General provisions. (1) Program area. This chapter is applicable and uniformly enforceable within the Tennessee municipalities of Collegedale, East Ridge, Lakeside, Lookout Mountain, Red Bank, Ridge side, Soddy-Daisy, designated unincorporated areas within Hamilton County, and other eligible communities which may join the Hamilton County Storm Water Control Program (hereinafter called the Program) and enact this chapter from time to time. All such participating communities are hereinafter collectively identified as "the parties."

(2) Authorization. The Program is authorized under an Interlocal Agreement dated April 16, 2004, adopted by all of the parties pursuant to Tennessee Code Annotated (TCA), §§ 5-1-113 and 12-9-101. Said interlocal agreement specifies that the Program shall be enforced by Hamilton County under applicable County Rules pursuant to Tennessee Code Annotated, §§ 5-1-121 and 123. Applicable terms and provisions of said Interlocal Agreement and the Standard Operating Procedures for the Hamilton County Storm Water Pollution Control Program, adopted by the parties subsequent to the Interlocal Agreement, are hereby incorporated into and made a part of this chapter by reference and shall be as binding as if reprinted in full herein.

(3) Purpose. It is the purpose of this chapter to:

- (a) Protect, maintain, and enhance the environment of the program service area and the health, safety, and general welfare of its citizens by controlling discharges of pollutants to the program's storm water systems.

(b) Maintain and improve the quality of the receiving waters into which the storm water outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and ground water.

(c) Enable the parties to comply with the National Pollution Discharge Elimination System (NPDES) permit and applicable regulations (40 C.F.R. § 122.26) for storm water discharges. Compliance shall include the following six (6) minimum storm water pollution controls as defined by EPA:

- (i) Public education and outreach;
- (ii) Public participation;
- (iii) Illicit discharge detection and elimination;
- (iv) Construction site runoff control for new development and redevelopment;
- (v) Post-construction runoff control for new development and redevelopment;
- (vi) Pollution prevention/good housekeeping for municipal operations.

(d) Allow the parties to exercise the powers granted in Tennessee Code Annotated, § 68-221-1105; to:

- (i) Exercise general regulation over the planning, location, construction, operation, and maintenance of storm water facilities in the municipalities, whether or not the facilities are owned and operated by the municipalities.
- (ii) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits.
- (iii) Establish standards to regulate storm water contaminants as may be necessary to protect water quality.
- (iv) Review and approve plans and plats for storm water management in proposed subdivisions or commercial developments.
- (v) Issue permits for storm water discharges or for the construction, alteration, extension, or repair of storm water facilities.
- (vi) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit.
- (vii) Regulate and prohibit discharges into storm water facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated. This regulation and prohibition shall be enforceable on facilities and operations which are in existence at the time of the initial adoption of the ordinance comprising this chapter or which may come into existence after the adoption of the ordinance comprising this chapter.

- (4) Goals of the program. The primary goals of the Program are to:
- (a) Raise public awareness of storm water issues.
 - (b) Generate public support for the Program.
 - (c) Teach good storm water practices to the public.
 - (d) Involve the public to provide an extension of the Program's enforcement staff.
 - (e) Support public storm water pollution control initiatives.
 - (f) Increase public use of good storm water practices.
 - (g) Detect and eliminate illicit discharges into the Program Service Area.
 - (h) Reduce pollutants from construction sites.
 - (i) Treat the "first flush" pollutant load to remove not less than seventy-five percent (75%) Total Suspended Solids (TSS).
 - (j) Remove oil and grit from industrial/commercial site runoff.
 - (k) Protect downstream channels from erosion.
 - (l) Encourage the design of developments that reduce runoff.
 - (m) Reduce or eliminate pollutants from municipal operations.
 - (n) Provide a model for good storm water practices to the public through municipal operations impacting storm water (i.e., municipalities should "lead by example").

(5) Administering entity. The Program staff shall administer the provisions of this chapter under the direction of the management committee, composed of representatives of the parties. The operating mechanism for the Program is defined by an interlocal agreement among the parties and the standard operating procedures adopted by same. The management committee is authorized to enforce this ordinance and to use its judgment in interpreting the various provisions of this ordinance, the interlocal agreement, and the standard operating procedures to ensure that the Program's goals are accomplished. If any management committee member is concerned about the appropriateness of any action of the committee, he should report his concerns to the county attorney, who shall review the situation and issue an opinion within ninety (90) calendar days. Should the county attorney find that the committee has, in his judgment, acted inappropriately, but a majority of the committee, after due deliberation, disagree with said finding, the committee shall bring the matter before the county commission for consideration. The determination of the county commission with regard to the issue shall be final. (as added by Ord. #802, Oct. 2005)

18-602. Definitions. Program-specific terminology. As used herein certain words and abbreviations have specific meanings related to the Program. The definition of some, but not necessarily all, such Program-specific terms are, for the purposes of this chapter, to be interpreted as described herein below:

(1) "Best Management Practices (BMPs)" means schedules of activities, prohibitions of practices, maintenance procedures, and other

management practices to prevent or reduce the pollution of storm water runoff. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(2) "BMP Manual" is a book of reference which includes additional policies, criteria, and information for the proper implementation of the requirements of the Program.

