

CHAPTER 5  
SEWER USE ORDINANCE ----  
WASTEWATER DISCHARGE AND TREATMENT<sup>1</sup>

SECTION

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**18-501. Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

- 1) "Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act of 1977.
- 2) "Approving authority" shall be the Division of Water Resources or a designated representative for the Tennessee Department of Environment and Conservation.
- c) "Baseline monitoring report (BMR)" A report submitted by categorical industrial users within 180 days after the effective date of an applicable categorical standard which indicates the compliance status of the user with the categorical standard [40 CFR 403.12(b)].
- d) "Best Management Practices or BMPs" means schedules of activities, prohibitions of

<sup>1</sup>This chapter replaces ord. 90-800 which repealed in their entireties ords. 83-497 and 84-513.

practices, maintenance procedures, and other management practices to implement the prohibitions listed in 18-506. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

- 5) "BOD" of sewage or industrial waste shall designate its biochemical oxygen demand and shall mean the quantity of oxygen utilized in the biochemical oxidation of the organic matter of said sewage or industrial wastes under standard laboratory procedure in 5 days at 20 degrees C, expressed in milligrams per liter. All sampling and analysis shall be performed in compliance with 40 CFR Part 136 approved methods and not all methods in "Standard Methods for Examination of Water and Wastewater" are approved in 40 CFR Part 136.
- 6) "Categorical industrial user." An industrial user subject to categorical pretreatment standards.
- 7) "Categorical pretreatment standards." Limitations on pollutant discharges to POTWs promulgated by EPA in accordance with Section 307 of the Clean Water Act, that apply to specified process wastewaters of particular industrial categories (40 CFR 403.6 and Parts 405-471).
- 8) "Clean Water Act (CWA)." (Otherwise known as the Federal Water Pollution Control Act) enacted by Public Law 92-500, October 18, 1972, 33 USC 1251 et seq; as amended by PL 95-217, December 28, 1977; PL 97-117, December 29, 1981; PL 97-440, January 8, 1983; and PL 100-04, February 4, 1987.
- 9) "Commissioner/commissioner of public works" as used in this chapter shall be synonymous with the person designated by the mayor of the City of Lebanon to be commissioner of public works.
- 10) "Compatible waste" shall mean the biochemical oxygen demand, suspended solids, pH, the fecal coliform bacteria; plus any additional pollutant identified in a publicly owned treatment works 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.
- 11) "Control authority" shall mean the superintendent of wastewater treatment plant or the pretreatment coordinator for the City of Lebanon.
- 12) "Conventional pollutants." As defined by federal law, these include BOD, TSS, fecal coliform bacteria, oil and grease, and pH (40 CFR 401.16).
- 13) "Cooling water" shall mean the water discharged from any use such as air conditioning, cooling or refrigeration, during which the only pollutant added to the water is heat.

- 14) "C" means centigrade degrees.
- 15) "Customer" shall mean any individual, firm, company, association, society, corporation or group who are the beneficiaries of the water sewerage services or who are utilizing the water and/or sewerage system of the City of Lebanon.
- 16) "EPA" shall mean the United States Environmental Protection Agency.
- 17) "Flow proportional composite sample." A sampling method which combines discrete liquids of a sample collected over time, based on the flow of the wastestream being sampled. There are two methods used to collect this type of sample. One method collects a constant sample volume at time intervals which vary based on the stream flow (e.g., 200 milliliters (ml) sample collected for every 5,000 gallons discharged). The other method collects aliquots of varying volume, based on stream flow, at constant time intervals.
- 18) "Garbage" shall mean solid waste from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
- 19) "Grab sample." A grab sample is an individual sample collected over a period of time not exceeding 15 minutes.
- 20) "Incompatible waste" shall mean all pollutants other than compatible waste as defined within.
- 21) "Indirect discharge" means the discharge or introduction of non-domestic pollutants from any source regulated under Section 307 (b) or (c) of the Act, (33 USC 1317), into POTW (including holding tank waste discharged into the system) for treatment before direct discharge to the waters of the state.
- 22) "Industrial user" (IU)." A source of non-domestic waste. Any non-domestic source discharging pollutants to POTW.
- 23) "Industrial wastewater" shall mean wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.
- 24) Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; or exceeds the design capacity of the treatment works or the collection system.
- 25) "May" is permission; "shall" is mandatory.
- 26) "Meter measurement" shall mean the act of or result of determining the quantity of water supplied to a customer by an instrument or device used for such purpose and approved by the control authority.

- 27) "MG/L" shall mean milligrams per liter.
- 28) "National pretreatment standard." Any regulation that applies to Industrial Users.
- 29) "Ninety (90)-day compliance report." a report submitted by a categorical industrial user, within 90 days following the date for final compliance with applicable categorical standards, or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, 3 that documents and certifies the compliance status of the user (40 CFR 402. 12(d)).
- 30) "NPDES Permit" shall mean the National Pollutant Discharge Elimination System as defined in Section 402 of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500).
- 31) "Pass-through." A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) (40 CFR 403.3(n)).
- 32) "Person" shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, government entity, or other legal entity, or the legal representative, agents or assigns. The masculine gender shall mean to include the feminine, the singular shall include the plural where indicated by the context.
- 33) "pH" shall mean the negative logarithm or the log of the reciprocal of the concentration of hydrogen ions in gram moles per liter of solution as determined by acceptable laboratory procedures.
- 34) "Pretreatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of the pollutant properties to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process change or by other means, except if prohibited by 40 CFR Section 403.6(d).
- 35) "Properly shredded garbage" shall mean the waste from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers.
- 36) "Publicly owned treatment works, or POTW" shall mean a treatment works as defined by Section 212 of the Act, which is owned in this instance by the City of Lebanon. This definition includes any sewer that conveys wastewater to such a treatment works, but does not include pipes, sewers, or other conveyances not connected to the facility

providing treatment.

- 37) "Self-monitoring." Sampling and analyses performed by the industrial user to ensure compliance with the permit or other regulatory requirement (40 CFR. 12(b) and (g)).
- 38) "Sewage" shall mean a combination of the water-carried wastes from residences, business building, institutions and industrial establishments, together with such ground, surface and stormwater as may be present.
- 39) "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.
- 40) "Sewerage facilities" includes intercepting sewers, sewage treatment works, pumping stations, outfall sewers, and appurtenances constructed, operated and maintained by the City of Lebanon for sewage disposal purposes.
- 41) "Significant Industrial User (SIU)"
- (1) An Industrial User subject to categorical Pretreatment Standards; or
  - (2) An Industrial User that:
    - a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
    - b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
    - c) Is designated as such by [the City] on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement
- 42) "Slug." A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge which has a reasonable potential to cause interference or pass thru, or in any other way violate the WWF's regulations, local limits or permit conditions. (TN Rule 1200-4-14-.08(6)(b)(6))
- 43) "Standard industrial classification (SIC)" shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- 44) "Standard methods" shall mean "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, American Water Works Association and the Water Pollution Control Federation.
- 45) "Storm water" shall mean any flow occurring during or immediately following any form

of natural precipitation and resulting therefrom.

- 46) "Standard solids" shall mean solids that either float on the surface or are in suspension in water, sewage, industrial waste or other liquids, and which are removable by laboratory filtration.
- 47) "Toxic pollutant" shall mean any pollutant or combination of pollutants listed as toxic in the regulations promulgated by the administrator or the Environmental Protection Agency under the provisions of 33 USC 1317.
- 48) "Treatment works" shall mean any device and systems used in the storage, treatment, recycling, and reclamation of domestic wastewater or industrial waste of a liquid nature including interceptor sewers, out fall sewers, sewer collection systems, pumping power or other equipment and appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide reliable recycle supply such as stand-by treatment units and clear well facilities; and any works, including land that will be integral part of the treatment process or is used for the ultimate disposal of residues resulting from such treatment; including combined stormwater and sanitary sewer systems.
- 49) "Unpolluted water" is water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- 50) "User" means any person discharging wastes to the City of Lebanon sewerage facilities.
- 51) "Waste" shall include sewage and any other waste substances, liquid, solid, or gases that are radioactive, associated with human habitation, or human or animal origin, or from any producing, manufacturing, or processing operation or whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of disposal.
- 52) "Wastewater" shall mean domestic sewage and industrial wastewaters discharged to the City of Lebanon sewerage facilities together with any groundwater, surface water, and stormwater that may be present.