(3) "First flush" is defined as the initial storm water runoff from a contributing drainage area which carries the majority of the contributed pollutants.

(4) "Hot spot" means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water. Examples might include operations producing concrete or asphalt, auto repair shops, auto supply shops, large commercial parking areas, and restaurants.

(5) "Land disturbance activity" means any land change which may result in increased soil erosion from water and wind and the movement of sediments into community waters or onto lands and roadways within the community, including but not limited to clearing, dredging, grading, excavating, transporting, and filling of land, except that the term shall not include agricultural activities, exempted under the Clean Water Act, and certain other activities as identified in the Program's BMP manual.

(6) "Maintenance agreement" means a legally recorded document which acts as a property deed restriction and which provides for a long-term maintenance of storm water management practices.

(7) "Management committee" is a group of people composed of one (1) representative of the county and one (1) representative of each of the cities participating in the Program.

(8) "Municipality" as used herein refers to Hamilton County, Tennessee, a county and political subdivision of the State of Tennessee; the Cities of Collegedale, East Ridge, Lakeside, Red Bank, Ridgeside, and Soddy-Daisy, Tennessee, and the Town of Lookout Mountain, Tennessee, all of which are chartered municipalities of the State of Tennessee; and/or any other participating governmental entity which may join the Program in the future.

(9) "Organization" means a corporation, government, government subdivision or agency business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other legal or commercial entity.

(10) "Person" means an individual or organization.

(11) "Program" refers to a comprehensive program to manage the quality of storm water discharged in or from the Program area's separate storm sewer system (MS4).

(12) "Program cost" refers to any monetary cost incurred by the Program in order to fulfill the responsibilities and duties assigned to the

Program under this chapter. Program costs specifically include costs incurred by any participating municipality for actions performed on behalf of or at the request of the Program.

(13) "Program service area" shall consist of the entire physical area within the corporate limits of each participating city together with the urbanized unincorporated area of the county.

(14) "Program manager." See Storm water manager.

(15) "Program staff" is a group of people hired to assist the program manager in carrying out the duties of the Program.

(16) "Responsible party" means owner and/or occupants of property within the Program area who are subject to penalty in case of default.

(17) "Runoff." See Storm water runoff.

(18) "Runoff quality objectives" refer to the "performance criteria for runoff management" adopted by the management committee in conformance with applicable provisions of § 18-605(5) hereinafter in accordance with the "goals of the Program" as outlined under § 18-601(4) herein above.

(19) "Redevelopment" means any construction, alteration, or improvement exceeding one (1) acre in areas where existing land use is high density commercial, industrial, institutional, or multi-family residential.

(20) "Storm water" means storm water runoff, snow melt runoff, and surface runoff and discharge resulting from precipitation.

(21) "Storm water manager" is the person selected by the management committee, assigned to the Office of the Hamilton County Engineer, and designated to supervise the operation of the Program.

(22) "Storm water runoff" means flow on the surface of the ground, resulting from precipitation. (as added by Ord. #802, Oct. 2005)

18-603. Best Management Practices (BMP) Manual. Storm water design or BMP manual. (1) The Program will adopt a storm water design and Best Management Practices (BMP) manual (hereinafter referred to as the BMP manual), which is incorporated by reference in this chapter as if fully set out herein.

(2) This manual will include a list of acceptable BMPs including the specific design performance criteria and operation and maintenance requirements for each storm water practice. The manual may be updated and expanded from time to time at the discretion of the management committee upon the recommendation of the Program staff, based on improvements in engineering, science, and monitoring and local maintenance experience. Storm water facilities that are designed, constructed, and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards. (as added by Ord. #802, Oct. 2005)

18-604. Land disturbance permits required. (1) Mandatory. A land disturbance permit from the Program will be required in the following cases:

(a) Land disturbing activity that disturbs one (1) or more acres of land.

(b) Land disturbing activity that disturbs less than one (1) acre of land if such activity is part of a larger common plan of development that affects one (1) or more acres of land as determined by the program manager.

(c) Land disturbing activity that disturbs less than one (1) acre of land if, in the discretion of the Program staff, such activity poses a unique threat to the water environment or to public health or safety.

(2) Application requirements. (a) Unless specifically excluded by this chapter, any landowner or operator desiring a permit for a land disturbance activity shall submit to the Program staff a permit application on a form provided by the Program.

(b) A permit application must be accompanied by the following:

(i) A sediment and erosion control plan which addresses the requirements of the BMP manual; and

(ii) A non-refundable land disturbance permit fee as described in Appendix A¹ to the ordinance comprising this chapter.

(iii) The land disturbance permit application fee shall be as established for the Program under the provisions of the standard operating procedures.

(3) General requirements. All land disturbing activities undertaken within the Program service area shall be conducted in a manner that controls the release of sediments and other pollutants to the storm water collection and transportation system in accordance with the requirements of the Program's BMP manual.

(4) Review and approval of application. (a) The Program staff will review each application for a land disturbance permit to determine its conformance with the provisions of this chapter. The Program staff shall complete the review of an application within thirty (30) calendar days of its submission. Should an application be rejected, an additional thirty (30) calendar days will be allowed for staff review of each subsequent submission of a revised application. If the Program staff fails to act within the time limit established hereinbefore, an application shall be presumed to be approved by default. No development shall commence until the land disturbance permit has been approved by the Program staff or until the time limit allowed for review has expired.

(b) Each land disturbance permit shall be issued for a specific project and shall expire twelve (12) months after its issuance. The applicant is solely responsible for the renewal of a permit if work is to

¹Appendix A to Ord. #802 is available for review in the office of the city recorder.

continue after the expiration of the permit. Renewal will require payment of an additional land disturbance permit fee.

(5) Transfer of a permit. Land disturbance permits are transferable from the initial applicant to another party. A notice of transfer, on a form acceptable to the Program and signed by both parties, shall be filed with the Program staff. Such transfer shall not automatically extend the life of the existing permit or in any other way alter the provisions of the existing permit. (as added by Ord. #802, Oct. 2005)

18-605. Runoff management permits. (1) Mandatory.

(a) A runoff management permit will be required in the following cases:

(i) Development, redevelopment, and/or land disturbing activity that disturbs one (1) or more acres of land;

(ii) Development, redevelopment, and/or land disturbing activity that disturbs less than one (1) acre of land if such activity is part of a larger common plan of development that affects one (1) or more acres of land as determined by the Program manager.

(2) Runoff management. Site requirements, as fully described in the BMP manual, shall include the following items;

(a) Record drawings;

(b) Implementation of landscaped and stabilization requirements;

(c) Inspection of runoff management facilities;

(d) Maintenance of records of installation and maintenance activities; and

(e) Identification of person responsible for operation of maintenance of runoff management facilities.

(3) Application requirements. (a) Unless specifically excluded by this chapter, any landowner or operator desiring a runoff management permit for a development, redevelopment, and/or land disturbance activity shall submit a permit application on a form provided by the Program.

(b) A permit application must be accompanied by:

(i) Storm water management plan which addresses specific items as described in the BMP manual;

(ii) Maintenance agreement for any pollution control facilities included in the plan; and

(iii) Non-refundable runoff management permit fee as described in Appendix A to the ordinance comprising this chapter.¹

¹Appendix A to Ord. #802 is available for review in the office of the city recorder.

(c) The application fees for the runoff management permit shall be as established by the Program under the provisions of the standard operating procedures.

(4) Building permit. No building permit shall be issued by a participating municipality until a runoff management permit, where the same is required by this chapter, has been obtained.

(5) General performance criteria for runoff management. Unless a waiver is granted or exempt certification is issued, all sites, including those exempted under § 18-605(7) below are required to satisfy the following criteria as specified in the BMP manual (whether permitted or not):

(a) Through the selection, design, and maintenance of temporary and permanent BMPs, provide pollution control for sources of contaminants and pollutants that could enter storm water.

(b) Protect the downstream water environment from degradation including specific channel protection criteria and the control of the peak flow rates of storm water discharge associated with design storms shall be as prescribed in the BMP manual.

(c) Implement additional performance criteria or utilize certain storm water management practices to enhance storm water discharges to critical areas with sensitive resources (e.g., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs).

(d) Implement specific Stormwater Treatment Practices (STP) and pollution prevention practices for storm water discharges from land uses or activities with higher-than-typical potential pollutant loadings, known as "hot spots."

(e) Prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) and file a Notice of Intent (NOI) under the provisions of the NPDES general permit for certain industrial sites which are required to comply with NPDES requirements. The SWPPP requirement applies to both existing and new industrial sites. The owner or developer shall obtain the general permit and shall submit copies to the storm water manager.

(f) Prior to or during the site design process, consult with the Program staff to determine if a planned development is subject to additional storm water design requirements.

(g) Use the calculation procedures as found in the BMP manual for determining peak flows to use in sizing all storm water facilities.

(6) Review and approval of application. (a) The Program staff will review each application for a runoff management permit to determine its conformance with the provisions of this chapter. The Program staff shall complete the review of an application within thirty (30) calendar days of its submission. Should an application be rejected, an additional thirty (30) calendar days will be allowed for staff review of each subsequent

submission of a revised application. If the Program staff fails to act within the time limit established hereinbefore, an application shall be presumed to be approved by default.

(b) No development shall commence until the runoff management permit has been approved by the Program staff or until the time limit allowed for review has expired.

(7) Waivers. (a) General. Every applicant shall provide for stormwater management; unless a written request to waive this requirement is filed with and approved by the Program.

(b) Downstream damage, etc. prohibited. In order to receive a waiver, the applicant must demonstrate to the satisfaction of the management committee that the waiver will not lead to any of the following conditions downstream:

- (i) Deterioration of existing culverts, bridges, dams, and other structures;
- (ii) Degradation of biological functions or habitat;
- (iii) Accelerated streambank or streambed erosion or siltation;
- (iv) Increased threat of flood damage to public health, life, or property.