Terms not otherwise described herein shall be as adopted in the latest edition of Standard Methods or other appropriate Federal Guidelines and Regulations. (Ord. 90-800)

**18-502. Use of public sewer required.**

- (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Lebanon, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other

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objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the City of Lebanon, or any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so.

(5) (a) Any person within the jurisdiction of the City of Lebanon shall be required to connect to the city's sanitary sewer; except in specific cases where the control authority may determine that service to a potential individual user is unduly difficult or expensive and that alternative measures will not be hazardous to public health.

(b) All costs and expenses incidental to the initial installation and connection of a customer to the sanitary sewer system shall be borne by the customer. Such costs shall include, but not be limited to, the installation of a lateral service line from the sewer main to the lot line of the customer.

(c) In all new sewer installations by the City of Lebanon, at the lot line of each customer there shall be installed by the customer a six (6") inch clean out plug. Upon installation of a new service connection, the line from the sewer main to the customer's six (6") inch clean out shall be installed by the City of Lebanon at the owner's expense and shall be the property and maintenance responsibility of the City of Lebanon.

(d) In new sewer installations, the developer or contractor shall install said line and clean out at the developer's expense and said line shall become the property and maintenance responsibility of the city, for any reopening the ditch line, upon acceptance of the facility by the city.

(e) Upon the reopening of any existing sewer service connections, the customer shall install, at the customer's expense, a six (6") inch clean out connection at the property line. All maintenance, repair and installation costs of the sewer service line from the property line or clean out connection located at the customer's property line to the building shall be at the expense of the customer. Maintenance and repair from the clean out to the sewer main or

lateral, upon modification, shall be the responsibility of the City of Lebanon. However, responsibility for a service line spanning and paralleling the right-of-way shall be determined on a case by case basis.

(f) Specifications for the sanitary sewer service line and clean out line shall be determined on a case by case basis by the City of Lebanon, but in no situation involving maintenance or a new sewer installation after April 15, 1994 shall a sanitary sewer service line from the clean out plug located at the property line to the sewer main be less than six (6") inches in diameter. The customer's sanitary service sewer line from the clean out plug located at the customer's property line shall be a minimum of four (4") inches in diameter. Present sewer service lines which are not a maintenance problem and do not meet the above stated specifications shall be permitted to remain until a problem arises either concerning the maintenance of said line and/or inflow and infiltration violations, at which time the requirements stated herein shall be enforced.

(g) The specifications and requirements of this section shall govern all new construction and shall also govern when any repair or maintenance requires replacement of a significant portion of the sewer service line. The customer or property owner may be required by the plumbing inspector to bring the entire existing sewer service line up to the specifications required in this section, if it is necessary to meet the requirements of this code and/or the requirements concerning surface water inflow and infiltration limitations.

(6) Direct service connections made to the city's sanitary sewer system shall be made only by duly authorized and approved agents of the city. No maintenance or installation involving the lateral service line or sewer main shall be initiated without approval by the commissioner of public works or his duly authorized agent and representative. The city may require a reasonable cost deposit or bond to be instituted before any customer or its contractor is allowed to begin work on the public right-of-way concerning any sewer installation and/or maintenance. The cost deposit or bond shall be determined at the discretion of the commissioner of public works or his duly authorized representative and shall be a reasonable deposit or bond based upon the need to protect the roadway and present utility services. The commissioner of public works may waive the requirement for the deposit or bond.

(7) Any trucked or hauled pollutants, except at discharge points designated by the WWF are prohibited. No person owning vacuum or "cess pool" pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the POTW, unless such person shall first have applied for and received a truck discharge operation permit from the control authority or his designated representative. All applicants for a truck discharge operation permit shall complete such forms as required by the control authority, pay appropriate fees, and agree in writing to abide by the provisions of this section and any special conditions or regulations established by the control authority. 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 the date of issuance,

provided that such permit shall be subject to revocation by the control authority for violation of any provision of this section or reasonable regulation established by the control authority. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste. The control authority shall designate the locations and times where such trucks may be discharged, and may refuse to accept any truckload of waste in his absolute discretion where it appears that the waste could interfere with the effective operation of the treatment works or any sewer line or appurtenance thereto. The owner of a truck discharge operation permit shall provide manifest to the POTW that states the source of the domestic waste they wish to discharge, the volume of wastewater from each source, and whether any industrial waste is included in the wastewater. The owner of the truck discharge operation permit shall purchase a bond sufficient to cover his potential liability for violating his permit, in an amount determined by the control authority.

(8) No person shall discharge any other holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the control authority. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur, 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 control authority. Provided, however, no permit will be required to discharge domestic waste from a recreational vehicle holding tank provided such discharge is made into an approved facility designed to receive such waste.

#### **18-503. Private sewage disposal.**

(1) The disposal of sewage by means other than the use of the available sanitary sewage system shall be in accordance with local, county and state law. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the available sanitary sewage system is not available.

#### **18-504. Building sewers and connections.**

(1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the control authority. The owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the control authority.

(2) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

- (3) A separate and independent building sewer shall be provided for every building.
- (4) Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the city, to meet all requirements of this chapter.
- (5) The size, slope, alignment, materials of construction of a building sewer, 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 building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- (6) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (7) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the control authority for purpose of disposal of polluted surface drainage.
- (8) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M and the W.P.C.F. Manual of Practice No. 9.
- (9) All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the control authority before installation.
- (10) The applicant for the building sewer permit shall notify the control authority or his representative when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made by or under the supervision of the control authority.
- (11) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public. Property disturbed in the course of the work shall be restored in a manner satisfactory to the city.
- (12) All food service establishments, including but not limited to cafes, restaurants, hotels, retirement centers, nursing homes, hospitals, grocery stores, prisons, mobile food units, or other food preparation establishments, are required to comply with Operational Division Policy No. 2008-01: City of Lebanon Fats, Oils and Grease (FOG) Management Policy. The grease interceptor must be designed in accordance with the City of Lebanon standards,

shall be easily accessible for cleaning, have all proper components, and be approved by the City of Lebanon. Failure to meet the requirements of the Operational Division Policy No. 2008-01: City of Lebanon FOG Management Policy will result in enforcement action, which may include fines, penalties and compliance schedule requirements. If the city employees are required to clean out the city sewer lines as a result of a stoppage due to a defective or clogged grease interceptor or grease trap, the property owner or operator shall be further required to pay the costs of the city labor and materials required to clean out the sewer lines.

(13) All existing food service establishments, including but not limited to cafes, restaurants, hotels, retirement centers, nursing homes, hospitals, grocery stores, prisons, mobile food units, or other food preparation establishments, shall be required to construct a grease interceptor, in accordance with the Operational Division Policy No. 2008-01: City of Lebanon FOG Management Policy, within 90 days after notification by the city, at the owner's expense, if and when the control authority determines that a potential fats, oils and grease problem exists which is capable of causing interference, damage, or operational problems to structures or equipment in the city sewer system. The city shall retain the right to inspect and approve installation of the grease interceptor at the food service establishment.

#### **18-505. Prohibitions and limitations on wastewater discharges.**

(1) Prohibitions on wastewater discharges. No person shall discharge or cause to allow to be discharged into the City of Lebanon sewerage facilities or any connected treatment facilities any waste which contains any of the following:

(a) Oils and grease. Fats, wax, grease or oils or more than one hundred (100) mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees F (0 degrees and 56 degrees C) at the point of discharge into the system. Concentrations in excess of these amounts may be discharged only after being granted an exception as described in section 18-5 13. The discharge of petroleum oil, nonbiodegradable cutting oil, or product of mineral oil origin in amounts that will cause interference or pass through of the wastewater treatment process are prohibited.

(b) Abnormal industrial wastes. Any industrial waste having a biochemical oxygen demand (BOD), suspended solids (SS), or grease content in the excess of that normally found in municipal sewage. For the purposes of this chapter, any waste containing more than 300 mg/l of BOD, and/or having an SS content in excess of 300 gm/l, and/or a grease content in excess of 100 mg/l, shall be considered an abnormal industrial waste regardless of whether or not it contains other substances in concentrations differing appreciably from those normally found in municipal sewage, and may be discharged in excess of these amounts only after being granted an exception as described in section 18-513.

- (c) Explosive mixtures. Liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient to cause fire or explosion or be injurious in any other way to the sewerage facilities or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent (5%) nor any single reading over 10 percent (10%) of the Lower Explosive Limit (L.E.L.) of the meter. Wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade are prohibited. Prohibited materials include, but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
- (d) Noxious material. Noxious or malodorous solids, liquids or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair are prohibited. Pollutants which result in the presence of toxic gases, vapors, or fumes within the wastewater facility in a quantity that may cause acute worker health and safety problems are prohibited.
- (e) Improperly shredded garbage. Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers.
- (f) Radioactive waste. Radioactive wastes or isotopes of such half-life or concentration that they are in noncompliance with regulations issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the sewerage facilities or personnel operating the system.
- (g) Solid or viscous wastes. Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or other interference with the proper operation of the sewerage facilities. Prohibited materials include, but are not limited to, grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances. Discharges from facilities such as hair salons, barber shops, slaughterhouses, animal clinics, funeral homes, medical facilities, etc. will be evaluated for pre-treatment requirements prior to connection to the sanitary sewer.
- (h) Excessive discharge rate. Pollutants released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the wastewater facility are prohibited. Wastewaters at a flow rate which is excessive relative to the capacity of the treatment works and which could cause a treatment process upset and subsequent loss of treatment efficiency; or wastewaters containing such concentrations or quantities of pollutants that their introduction into the treatment works over a relatively short time period

(sometimes referred to as "slug" discharges) would cause a treatment process upset and subsequent loss of treatment efficiency are prohibited.

(i) Toxic substances. Any toxic substances, chemical elements or compounds, phenols or other taste- or odor-producing substances, or any other substances which may interfere with the biological processes or efficiency of the treatment works, or that will pass through the treatment works.

(j) Unpolluted waters. Any unpolluted water including, but not limited to, water from cooling systems of stormwater origin, which will increase the hydraulic load on the sewerage facilities.

(k) Discolored materials. Waters with objectionable color not removable by the treatment process.

(l) pH. Wastewater having a pH less than 5.0 or otherwise causing corrosive structural damage to the POTW or equipment

(k) Thermal discharge. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the treatment works influent exceeds 40 degrees centigrade (104 F). Unless a high temperature is allowed in the user's wastewater discharge permit, no user shall discharge in any sewer line or other appurtenance of the POTW, wastewater with a temperature exceeding 65.6 C (150 F).

(l) Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no user shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance.

(2) Limitation on wastewater discharges.

(a) It is prohibited to discharge or convey to the public sewer by any user any wastewater containing pollutants of such character or quantity that will:

(1) Not be amenable to treatment or will cause interference with the sewerage plant operations, will cause Pass Through of a pollutant through the treatment process, and/or will interfere with disposal or use of municipal sludge.

(2) Constitute a hazard to human or animal life as a result of the pollutant passing through the plant to the atmosphere, or to the stream or water course receiving the treatment plant effluent.

(3) Violate the Federal Pretreatment Standards.

(4) Cause the treatment plant to violate its NPDES permit or other applicable receiving

water standards.

(a) Criteria to protect the treatment plant influent. No person or user shall discharge wastewater that will cause the influent concentration at the City of Lebanon Wastewater Treatment Plant influent to exceed the pollutant levels identified in Operational Division Policy No. 2008-02 for Wastewater Treatment Plant Protection Criteria - Treatment Plant Influent - Maximum Concentrations (TABLE B). The City shall monitor the treatment works influent for each pollutant identified in the Operational Division Policy No. 2008-02 (TABLE B). In the event that the influent at the treatment works reaches or exceeds the levels established by said table, the City may initiate technical studies to determine the cause of the influent violation and shall initiate such remedial measures as are necessary, including but not limited to the establishment of new or revised pretreatment levels for these parameters. The City may also change any of these criteria in the event the POTW effluent standards are changed or in the event changes are deemed advisable for effective operation of the POTW.

(b) Wastewater Pollutants-Maximum Concentrations, Local Limits. No person or user shall discharge wastewater in excess of the pollutant concentrations identified in the Operational Division Policy No. 2008-02 for Local Limits (TABLE A). Local Limits: The City of Lebanon is authorized to establish Local Limits pursuant to Tennessee Rule 1200-4-14-.05(3).

**18-506. Control of prohibited wastes.**

(1) Regulatory actions. If wastewaters containing any substance in excess concentrations as described in 18-505 of this chapter are discharged or proposed to be discharged into the sewer system of the City of Lebanon or to any sewer system tributary thereto, the control authority shall take any action necessary to:

(a) Prohibit the discharge of such wastewater.

(b) Require a discharger to demonstrate that in-plant modifications will eliminate the discharge of such substances to a degree as to be acceptable to the control authority.

(c) Require pretreatment including storage facilities or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these rules and regulations.

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

(2) Submission of plans. Where pretreatment or equalization of wastewater flows prior to discharge into any part of its sewerage facilities is required by the City of Lebanon, plans, specifications and other pertinent data or information relating to such pretreatment of flow-control facilities shall be submitted to the control authority for review and approval.

Approval shall in no way exempt the discharges of such facilities from compliance with any applicable code, ordinance, rule or regulation of any governmental unit or the city. Any subsequent alterations and additions to such pretreatment or flow-control facilities shall not be made without due notice to, and approval of, the control authority.

(3) Pretreatment facilities operations. If pretreatment or control of waste flows is required, such facilities shall be effectively operated and maintained by the owner at his expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances and laws.

(4) Reporting of accidental discharges. If an accidental discharge of prohibited or regulated pollutants to the sewerage facilities shall occur, the industrial facility responsible for such discharge shall notify the WWF immediately of all discharges that could cause problems to the WWF, including slug loadings so that corrective action may be taken to protect the sewerage facilities. In addition, a written report addressed to the control authority detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges, shall be filed by the responsible industrial facility within thirty (30) days of the occurrence of the accidental discharge.

(5) Right of entry. Agents of the City of Lebanon, the Tennessee Department of Environment and Conservation (TDEC), and/or EPA upon presentation of credentials shall be permitted to enter all properties of the contributing industry for the purpose of inspection, observation, measurement, sampling, and testing.

(6) All users are subject to the enforcement procedures specifically outlined in the City of Lebanon Enforcement Response Plan (ERP).

#### **18-507. Wastewater sampling and analysis.**

(1) Analysis of industrial wastewater. All of the preceding standards in section 18-505(1) and 18-505(2) (a) are to apply at the point where the industrial wastes are discharged into the public sanitary sewerage system and any chemical or mechanical corrective treatment required must be accomplished to practical completion before the wastes reach that point. The laboratory methods used in the examination of all industrial wastes shall be those set forth in 40 CFR Part 136 or equivalent methods approved by EPA. The frequency and duration of the sampling of any industrial waste shall be determined by the control authority.

(2) Control manhole. All significant industrial users shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole shall be accessible and safely located, and shall be constructed in accordance with plans approved by the control authority. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

**18-508. Industrial self-monitoring requirements.** In order to effectively administer and enforce the provisions of these regulations, the control authority shall require any discharger to comply with any or all of the following requirements:

(1) Discharge reports. The control authority shall require discharge reports, including but not limited to questionnaires, technical reports, sampling reports, test analyses, and periodical reports of wastewater discharge. These discharge reports must be retained by the industry and be available to either the city, state or federal agencies upon request for a period of three (3) years.

(2) Monitoring programs. The control authority shall require of SIU's such technical or monitoring programs, including the submission of periodic reports, at a minimum of two times a year, reports being due on or before March 15th and September 15th, more frequent if the situation warrants. The discharger shall pay all applicable charges for the monitoring program, in addition to the sewage disposal and other charges established by the control authority.