(c) Runoff management permit not to be issued where waiver granted. No runoff management permit shall be issued where a waiver has been granted pursuant to this section. If no waiver is granted, the plans must be resubmitted with a runoff management plan. All waivers must be adopted by a majority of the management committee meeting in open session pursuant to the Program's standard operating procedures. The applicant shall prepare an agreement which shall formalize the applicant's commitment to implement all actions proposed by the applicant and relied on by the management committee in granting the waiver. Said agreement, once determined to be acceptable to the management committee, shall be executed by an authorized representative of the applicant and the chairman of the management committee. The executed agreement shall form a binding contract between the applicant and the Program, and the terms of said contract shall be fully enforceable by the Program staff. The Program staff's authority to enforce the terms of the waiver agreement shall be identical to those typically exercised by the staff with regard to the implementation of runoff management plans. No construction activities shall commence at a site covered by a waiver until the waiver agreement is fully executed. (as added by Ord. #802, Oct. 2005)

18-606. Non-storm water discharge permits. (1) Commercial and industrial facilities. Commercial and industrial facilities located within the Program service area may in certain situations be allowed to discharge non-

polluting non-storm water into the storm water collection system. As allowed by Tennessee Department of Environment and Conservation (TDEC) regulations, certain non-storm water discharges may be released without a permit. A listing of such allowed discharges are included in § 18-609 which follows. Except for these discharges, a permit for all non-polluting non-storm water discharges shall be required in addition to any permits required by the State of Tennessee for storm water discharges associated with industrial or construction activity.

(2) New facilities. The permit application for a new facility requesting non-storm water discharges shall include the following:

(a) If the facilities are to be covered under the TDEC General NPDES Permit for Storm Water Discharges Associated with Industrial Activity, a General NPDES Permit for Storm Water Discharges Associated with Construction Activity, or an individual NPDES permit, the owner or developer shall timely obtain such permits or file the NOI and shall submit copies to the Program.

(b) Any application for the issuance of a non-storm water discharge under this section shall include the specific items listed in the Program's BMP manual.

(c) Each application for a non-storm water discharge permit fee as described in Appendix A¹ to the ordinance comprising this chapter. Said fee shall be established under the provisions of the standard operating procedures for the Program.

(3) Review and approval of application. (a) The Program staff will review each application for a non-storm water discharge permit to determine its conformance with the provisions of this chapter. Within thirty (30) calendar days after receiving an application, the Program staff shall provide one of the following responses in writing:

(i) Approval of the permit application;

(ii) Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this chapter, and issuance of the permit subject to these conditions; or

(iii) Denial of the permit application, indicating the reason(s) for the denial.

(4) Permit duration. Every non-storm water discharge permit shall expire within three (3) years of issuance subject to immediate revocation if it is determined that the permittee has violated any of the terms of the permit or if applicable regulations are revised to no longer allow the specific non-storm water discharge covered by the permit. (as added by Ord. #802, Oct. 2005)

¹Appendix A to Ord. #802 is available for review in the office of the city recorder.

18-607. Program remedies for permittee's failure to perform.

(1) Failure to properly install or maintain sediment and erosion control measures. (a) If a responsible party fails to properly install or maintain sediment and/or erosion control measures as shown on a sediment and erosion control plan used to secure a land disturbance permit under the Program, the Program staff is authorized to act to correct the deficiency or deficiencies.

(b) The Program manager is hereby authorized to issue a "stop work order" to the responsible party in any situation where the Program manager believes that continued work at a site will result in an increased risk to the public safety or welfare or the downstream water environment. Upon receipt of such a "stop work order," the responsible party shall immediately cease all operations at the site except those specifically directed toward correcting the deficiency or deficiencies in the sediment and/or erosion control measures.

(c) Where the deficiency or deficiencies described hereinbefore do not, in the opinion of the storm water manager, pose an imminent threat to the public safety or welfare or the downstream water environment, the Program staff shall notify in writing the responsible party of the deficiency or deficiencies. The responsible party shall then have forty-eight (48) hours to correct the deficiency or deficiencies, unless exigent or other unusual circumstances dictate a longer time. In the event that corrective action is not completed within that time, the Program staff may take necessary corrective action.

(d) Where, in the opinion of the storm water manager, the deficiency or deficiencies described hereinbefore do pose an imminent threat to the public safety or welfare or the downstream water environment, the Program staff may immediately act to correct the deficiency or deficiencies by performing or having a third party perform all work necessary to restore the proper function of the sediment and erosion control system. The responsible party will be informed, in writing, as to the actions of the Program staff as soon as practicable following implementation of the corrective action. The Program staff may request assistance from the staff of any community participating in the Program to perform the "third party" corrective work described in this subsection.

(e) The cost of any action to the Program incurred under this section shall be charged to the responsible party. In addition, the responsible party's failure to properly install and/or maintain sediment and erosion control measures in accordance with a land disturbance permit may subject the responsible party to a civil penalty from the Program as described in a subsequent section of this chapter.

(2) Failure to meet or maintain design or maintenance standards for runoff management facilities. (a) If a responsible party fails or refuses to meet the design or maintenance standards required for runoff

management facilities under this chapter, the Program staff, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition.

(b) In the event that the runoff management facility is determined to be improperly operated or maintained, the Program staff shall notify in writing the party responsible for maintenance of the storm water management facility. Upon receipt of that notice, the responsible party shall have fourteen (14) days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the Program staff may take necessary corrective action.