The monitoring program shall require the discharger to conduct a sampling and analysis program of a frequency and type specified by the control authority to demonstrate compliance with prescribed wastewater discharge limits. The discharge may either:

(a) Conduct his own sampling and analysis program provided he demonstrates to the control authority that he has the necessary qualifications and facilities to perform the work; or

(b) Engage a private laboratory, approved by the control authority. Should an industry be found in violation of the discharge limits, the control authority has the right to set up sampling and/or metering devices on the industry's property. If an analysis by the control authority confirms a violation of the discharge permit, the industry shall be financially responsible and shall pay all damages including sampling and analytical costs.

(c) All significant industrial users (SIU) are required to submit periodic self-monitoring reports [40 CFR 403.12(e)]:

(1) All Significant Industrial Users must, at a frequency determined by the Control Authority submit no less than twice per year in March and September [or on dates specified] reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Control Authority or the Pretreatment Standard necessary to determine the compliance status of the User

(2) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring

facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

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

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

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

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 18-508(1) and 18-508(3), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the City of Lebanon may authorize a lower minimum. The Industrial User is required to collect the number of samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

(6) A SIU that monitors any pollutant more frequently than required by the POTW shall include the results of the extra monitoring in the reports.

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

(1) Users subject to the reporting requirements of this ordinance (including documentation associated with Best Management Practices) shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the City.

(5) All Baseline Monitoring Reports associated with a Categorical Pretreatment Standard, Reports on Compliance with a Categorical Pretreatment Standard deadline, and all Periodic Reports on Continued Compliance shall include the following certification statement:

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

Signatory requirements for industrial user reports. The reports required shall be signed as follows:

(a) By a responsible corporate officer. For the purpose of this paragraph, a responsible corporate officer means

1. 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, or

2. the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism

requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) By a general partner or proprietor if the Industrial User is a partnership or sole proprietorship respectively.

(c) By a duly authorized representative of the individual designated if:

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

(d) If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements must be submitted to the Control Authority prior to or together with any reports to be signed by an authorized representative.

(3) Trade secrets. When requested by the user furnishing a report or permit application or questionnaire, the portions of the report, or other document, which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies; provided, however, that such portions of a report, or other document, shall be available for use by the city or the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Information and data about industrial wastewater shall not be considered to be secret information.

**18-509. Protection from damage.** (1) No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under applicable state law.

**18-510. Enforcement procedures.** (1) Notification of violation. Whenever the control authority finds that any industrial user has violated or is violating this chapter, or a wastewater permit or order issued hereunder, the control authority or his agent may serve upon said user written notice of the violation. Within five (5) 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 control authority. Submission of his plan in no way relieves the user of liability for any violations

occurring before or after receipt of the notice of violation.

(2) Penalties. (a) Discharge of wastewater in any manner in violation of this chapter or any condition of a wastewater discharge permit is hereby declared a public nuisance and shall be corrected or abated as provided herein.

(b) Violations of this chapter and previous amendments thereto shall include but not be limited to the following violations:

- (1) Violates an effluent standard or limitation;
- (2) Violates the terms or conditions of a wastewater discharge permit;
- (3) Failure to complete a filing or report requirements;
- (4) Failure to perform or properly report any required monitoring;
- (5) Violates a final order or determination of the City of Lebanon acting as prescribed in this chapter including amendments thereto;
- (6) Fails to pay any established sewer service charge or industrial waste surcharge or recovery charge;

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

(d) The control authority 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 the violation. If the user and the control authority can agree to appropriate remedial preventive measure, they shall commit such agreement to writing with provisions of a reasonable compliance schedule and the same shall be incorporated as supplemental condition of the user's wastewater discharge permit. If an agreement is not reached through the conciliation process within thirty (30) calendar days, the control authority shall institute such other actions as deemed necessary to ensure the user's compliance with the provisions of this chapter or other law or regulation. Such action may include the following:

(1) The commissioner shall assess a civil penalty to any person or user who is found to have willfully or negligently violated the provisions of this chapter including amendments thereto or a condition of any wastewater discharge permit issued in accordance with this chapter including amendments thereto. Such civil penalty may be assessed up to any

amount not to exceed \$10,000 dollars per day after a notice of violation with civil penalty. Upon receipt of a written request within 14 days of the assessment of the civil penalty, the commissioner of public works shall convene a hearing, at which time the entity charged with a violation has the right to be present and represented by council and present evidence. At this time the commissioner of public works shall review the civil penalty. Each separate violation shall constitute a separate offense, each day of violation shall constitute a separate offense. Within 14 calendar days of a finding of violation(s) and the assessment of civil penalties resulting from such violation(s), the person or user may appeal such finding and penalty. Such appeal must be in writing requesting a review by the city's board of aldermen, whose decision shall be final. The civil penalties shall be paid within 30 calendar days of the city's board of alderman's decision. Failure to pay the civil penalties shall result in termination of all city utilities.

(2) The control authority may issue a "show cause" notice to the user directing the user to appear before the commissioner of public works at a specified date, time and place to show cause why the user's wastewater discharge permit should not be modified, suspended, or revoked for causing or suffering violation of this chapter, or other applicable law or regulation, or condition in the wastewater discharge permit of the user. If the control authority seeks to modify the user's wastewater discharge permit to establish wastewater strength limitations or other control techniques to prevent future violations, the control authority shall notify the user of such requirements. If the control authority or commission seeks to suspend or revoke the user's wastewater discharge permit, the control authority shall notify the user of the nature of the violation for which the revocation or suspension is sought with sufficient specificity as to the character of the violation and the dates at which such violation so occurred. Such notice for a "show cause" shall be mailed to the user by certified mail, return receipt registered, at least twenty (20) days prior to the scheduled hearing date. Within 14 calendar days of issuance of the determination of the show cause hearing, the person or user may appeal such finding and penalty. Such appeal must be in writing requesting a review by the city's board of aldermen, whose decision shall be final.

(3) The control authority may cite the user to the city court of the City of Lebanon for violations of any provision of this chapter. A violation of any condition of the user's wastewater discharge permit shall be deemed to be a violation of this chapter.

(4) Upon resolution enacted by the Lebanon Board of Aldermen approving same, the control authority shall in the name of the City of Lebanon file in Circuit or Chancery Court of Wilson County, Tennessee or such other court as may have jurisdiction, a suit seeking the issuance of an injunction, damages or other appropriate relief to enforce the provisions of the chapter or other applicable law or regulation. Suit may be brought to recover any and all damages suffered by the City of Lebanon as a result of any action or inaction of any user or other person who causes or suffers damage to occur to the treatment works or for any other expense, loss or damages of any kind of nature suffered by the City of Lebanon.

(5) Consent orders. The control authority is hereby empowered to enter into consent

orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to section 18-510(2)(d) (6) below.

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

(7) Cease and desist orders. When the commissioner of public works finds that an industrial user has violated or continues to violate this chapter or any permit or order issued hereunder, the control authority 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 actions as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(8) Emergency suspensions. (a) The control authority or commissioner may suspend the wastewater treatment service and/or wastewater permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

(b) Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the control authority shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The control authority or commissioner of public works shall allow the user to recommence its discharge when the endangerment has passed, unless the termination proceedings set forth in Termination of Permit are initiated against the user.

(9) Criminal prosecution. Any industrial user who willfully or negligently violates any provision of this chapter or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed fifty

(\$50.00) per violation per day or imprisonment for not more than thirty (30) days or both.

Any industrial user who knowingly makes any false statements, representations, or certifications in any application, record, report, plans or other document filed or required to be maintained pursuant to this chapter, or wastewater permit, or who falsifies, tampers with, or knowingly rendered inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than \$50.00 per violation per day or imprisonment for not more than 30 days or both, and also subject to any state and federal penalties.

**18-511. Permits.** (1) All industrial users proposing to connect to or discharge into the sanitary sewer system must obtain a wastewater discharge permit from the control authority before connecting to or discharging into the sanitary sewer. All existing industrial users connected to or discharging into the city's sanitary sewer must obtain a wastewater discharge permit within 60 days after notice from the control authority, and must obtain a permit within 120 days of receiving such notice from the control authority. Application submittal is to be made a minimum of 30 days prior to the date that requested sewerage service is required.

(2) All persons within the city's area of jurisdiction, who intend to provide septic tanks for sewage disposal, shall make written request to the control authority for a septic tank permit. Upon receipt of the written request, the control authority shall determine whether the applicant is unable to connect to the city's system; if so, the permit may be granted, conditioned upon the approval by the Tennessee Department of Environment and Conservation and proper installation. The city shall retain the right to inspect and approve installation of the septic tank.

(3) Permit application. Industrial users seeking a wastewater discharge permit shall complete and file with the control authority an application in the form prescribed by the control authority and accompanied by the applicable fees. The applicant shall be required to submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and Standard Industrial Classification (SIC Manual, 1972, Office of Management and Budget) number of applicant;
- (b) Volume of wastewater to be discharged;
- (c) Wastewater constituents and characteristics including, but not limited to, those mentioned in 18-505 as determined by a laboratory approved by the control authority;
- (d) Time and duration of discharge;
- (e) Average and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation;
- (g) Description of activities, facilities and plant process on the premises including all materials, processes and types of materials which are or could be discharged;
- (h) Each product produced by type, amount, and rate of production;
- (i) Number and type of employees, and hours of work;
- (j) All Tennessee Department of Environment and Conservation and Environmental Protection Agency permits required; and
- (k) Any other information as may be deemed by the control authority to be necessary to evaluate the permit application.

(l) The permit application package shall contain 40 CFR 2.203 as published in the Federal Register with such section dealing with confidential information. Any industry requiring information be confidential shall notify the commissioner of public works in writing to that effect. The commissioner will notify the applicant of his decision whether such matter is to be confidential. Within 14 days after the commissioners' decision, an appeal may be made on the commissioners' decision. Such an appeal must be in writing requesting a review by the city's board of aldermen, whose decision shall be final.

The control authority will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the control authority may issue a wastewater discharge permit subject to terms and conditions provided herein.

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

- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the public sewer;
- (b) The average and maximum wastewater constituents and characteristics;
- (c) Limits on rate and time of discharge or requirements for flow regulations and equalization;
- (d) Requirements for installation of inspection and sampling facilities;
- (e) Pretreatment requirements;

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

(g) Requirements for submission of technical reports or discharge reports;

(h) Requirements for maintaining plant records relating to wastewater discharged as specified by the control authority and, affording the city access thereto; and

(i) Other conditions as deemed appropriate by the control authority to insure compliance with this chapter.

(j) Statement of duration (in no case more than five years);

(k) Statement of non-transferability without, at a minimum, prior notification to the POTW and provisions of a copy of the existing control mechanism to the new owner or operator;

(l) Effluent limits, including Best Management Practices, based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law;

(m) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law;

(n) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.

(o) Requirements to control slug discharges, if determined by the POTW to be necessary.

(5) Duration of permits. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. If the user is not notified by the control authority 30 days prior to the expiration of the permit, the permit shall be extended one additional year. The terms and conditions of the permit may be subject to modification and change by the control authority during the life of the permit as limitations or requirements as identified hereinbefore are modified and changed. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

The terms of the permit (a new permit, modifications to an existing permit, or revocation of an existing permit) may be appealed to the control authority. An appeal must be in writing requesting a review by the city's board of aldermen, whose decision shall be final. Such an appeal must be made within 14 days of receipt of a new modified permit or 14 days following the receipt of notice that a permit is to be revoked.

(6) Transfer of a permit. Wastewater permits are not transferable. A statement of non-transferability will be included in all permits issued by the City of Lebanon. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

(7) Revocation of permit. Any user who violates the following conditions of the permit or of this chapter, or applicable state and federal regulations shall be subject to having his permit revoked:

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

(b) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics. All Industrial Users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification;

(c) Failure to notify the POTW immediately of any changes at it's facility affecting the potential for a slug discharge;

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

(e) Violation of conditions of the permit.

The Control Authority shall notify in writing an industrial user of noncompliance with the term of a permit. Such notification shall detail the nature of such noncompliance. Depending upon the nature of the permit violation, the control authority shall provide the industry up to 30 days to respond to the permit violation. The response to the violation shall, at a minimum, address steps taken or to be taken to prevent a reoccurrence of the violation. If the permit violation is of a nature or if the industry's response is unsatisfactory, the control authority may issue a "show cause" notice to the industry to appear before the commission of public works. The purpose of the "show cause" hearing is to permit the industry to state why their permit should not be modified, suspended or revoked. The decision of the control authority may be appealed as provided in section 18-511(1) - Duration of permits.

(8) The Control Authority shall publish annually, in a newspaper of general circulation that

provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

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

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

C. Any other violation of a Pretreatment Standard or Requirement (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Control Authority determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

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

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

F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation(s), which may include a violation of Best Management Practices, which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

(9)(1) Conditions necessary for a demonstration of upset. An Industrial User who wishes to establish the affirmative defense of Upset shall demonstrate, through property signed,

contemporaneous operating logs, or other relevant evidence that:

(a) An Upset occurred and the Industrial User can identify the cause(s) of the Upset;

(b) The facility was at the time being operated in a prudent and workman-like manner in compliance with applicable operation and maintenance procedures.

(c) The Industrial User has submitted the following information to the WWF and Control Authority within 24 hours of becoming aware of the Upset (if this information is provided orally, a written submission must be provided within five days):

1. A description of the Indirect discharge and cause of noncompliance;
2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
3. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

(2) Burden of proof. In any enforcement proceeding the Industrial User seeking to establish the occurrence of an Upset shall have the burden of proof.

(3) Reviewability of agency consideration of claims of upset. In the usual exercise of prosecutorial discretion, Agency enforcement personnel should review any claims that noncompliance was caused by an Upset. No determination made in the course of the review constitutes final Agency action subject to judicial review. Industrial Users will have the opportunity for a judicial determination on any claim of Upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

(4) User responsibility in case of upset. The Industrial User shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

### **BYPASS**

(1) Definitions.

(a) Bypass means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.

(b) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial

and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) Bypass not violating applicable Pretreatment Standards or Requirements. An Industrial User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (3) and (4) of this rule.

(3) Notice.

(a) If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Control Authority, if possible at least ten days before the date of the bypass.

(b) An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Control Authority within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The Control Authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(b) Treatment bypasses. (1) A bypass of the treatment system by an industrial user is prohibited unless all of the following conditions are met:

(i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damages;

(ii) There was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater; and

(iii) The industrial user properly notified the control authority as described in section 18-511(9)(b)(2) below.

(4) Industrial users must provide immediate notice to the control authority upon discovery of an unanticipated bypass. If necessary, the control authority may require the industrial user to submit a written report explaining the cause(s), nature, and duration of the bypass, and the steps being taken to prevent its recurrence.

(5) An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure

efficient operation of the treatment system. Industrial users anticipating a bypass must submit notice to the control authority at least 10 days in advance. The control authority may only approve the anticipated bypass if the circumstances satisfy those set forth in section 18-511(9)(b)(1) above.

**18-512. User charges.** (1) User charge shall be the charge levied on all users including, but not limited to, person, firms, corporations or governmental entities that discharge, cause or permit the discharge of sewage into the public sewerage facilities.

(2) The user charge shall reflect the costs of operation and maintenance (including replacement) of the public sewerage facilities.

(3) Each user shall pay its proportionate share of operation and maintenance (including replacement) costs based on volume of flow.

(4) The control authority of the sewerage facilities shall review not less often than every two years the sewage contributions of users, the total costs of operation and maintenance (including replacement) of the sewerage facilities, and the user charge system. The control authority shall revise the user charge, if necessary, to accomplish the following:

(a) Maintain the proportionate distribution of operation and maintenance costs among users as provided herein.

(b) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the sewerage facilities.

(5) All flow to the sewerage facilities not directly attributable to the users (i.e., infiltration/inflow) shall be distributed among all users of the sewerage facilities based upon the volume of flow of the users.

(6) Each user shall be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charge which is attributable to operation and maintenance of the sewerage facilities.