(c) The cost of any action to the Program incurred under this section shall be charged to the responsible party. In addition, the responsible party's failure to meet the design or maintenance standards of an approved runoff management plan may subject the responsible party to a civil penalty from the Program as described in a subsequent section of this chapter. (as added by Ord. #802, Oct. 2005)

18-608. Existing locations and developments. (1) Requirements for all existing locations and developments. Requirements applying to all locations and developments at which land disturbing activities occurred prior to the enactment of this chapter are described in the BMP manual.

(2) Inspection of existing facilities. The Program may, to the extent authorized by state and federal law, establish inspection programs to verify that all storm water management facilities, including those built both before and after the adoption of this ordinance, are functioning within design limits as established within the Program BMP manual. These inspection programs may include but are not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as sources of increased sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with increased discharges of contaminants or pollutants or with discharges of a type more likely than the typical discharge to cause violations of the municipality's NPDES storm water permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to reviewing maintenance and repair records; sampling discharges, surface water, ground water, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

(3) Requirements for existing problem locations. (a) The Program shall provide written notification to the owners of existing locations and developments of specific drainage, erosion, or sediment problems

originating from such locations and developments and the specific actions required to correct those problem.

(b) The notice shall also specify a reasonable time for compliance.

(c) Should the property owner fail to act within the time established for compliance, the Program may act directly to implement the required corrective actions.

(d) The cost of any action to the Program incurred under this section shall be charged to the responsible party. In addition, the responsible party shall be responsible for the proper maintenance and operation of any facility or facilities installed as a part of the corrective action. Failure of the responsible party to properly install, operate, and/or maintain the facility or facilities installed as part of the corrective action may subject the responsible party to a civil penalty from the Program as described in a subsequent section of this chapter.

(4) Corrections of problems subject to appeal. Corrective measures imposed by the storm water utility under this section are subject to appear under § 18-613. (as added by Ord. #802, Oct. 2005)

18-609. Illicit discharges. (1) Scope. This section shall apply to all water generated on developed or undeveloped land entering any separate storm sewer system within the Program service area.

(2) Prohibition of illicit discharges. No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of storm water except as permitted under § 18-606 of this chapter or allowed as described below. The commencement, conduct, or continuance of any non-storm water discharge to the municipal separate storm sewer system is prohibited except as described as follows:

(a) Uncontaminated discharges from the following sources:

(i) Water line flushing;

(ii) Landscape irrigation;

(iii) Diverted stream flows;

(iv) Rising ground water;

(v) Uncontaminated ground water entering the storm water collection system as infiltration (infiltration is defined as water, other than wastewater, that enters the storm sewer system from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow);

(vi) Pumped ground water determined by analysis to be uncontaminated;

(vii) Discharges from potable water sources;

(viii) Foundation drains;

(ix) Air conditioning condensate;

- (x) Irrigation water;
- (xi) Springs;
- (xii) Water from crawl space pumps;
- (xiii) Footing drains;
- (xiv) Lawn watering;
- (xv) Individual residential car washing;
- (xvi) Flows from riparian habitats and wetlands;
- (xvii) Dechlorinated swimming pool discharges;
- (xviii) Street washwater.

(b) Discharges specified in writing by the Program as being necessary to protect public health and safety.

(c) Dye testing, if the Program has so specified in writing.

(3) Prohibition of illicit connections. (a) The construction, use, maintenance, or continued existence of illicit connections to the separate municipal storm sewer system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(4) Reduction of storm water pollutants by the use of BMPs. Any person or party responsible for the source of an illicit discharge may be required to implement, at the person's or party's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

(5) Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information on any known or suspected release which has resulted, or may result, in illicit discharges of non-allowed pollutants into the storm water conveyances of the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event that such a release involves hazardous materials, the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the Program staff in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Program staff within three (3) business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge

and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

(5) Enforcement. (a) Enforcement authority. The storm water manager or his designee shall have the authority to issue notices of violation and citations and to impose the civil penalties provided in this section.

(b) Notification of violation. (i) Written notice. Whenever the storm water manager finds that any permittee or any other person discharging non-storm water has violated or is violating this chapter or a permit or order issued hereunder, the storm water manager may serve upon such person written notice of the violation. A copy of any such notice shall be sent to the management committee member representing the municipality in which the discharger is located and other administrative official as designated by each participating community. Within ten (10) days of this notice, an explanation of the violation and a plan for the correction and prevention thereof, to include specific required actions, shall be prepared by the discharger and submitted to the storm water manager. Submission of this plan and/or acceptance of the plan by the Program staff in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(ii) Consent orders. The storm water manager is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person 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 subsections (iv) and (v) below.

(iii) Show cause hearing. The storm water manager may order any person who violates this chapter or permit or order issued hereunder to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the violator 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.

(iv) Compliance order. When the storm water manager finds that any person has violated or continues to violate this chapter or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period,

adequate structures and devices be installed or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.

(v) Cease and desist order. When the storm water manager finds that any person has violated or continues to violate this chapter or any permit or order issued hereunder, the storm water manager may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(A) Comply forthwith;

(B) 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.