(7) In addition to the other requirements of this section, commercial and industrial users of the sewerage system who use more than 1,000 cubic feet of water per month or have a City of Lebanon Wastewater Discharge Permit shall pay their proportionate share of the costs to operate and administer the industrial pretreatment program. Separate accounting of costs for operation of the pretreatment/industrial waste monitoring and permitting system shall be maintained by the city. After accumulation of 12 months of costs data on an annual basis after that initial 12 months, an industrial waste monitoring and permitting surcharge rate shall be established and each commercial/industrial user who uses more than 1,000 cubic feet of water per month or who has a City of Lebanon Wastewater Discharge Permit shall be levied its proportionate share

of the monitoring and program cost. The rate shall be calculated as follows:

#### NON-PERMITTED USERS

<u>Volume</u>	<u>Total Cost</u>
First 200 cubic feet	-0-
Next 800 cubic feet	-0-
Next 3000 cubic feet	\$ 5.00
Next 8000 cubic feet	\$ 8.00
Next 17000 cubic feet	\$12.00
Next 29000 cubic feet	\$16.00

#### PERMITTED USERS

Non-Significant	\$20/month
Significant-Conventional	\$25/month
Categorical Industry	\$35/month

(8) All permitted industrial users shall be required to pay a separate pretreatment program charge for evaluation of their waste water and pretreatment inspection. This charge will be based on the user's proportional share of the costs of administering the publicly owned treatment works pretreatment program, which includes costs incurred by the publicly owned treatment works for verification monitoring, analysis, and reporting. Each user's share of the pretreatment program costs will be computed by the following formula:

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

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

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

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

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

**18-513. Industrial waste surcharge.** (1) This section provides a method for industrial users subject to the limitations on wastewater strength parameters listed in section

18-505(2)(b) of this chapter, including amendments thereto, to apply for and receive an exception to the discharge level for one or more parameters.

(2) Applicants for an 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 control authority 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 city.

(3) 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 city pursuant to section 18-513(4) hereof.

(4) All applications for an exception shall be reviewed by the control authority. If the application does not contain sufficient information for complete evaluation, the control authority shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the control authority to correct such deficiencies. This thirty day period may be extended by the control authority upon application and for just cause shown. Upon receipt of a complete application the control authority shall evaluate same and render a decision within thirty (30) days. The applicant may appeal the decision as provided in section 18-510(2).

(5) The control authority shall review and evaluate all applications for an exception and shall take into account the following factors:

(a) The control authority shall consider whether or not the applicant is subject to a National Pretreatment Standard containing discharge limitations more stringent than those in section 18-505(2)(b) and grant an exception only if such exception may be granted within the limitations of applicable federal regulations;

(b) The control authority shall consider whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the U.S. Environmental Protection Agency under the provisions of section 307(a) of the Clean Water Act and then grant an exception only if such exception may be granted within the limitations of applicable federal regulations;

(c) The control authority shall consider whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works taking into consideration the concentration of the pollutant in the treatment works influent and the design capacity of the treatment works;

(d) The control authority shall consider whether or not the granting of an exception might cause the treatment works to violate the limitations in its NPDES permit taking into consideration the concentration of the pollutant in the treatment works influent and the design capacity of the treatment works;

- (e) The control authority shall consider whether or not the granting of an exception would cause elements or compounds to be present in the sludge of the treatment works which would prevent sludge use or disposal by the city or which would cause the city to violate any regulation promulgated by EPS under provision of section 405 of the Federal Water Pollution Act.
- (f) The control authority may consider the cost of pretreatment of 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;
- (g) The control authority may consider the age of equipment and industrial facilities involved to the extent that such factors affect the quality and quantity of wastewater discharge;
- (h) The control authority may consider the process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge;
- (i) The control authority may consider the engineering aspects or various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge;
- (j) The control authority may consider an application for an exception based upon the fact that water conservation measures instituted by the user or proposed by the user result in a higher concentration of particular pollutants in the wastewater discharge of the user without increasing the amount of mass of pollutant discharge. However, no 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 wastewater treatment works;
- (k) The control authority shall not grant an exception unless the applicant shall demonstrate to the control authority that the user is utilizing Best Management Practices (BMP) to prevent or reduce the contribution of pollutants to the POTW. BMP include but are not limited to preventative operating and maintenance procedures, schedule of activities, process changes, prohibiting of activities, quantity of effluent discharged and to control plant site runoff, spillage, leaks, and drainage from raw material storage.
- (l) The control authority shall review the application for an exception and may grant the applicant for an exception without a hearing provided that no person, including the applicant, shall object thereto, and provided exception with such conditions are in compliance with the provisions of this section.
- (m) In the event that the applicant objects concerning conditions to be imposed upon the applicant, the control authority may conduct a hearing to further investigate the matter. The control authority shall schedule a hearing within ninety (90)

days of the date of the initial decision rendered by the commissioner of public works. The applicant and the control authority shall have the right to present relevant proof by oral or documentary evidence.

**18-514. Method of billing surcharge.** (1) In instances where exceptions have been duly granted by the control authority for the discharge of extra strength wastewater, the city shall require any person or user discharging substances in strengths greater than those permitted by this chapter to pay any additional costs for expense incurred by the city for transmission and treatment of such substances.

(a) For such permitted exceptions as contained in a duly issued wastewater discharge permit, a monthly surcharge fee for the BOD, suspended solids, and oil and grease will be computed using the formula contained in section 18-514(1)(c).

(b) Unless other provisions are included in the user's wastewater discharge permit, the monthly surcharge fee for each parameter shall be based on the maximum concentration of the samples taken and analyzed by the city's industrial waste monitoring section times the monthly water consumption of the user as measured by the water meter(s) of the public water system, on the day sampling occurred. All users involved with the payment of surcharge fees shall provide a sampling manhole in accordance with the requirements of the control authority.

(c) Wastewater surcharge fee formula for BOD, SS, Oil and Grease

Surcharge (\$)/P = (F) x (TC) x (Pa-Pm) x (D)

Surcharge (\$) total = Surcharge of BOD + Suspended Solids and Grease  
P = Parameter: BOD or Suspended Solids or Grease

F = Flow in millions of gallons per day

TC = Treatment costs per pound of parameter

Pa = Parameter in parts per million

Pm = Parameter, maximum as per section 18-505(1)(b).

D = Number of days in month

Charges for other pollutants will be computed on a case by case basis.

(2) No reduction in sewage service charges, fees, or taxes shall be permitted because of the fact that certain industrial wastes discharged to the sewerage facilities contain less than 300 mg/l of BOD, 300 mg/l of SS, or less than 100 mg/l of grease.

**18-515. Amendments.** This chapter shall be amended, as necessary, to comply with

Federal Regulations:

**18-516. Prevention of surface water inflow and infiltration into the sanitary sewer system.** (1) All customer connections to the sanitary sewer system of the City of Lebanon shall be installed and maintained in such a manner as to insure no connection of roof down spouts, exterior foundation drains, or other sources of rain water, surface runoff or ground water shall have access to the building sewer line, unless such connection is approved by the commissioner of public works or his duly authorized representative.

(2) The commissioner of public works and/or his duly authorized representative is hereby directed to implement a program which shall detect and prevent the inflow and infiltration of surface water and rainwater into the sanitary sewer system for the City of Lebanon. The program shall be designed to attain the long-range goal of preventing and stopping inflow and infiltration into the sanitary sewer system. Said program shall be performed in an efficient and orderly manner to detect and define the source of inflow and infiltration, and to assist in a codes enforcement program for the prevention and correction of said inflow and infiltration.

(3) Representatives of the commissioner of public works shall be authorized to perform inflow and infiltration tests upon the sanitary sewer main and any customer sewer line connections, and during said tests, the personnel of the public works department shall be and are authorized to go upon the customer's private property to test the integrity of the customer's sanitary sewer service line and to investigate for possible sources of inflow and infiltration of rainwater and/or surface water. Prior to entering upon private property, the city employees shall notify the customer and/or property owner as to the needed inspection.

(4) Any customer who fails to cooperate with the tests and maintenance program involving the prevention of inflow and infiltration of surface water, shall be in violation of this code section, and shall be subject to the cessation of sewer service and other penalties as provided by the code.

(5) Upon detection of sources of inflow and infiltration of surface water into the sanitary sewer system of the City of Lebanon, the city engineer or sewer collection superintendent shall notify the customer concerning the subject inflow and infiltration, and shall set forth a suggested program of maintenance to prevent the inflow and infiltration, which may include but not be limited to the complete replacement of the customer's sewer service line.

(6) Upon notification to the customer and/or property owner that a surface water inflow and infiltration problem exists concerning the customer's sanitary sewer service line, the customer and/or property owner shall take the necessary steps to stop the inflow and infiltration and said corrective measures shall be accomplished within a reasonable time after written notification to the customer and property owner, but no later than ninety (90) days after the subject notice, unless an extension of time is granted in writing by the

commissioner of public works. Said written notice shall explain the penalties involved and the right of appeal concerning the subject action.

(7) Any sewer customer or property owner who has been notified of rain water and/or surface water inflow and infiltration problems involving the customer's sanitary sewer service line may appeal the decision of the city engineer or sewer collection superintendent, so long as a written appeal request is sent to the commissioner of public works on or before ten (10) days from the receipt of the written notice of violation sent to the customer. Upon receipt of an appeal request, the commissioner of public works shall hold a hearing concerning the subject violation and upon receiving all information and evidence from the city engineer and the aggrieved customer, shall make a decision concerning the required maintenance involving inflow and infiltration. The decision of the commissioner of public works shall be the final decision of the City of Lebanon concerning the requirement and need to prevent surface water and/or rain water inflow and infiltration to the sanitary sewer system. At the discretion of the commissioner of public works a temporary written waiver may be given for the subject violation, however, said waiver may not exceed a period of one hundred eighty (180) days without reapplication and renewal of the subject waiver concerning the code violation. The inflow and infiltration problem shall be repaired within a reasonable time.

(8) All costs which may be incurred by the sewer customer as a direct or indirect result of the need to prevent surface water or rainwater inflow and infiltration into the sanitary sewer system shall be borne by the customer.

(9) The failure of the sewer customer to correct the inflow and infiltration problem within ninety (90) days of the initial notice or from the final ruling of the commissioner of public works after an appeals hearing shall be construed to be a violation under this code section, unless the sewer customer and/or property owner receives a temporary written waiver from the commissioner of public works. If a temporary waiver is granted, the sewer customer or property owner must correct the inflow and infiltration problem within a reasonable time or be subject to penalty.

(10) Sewer customers who are guilty of violating this code section may be penalized, after receipt of proper notice and notification concerning the right of appeal. The penalties may include the cessation of sewer service and/or water service, as provided by Tennessee Code Annotated, § 7-35-201(2). Additionally, the customer may be issued a summons and citation to the city court for a show cause hearing as to why the condition(s) should not be corrected.

(11) Upon a show cause hearing before the city court, any violation of this code section may be penalized by a fine of fifty dollars (\$50.00) for each calendar day that the sewer customer remains in violation of the code upon receipt of written notice as described herein.

(12) In the event the commissioner of public works deems it appropriate and to the manifest and best interest of the City of Lebanon for the city personnel to enter upon private property and repair the customer's sanitary sewer service line to prevent inflow and infiltration into the sanitary sewer system, after timely notice has been provided herein, the City of Lebanon may choose, at its option, to correct the inflow and infiltration problem and submit a bill of costs to the customer and/or property owner. Under this procedure, any costs incurred by the City of Lebanon shall be considered a lien upon the real property receiving sewer service and shall be treated as a property lien upon filing of a notice in the Register's Office of Wilson County, Tennessee. At its option, the City of Lebanon may enforce said lien by taking any and all necessary litigation steps to sell the property which is subject to the attached lien.

### **18-517. Baseline Monitoring Reports**

(1) Reporting requirements for industrial users upon effective date of categorical pretreatment standard – baseline report.

Within 180 days after the effective date of a Categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission, whichever is later, existing industrial users subject to such categorical Pretreatment Standards and currently discharging to or scheduled to discharge to the POTW shall be required to submit to the control authority a report which contains the information listed in subparagraphs (a) through (g) of this paragraph. At least 90 days prior to commencement of discharge, New Sources, and sources that become Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall be required to submit to the Control Authority a report which contains the information listed in subparagraphs (a) through (g) of this paragraph. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in subparagraphs (d) and (e) of this paragraph:

- (a) Identifying information – The user shall submit the name and address of the facility including the name of the operator and owners;
- (b) Permits – The user shall submit a list of any environmental control permits held by or for the facility;
- (c) Description of operations – The user shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
- (d) Flow measurement – The user shall submit information showing the average daily and maximum daily flow, in gallons per day, to the POTW from each of the following

1. Regulated process streams; and
2. Other streams as necessary to allow use of the combined wastestream formula. The Control Authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(e) Measurement of Pollutants.

1. The user shall identify the pretreatment standards applicable to each regulated process;
  2. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or Control Authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the standard requires compliance with a Best Management Practice or pollution prevention alternative, the user shall submit documentation as required by the control authority or the applicable Standards to determine compliance with the Standard.
  3. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
  4. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewaters prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula in order to evaluate compliance with the pretreatment standard. Where an alternate concentration or mass limit has been calculated this adjusted limit along with supporting data shall be submitted to the control authority.
  5. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the POTW determines that the 40 CFR Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Control Authority or other parties.
  6. The Control Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
- (f) Certification. A statement, reviewed by an authorized representative of the industrial user and certified to by a qualified professional, indicating whether pretreatment

standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements; and

(g) Compliance schedule for meeting categorical standards.

The following conditions shall apply to the schedule required by subparagraph (2)(g):

(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial user to meet the applicable categorical pretreatment standards.

(b) No increment referred to in subparagraph (a) of this paragraph shall exceed 9 months.

(c) Not later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established.

(2) Report on compliance with categorical pretreatment standard deadline.

Within 90 days following the date for final compliance with the applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the Control Authority a report containing the information contained in subparagraphs (2)(d) through (f). For industrial users subject to equivalent mass or concentration limits established by the Control Authority, this report shall contain a reasonable measure of the User's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

### **18-518. Slug Discharges**

The POTW will evaluate each Significant Industrial User to determine whether a plan or other action is needed to control slug discharges. For industrial users identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional Significant Industrial Users must be evaluated within 12 months of being designated as such. For purposes of this part, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has reasonable potential to cause interference or

pass through, or in any other way violate POTW's regulations, local limits or permit conditions. The results of such activities shall be available to the POTW upon request. Significant Industrial Users are required to notify the POTW immediately of any changes at its facility affecting potential for a slug discharge.

#### **18-519. Hazardous Wastes**

The Industrial User shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which if otherwise disposed of, would be a hazardous waste.

- (1) Such notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: An identification of the hazardous constituents contained in the waste, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge of the characteristic or hazardous waste discharged. The notification requirements of this rule do not apply to pollutants already reported under self-monitoring requirements.
- (2) Dischargers are exempt from the requirements of this paragraph during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes. Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes requires a one time notification.
- (3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the POTW, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- (4) In the case of any notification made under this paragraph, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

**ENFORCEMENT RESPONSE PLAN  
- City of Lebanon Pretreatment Program -**

**Revision 1 - April 2017**

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I. INTRODUCTION

A. The Domestic Sewage Study (DSS) amendments to the General Pretreatment Regulations (Federal Register, July 24, 1990) require all Publicly Owned Treatment Works (POTW) with approved pretreatment programs to develop and implement an Enforcement Response Plan. The regulations require that the plan shall contain detailed procedures of how the POTW will respond to instances of industrial user noncompliance. At a minimum, the plan shall:

- (1) Describe how the POTW will investigate instances of noncompliance;
- (2) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;
- (3) Identify by title the official(s) responsible for implementing each type of enforcement response;
- (4) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards as provided in 40 CFR 403.8(f)(1) and (2).

When properly developed and implemented, the Enforcement Response Plan will provide the POTW with an efficient and objective means of responding to instances of industrial user noncompliance.

The following document details the steps to be taken by the City of Lebanon to achieve compliance with all State and Federal regulations and amendments. The primary document utilized in preparing this plan was the EPA publication "Guidelines for Developing Control Authority Enforcement Response Plans". Federal and State regulations (40 CFR Part 403 and Tennessee Code Annotated 69-3-101 through 129, respectively) were also used as reference documents.