(c) Civil penalties. (i) Assessment of penalties. In addition to the authority granted to the storm water manager in the preceding subsections to address illicit discharge violations, the storm water manager may, in accordance with the provisions of § 18-612 of this chapter, impose a civil penalty on the party responsible for an illicit discharge.

(ii) Appeals. All penalties assessed under this section may be appealed in accordance with the provisions of § 18-613 of this chapter. (as added by Ord. #802, Oct. 2005)

18-610. Conflicting standards. (1) Conflicting standards. Whenever there is a conflict between any standard contained in this chapter, any BMP manual adopted by the Program under this chapter, or any applicable state or federal regulation, the strictest standard shall prevail. (as added by Ord. #802, Oct. 2005)

18-611. Program fees. (1) Annual program fees. The program shall be financed primarily through an annual fee charged to all residential, commercial, and industrial storm water dischargers located within the program service area.

(a) Initial annual Program fees. (i) Residential properties. A single residential fee of nine dollars (\$9.00) shall be adopted initially for all households in the Program service area. Property used for agriculture or residential purposes and shown with a structure or structures of some positive value on the records of the Hamilton County Assessor of Property shall be charged a residential annual Program fee as described above. Multi-family residential complexes shall be charged one (1) residential annual Program fee for each unit in the complex regardless of the actual

occupancy of a given unit. Manufactured home parks and developments shall be charged one (1) residential annual Program fee for each space in the development regardless of the actual occupancy of a given space.

(ii) Commercial and industrial properties. Property used for commercial or industrial purposes within the Program service area and shown with a structure or structures of some positive value on the records of the Hamilton County Assessor of Property shall initially be charged an annual fee of one hundred eight dollars (\$108.00) per impervious acre of development on the property but not less than the annual residential Program fee. Annual storm water fees for commercial and industrial properties shall be rounded to the nearest dollar. Such rounding shall be applied to all annual storm water program fees collected by the County Trustee and shall be accomplished by rounding amounts ending in one cent (\$0.01) to forty-nine cents (\$0.49) down to the nearest dollar and amounts ending in fifty cents (\$0.50) to ninety-nine cents (\$0.99) up to the nearest dollar. Such rounding only applies to the base storm water fee, and not to any interest or penalty added to delinquent fee.

(iii) Governmental, institutional, other tax-exempt properties, and properties exempted by statute or action of the management committee shall not be charged an annual Program fee.

(b) Annual fee revision procedures. The annual Program fee shall only be changed through the following multi-step procedure:

(i) During the first quarter of each calendar year, the storm water manager shall perform a review of the programmer's financial condition, including an estimate of probably income and expenses for the upcoming year. Should the annual review indicate that the Program will experience a significant budget imbalance in the coming year, the storm water manager shall present to the management committee a request to revise the annual fee structure to correct the imbalance.

(ii) The management committee shall, at the next meeting following the receipt of the storm water manager's recommendation, examine the annual financial review and the storm water manager's recommendation for the adjustment in the annual fees. If no regular meeting of the management committee is scheduled within thirty (30) calendar days of the issuance of the storm water manager's recommendation, the chair of the committee shall call a special meeting. The management committee shall be free to adjust the proposed revisions, if any, in the amounts of the annual fees to any amounts which are

supported by three-fourths (3/4) of the members of the management committee.

(iii) Once the management committee adopts an annual fee revision recommendation, the storm water manager shall prepare a draft resolution incorporating the recommendation for action by the Hamilton County Commission. The storm water manager shall submit the draft resolution for consideration at an upcoming meeting of the county Commission, as allowed by the rules and procedures of the county commission. The county commission may adopt the recommendation, reject the recommendation, or adopt a different annual fee revision based on their own assessment of the Program's financial situation, subject to the limitations described in the interlocal agreement establishing the Program. The action of the county commission shall be final.

(c) Annual fee incorporation in municipal storm water fee. Nothing contained herein shall prohibit or restrict any participating municipality from enacting and collecting an annual storm water fee within its own jurisdictional boundaries which is higher than the Program's annual fee. The Program's annual fee shall be incorporated in the municipality's annual fee. The municipality may collect and utilize the excess funds derived from a higher annual storm water fee to address storm water issues within its boundaries as the municipality judges to be in its own best interest.

(d) Collection of delinquent annual fee payments. When any owner of property subject to the annual Program fee, fails to pay the annual Program fee on or before the date when such Program fee is required to be paid, interest and penalty shall be added to the amount of the Program fee due, at the same rate and in the same amount as that set by state law for delinquent property tax.¹ Should the owner of any property subject to the annual Program fee fail to remit payment for said fee within the time period adopted by the management committee for such payments, the Program is authorized to take any and all actions which the management committee deems appropriate to try to collect the delinquent fee.

(2) Special program fees. The Program shall be allowed to charge special Program fees to individuals and organizations for specific activities which require input from the Program staff. Because of the service-related nature of the special Program fees, they shall be applicable to all storm water dischargers located within the Program service area, including dischargers who

¹State law reference

Tennessee Code Annotated, § 67-1-801.

may be exempt from the annual Program fee. Special Program fees shall comply with the following provisions:

(a) Types. Special Program fees may be charged for the following types of services:

(i) Development plans review. Any person or organization with planned construction that will disturb one (1) acre or more shall submit development plans to the Program staff which describe in detail the planned construction's conformance with Program requirements for storm water pollution control at the site of the development. "Disturb" as used in this section shall identify any activity which covers, removes, or otherwise reduces the area of existing vegetation at a site, even on a temporary basis.

(ii) Erosion control plans review. Any person or organization with planned construction that will disturb one (1) acre or more shall submit erosion control plans to the Program staff which describe in detail the planned construction's conformance with Program requirements for erosion control at construction sites. It is understood that the erosion control plans review fee shall include on-site inspections by qualified member(s) of the Program staff of the installed erosion control measures as defined by the approved erosion control plans.

(iii) Erosion control non-compliance re-inspection. Should any on-site inspection of installed erosion control measures reveal that the measures have been improperly installed, prematurely removed, damaged, or have otherwise failed and that such deficiency does not pose an imminent threat to the public safety or welfare or the downstream water environment, the Program shall inform the responsible party of the deficiency, the responsible party's obligation to bring the installation into compliance with the approved plan, and the assessment of a re-inspection fee. The re-inspection fee shall reimburse the Program for the costs associated with an inspector's returning to a specific site out of the normal inspection sequence.

(iv) Non-storm water discharge permit review. Commercial and industrial facilities located within the Program service area may be allowed to discharge non-polluting wastewater into the storm water collection system. All such discharges, unless covered by a permit issued directly by TDEC or successor agency, must be covered by a discharge permit issued by the Program staff and renewed annually. Fees charged by the Program for such non-storm water discharge permits will include the costs of the periodic sampling and testing of the discharge, determination of the amount of the discharge, and any costs associated with reviewing

and issuing the permit and maintaining necessary records pertaining to the permit.

(v) Residential development retention/detention basin lifetime operation and maintenance fee. The ownership of the property containing a dry detention basin constructed as a part of an approved runoff management plan for a residential development composed of multiple, individually owned lots shall be permanently transferred to Hamilton County, Tennessee, in accordance with the property transfer procedures of the county. In addition, the developer of the residential development shall pay a lifetime operation and maintenance fee to the Program for each retention/detention basin. All such fees received by the Program shall be deposited in an investment account and the earnings of the account shall be used to pay for the maintenance, repair, and operation of the retention/detention basins transferred to the ownership of the county.

(vi) Other. The management committee may from time to time identify other specific activities which warrant a special program fee. No such fee shall be enacted unless it is endorsed by the county mayor and approved by the county commission. Procedures for establishing a special program fee other than those identified above shall generally comply with the procedures for making revisions to the annual program fee as described in the preceding section.

(b) Initial special program fees. The initial amounts of the various special program fees shall be as noted in Appendix A¹ to the ordinance comprising this chapter.

(c) Special program fee revision procedures. Special Program fees shall be changed only through the following multi-step procedure:

The storm water manager shall review the special Program fees during the annual program financial review required under the "annual fee revision procedures" described in a previous section. The storm water manager shall determine the financial viability of each special program fee and present to the management committee requests for revision of those fees, if any, which the storm water manager believes should be adjusted.

(i) Once the storm water manager has submitted his or her recommendations, revisions of the special program fees shall comply with the procedures for management committee review and county commission action identified under the "annual fee revision

¹Appendix A to Ord. #802 is available for review in the office of the city recorder.

procedures" described hereinbefore. (as added by Ord. #802, Oct. 2005)

18-612. Penalties. (1) Violations. Any person who shall commit any act declared unlawful under this chapter, who violates any provision of this chapter, who violates the provisions of any permit issued pursuant to this chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action required by the Program, shall be guilty of a civil offense.

(2) Penalties. Under the authority provided in Tennessee Code Annotated, § 68-221-1106, the Program declares that any person violating the provisions of this chapter may be assessed a civil penalty by the Program of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation. Applicable penalties for some specific violations are outlined in the enforcement protocol described in Appendix B¹ of the ordinance comprising this chapter.

(3) Measuring civil penalties. In assessing a civil penalty, the storm water manager may consider:

- (a) The harm done to the public health or the environment;
- (b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
- (c) The economic benefit gained by the violator;
- (d) The amount of effort put forth by the violator to remedy this violation;
- (e) Any unusual or extraordinary remedial or enforcement costs incurred by the Program or any participating municipality;
- (f) The amount of penalty established by ordinance or resolution for specific categories of violations; and
- (g) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(4) Recovery of damages and costs. In addition to the civil penalty in subsection (2) above, the Program may recover:

- (a) All damages proximately caused by the violator, which may include any reasonable expenses incurred in investigating violations of and enforcing compliance with this chapter, or any other actual damages caused by the violation.
- (b) The costs of maintenance of storm water facilities when the user of such facilities fails to maintain them as required by this chapter.

¹Appendix B to Ord. #802 is available for review in the office of the city recorder.

(5) Other remedies. The Program or any participating municipality may bring legal action to enjoin the continuing violation of this chapter, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

(6) Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted. (as added by Ord. #802, Oct. 2005)

18-613. Appeals. All actions of the Program staff, except for possible criminal violations which the staff has reported to the appropriate enforcement agency, shall be subject to an appeals process under the initial jurisdiction of the management committee. Appealable staff actions specifically include the assessment of civil penalties. Following receipt of a written "notice of appeal" from an appellant, the appeals process shall function as follows:

(1) Administrative review. An administrative review of all appeals and/or requests for review shall initially be conducted by the storm water manager. The storm water manager shall review the record of the situation and, if the storm water manager is not satisfied that both the following conditions have been met, the storm water manager shall notify the appellant of the finding and grant the relief or a portion of the relief, as determined by the storm water manager, sought by the appellant:

(a) The matter under dispute has been handled correctly by the Program staff under the applicable rules and procedures of the Program.

(b) The matter under dispute has been handled fairly by the Program staff and the appellant has not, in any way, been treated differently than other dischargers with similar circumstances.

If the storm water manager determines that both items (a) and (b) immediately above have been satisfied, the storm water manager shall notify the appellant in writing that no relief can be granted at the Program staff level and that the appellant is free to pursue the appeal with the management committee. Such notification shall include instructions as to the proper procedure for bringing the matter before the committee. Notification shall be made by hand-delivery; verifiable facsimile transmission; or certified mail, return receipt requested. A copy of the notification shall be provided to the management committee member representing the municipality in which the discharger is located and other administrative official as designated by each participating community. The storm water manager shall complete the review and issue an opinion within twenty (20) calendar days of the receipt of the appeal.

(2) Committee hearing. Appeals rejected by the storm water manager, in accordance with the procedure outlined immediately above, may be brought before the management committee. Within thirty (30) calendar days of receipt of a notification of an appeal, the committee shall determine if the appeal is to

be heard by the committee as a whole, if the matter is to be referred to a standing subcommittee, or if a new subcommittee is to be appointed specifically to hear the appeal. If a special committee is appointed, the officer presiding at the meeting of the management committee at which the special subcommittee is appointed shall name a chair and vice chair for said subcommittee. Once the appropriate forum for the appeal is decided, a date and time for hearing the appeal shall be set. Such date and time shall be within fifteen (15) calendar days following the date of the management committee's initial considerations regarding the appeal.

(3) Hearing procedures. Appeal hearings shall be conducted in a formal and orderly manner. However, the hearing is not a "court of law" and the rules of evidence, testimony, and procedures for such courts shall not apply. The storm water manager or his designee shall first brief the committee or subcommittee on the history of the situation, including the actions of the Program staff leading up to the appeal. The appellant shall then present his or her arguments as to why the relief sought should be granted. The storm water manager or his designee shall then have the opportunity to rebut or refute the appellant's arguments. The committee or subcommittee shall then conduct deliberations concerning the appeal in an open session. During such deliberations, the members may ask questions of and/or seek additional input from the appellant or the Program staff to clarify the situation. At the close of these deliberations the committee or subcommittee shall vote to accept or reject the appeal or to adopt a modified position regarding the matter in question. The outcome of this vote shall be considered the final action of the Program with regard to the appeal. The chair of the committee or subcommittee hearing the appeal shall prepare a written order reflecting the committee's or subcommittee's determination regarding the appeal. A tape recording, minutes, or other record of the hearing shall be made and maintained by the Program staff.

(4) Appealing decisions of the management committee. Any appellant dissatisfied with the decision of the management committee, as described in the preceding subsection, may appeal the management committee's decision by filing an appropriate request for judicial review to the Chancery Court of Hamilton County. (as added by Ord. #802, Oct. 2005)

18-614. Implementation schedule. (1) Discharge permit. The Program is authorized under National Pollutant Discharge Elimination System (NPDES) Permit No. TNS075566 issued by the Tennessee Department of Environment and Conservation (TDEC), Division of Water Pollution Control, which expires February 26, 2008. It is anticipated that subsequent permits will be issued to the Program under the same permitting authority. All applicable provisions of the current or any subsequent permit shall be enforceable by the Program as if fully spelled out herein. Implementation of certain aspects of the Program shall comply with the specific schedule included in the permit.

(2) Implementation schedule.

<u>Description</u>	<u>Effective Date</u>
Prohibition of Illicit Discharges § 18-609	January 1, 2006
Prohibition of the Release of Sediments and Erosion Products from a Land Disturbance Site § 18-604(3)	January 1, 2006
Implementation of the Land Disturbance Permit Program § 18-604	January 1, 2008
Implementation of the Runoff Management Permit Program § 18-605	January 1, 2008
Implementation of the Non-Storm Water Discharge Permit Program § 18-606	January 1, 2008

(as added by Ord. #802, Oct. 2005)

18-615. Overlapping jurisdiction. The State of Tennessee, working through the Tennessee Department of Environment and Conservation (TDEC), is or may be required by federal regulations to address storm water pollution issues in ways which appear to overlap the goals and requirements of the Program described by this chapter. Where such overlaps occur and where TDEC's regulations and determinations are more restrictive, the TDEC regulations and determinations shall control. A requirement to comply with TDEC regulations and determinations shall not, in any way, relieve any party from complying with the provisions of this chapter. (as added by Ord. #802, Oct. 2005)