B. The available personnel along with the minimum responsibilities that will be required of each title needed to implement the Enforcement Response Plan will consist of the following:

Pretreatment Coordinator - Person primarily responsible for day to day monitoring of compliance status of IUs. Will perform scheduled and unscheduled sampling and field inspection of IUs. Will schedule sampling events for IUs and at WWTP. Will implement demand

monitoring when deemed necessary. Primary responsibility for tracking IU information and for determining necessary levels of enforcement. Principle liaison between City and IUs. Will keep Public Works Commissioner apprised of all developments regarding IU compliance status and will be the primary source of reference for higher levels of enforcement. Can make phone calls and/or issue notice of violation (NOV) for minor and moderate levels of noncompliance. Will issue administrative orders (AO) and/or fines after consultation with Public Works Commissioner.

Public Works Commissioner - At the request of the Pretreatment Coordinator, will institute higher degrees of enforcement (i.e., termination, criminal prosecution). Will inform upper level City officials of the background and need for such actions. Has authority to issue cease and desist orders and/or emergency termination of service when necessary. Has final authority on all levels of enforcement proceedings.

Mayor - Will be consulted on all enforcement proceedings involving civil penalties/actions, criminal investigation, show cause orders, and non-emergency termination of service.

Attorney - Will assist POTW personnel and provide guidance on legality of chosen enforcement procedures against IUs. Reviews Sewer Use Ordinance (SUO) other pertinent documents to assure conformance to state and Federal law. Represents City in any court action resulting from enforcement actions.

Consultant - At the request of the POTW, will provide guidance in all aspects of compliance tracking and monitoring of IUs. Will provide technical expertise when necessary to assure that enforcement actions follow generally accepted protocol.

**II. PROVISIONS FOR ENFORCEMENT IN SEWER USE ORDINANCE**

The City of Lebanon Sewer Use Ordinance was revised and updated to include pretreatment and enforcement issues and submitted to TDEC in April of 2017. Items dealing specifically with enforcement actions against violators can be found in Section 18-510.

### III. ENFORCEMENT RESPONSE GUIDE

The City of Lebanon Pretreatment Program is approved by the State of Tennessee Department of Environment and Conservation. However, the City is responsible for the enforcement of all Federal, State, and Local wastewater discharge regulations and is required to develop the ERP.

The primary purpose of the Enforcement Response Guide is to assure fair, consistent, and impartial enforcement. This section describes each type of violation and indicates a range of appropriate enforcement options.

For the purposes of this guide, insignificant non-compliance is considered a relatively minor or infrequent violation of pretreatment standards or requirements. These will usually be responded to with a Notice of Violation (NOV). Examples of violations which may be considered insignificant non-compliance are:

- Failure to file a permit renewal application but remaining in compliance with the expired permit.
- A reported spill with no adverse effects.
- Isolated, minor exceedences of discharge limits.
- Failure to properly sign or certify reports (1st instance).
- Missed interim or final compliance deadline by 30 days or less (good cause).
- Filing a late report (less than 5 days late).

Significant non-compliance has been defined by the Environmental Protection Agency (EPA) as violations which meet one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits as defined in Section 2;
- (2) Technical review criteria (TRC) violations defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH;
- (3) Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (daily

maximum, long-term average, instantaneous limit, or narrative standard) that the Superintendent determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

- (4) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge.
- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, and attaining final compliance.
- (6) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report non-compliance; or.
- (8) Any other violation which may include a violation of Best Management Practices, which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

In general, an isolated instance of non-compliance can be met with an informal response or with a NOV. Any significant non-compliance should be responded to with an enforceable order that requires a return to compliance by a specific deadline along with the applicable monetary penalties.

In determining the proper response to a violation, whether significant or not, the following criteria should be considered:

- Magnitude of the violation
- Duration of the violation
- Impact of the violation on the receiving waters
- Impact of the violation on the POTW
- Compliance history of the industrial user
- Good faith of the industrial user

Since pretreatment enforcement is a matter of strict liability, the knowledge, intent, or negligence of the user should not be taken into consideration except when deciding to pursue criminal prosecution.

An administrative penalty is a monetary penalty assessed by the City for violations of pretreatment standards and requirements. Administrative penalties should be used as an escalated enforcement action and are punitive in nature and are not to be related to a specific cost born by the POTW. The amount of the penalty assessed should recapture any economic benefit gained by the non-compliance and/or act as

a deterrent to future violations.

Determining the penalty amount which reflects the violation's significance is very important. If the penalty is too small, its deterrent value is lost and the violator may regard it as a tax or nominal charge to pollute. If the penalty is too great, it could bankrupt the user, making necessary investments in pretreatment equipment impossible and forcing unnecessary closure. In cases of extreme hardship, the Public Works Commissioner or Mayor may consider reducing or suspending the penalty as part of a consent decree or show cause hearing.

Each type of violation has been categorized and a range of penalties assigned to each category, thereby allowing the responsible designated official to apply an appropriate monetary assessment. All penalty assessments are to be assessed per violation per day unless otherwise noted.

Category 0	=	No penalty
Category 1	=	\$50.00 to \$500.00
Category 2	=	\$500.00 to \$1000.00
Category 3	=	\$1000.00 to \$5,000.00
Category 4	=	\$5000.00 to \$10,000.00 and/or direct legal action

Enclosed as Table IV.1 is the enforcement response guide which will be utilized by the City of Lebanon to determine appropriate and objective responses to instances of noncompliance. This guide is basically identical to the one contained in the previously cited guidance document. Minor changes have been made in order to adapt it to conditions applicable to Lebanon. A column has been added specifying the penalty category each violation falls under. Time frames for enforcement responses are included on the final page of the enforcement response guide.

The enforcement response guide is used as follows:

- (1) Locate the type of non-compliance in the first column and identify the most accurate description of the violation in column 2;
- (2) Assess the appropriateness of the recommended response(s) in columns 3 and 4 using the criteria of magnitude, duration, effects, compliance history, and good faith;
- (3) Apply the enforcement response to the industrial user, specifying corrective action(s) or other responses required of the IU. Column 5 indicates responsible POTW personnel;
- (4) Track IU's response and follow-up with escalated enforcement action if a response is not received within the specified time frame or the violation continues.

**ABBREVIATIONS USED IN ENFORCEMENT RESPONSE GUIDE**

PC	-	Pretreatment Coordinator
PW	-	Public Works Commissioner
NOV	-	Notice of violation
AO	-	Administrative order
IU	-	Industrial user

Table IV.1 - Enforcement Response Guide  
 City of Lebanon Pretreatment Program

Unauthorized Discharges (no permit)					
Noncompliance	Nature of Violation	Category	Enforcement Response(s)	Personnel	
Unpermitted discharges	IU unaware of requirement; no harm to POTW or environment	0	Phone call; NOV with application form	PC	
	IU unaware of requirement; harm to POTW or environment (significant non-compliance)	3	- AO and fine - Civil action, termination of service	PC PWC	
	Failure to apply continues after notification by POTW	4	- Civil action - Criminal investigation - Terminate service	PWC PWC PWC	
Failure to renew permit	IU has not submitted application within 10 days of due date	0	Phone call; NOV	PC	
Discharge Permit Violation					
Exceedance of local, state, or federal standard	Isolated, not significant	0	Phone call; NOV	PC	
	Isolated, significant (no harm)	1	AO to develop spill prevention plan (if not previously submitted) and fine	PC	
	Isolated, harmful to POTW or environment	3	- Show cause order - Civil action	PC, PWC PWC	
	Recurring, no harm to POTW or environment	2	AO and fine	PC	
	Recurring, significant (harm to POTW or environment)	4	- AO with fine - Show cause order - Civil action - Terminate service	PC PC, PWC PWC PWC	

Table IV.1 (cont.) - Enforcement Response Guide  
 City of Lebanon Pretreatment Program

Monitoring and Reporting Violations				
Noncompliance	Nature of Violation	Category	Enforcement Responses	Personnel
Reporting violation	Report improperly signed or certified	0	Phone call; NOV	PC
	Report Improperly signed or certified after notification by POTW	1	- AO - Show cause order	PC PC, PWC
	Isolated, not significant (5 days late)	0	Phone call; NOV	PC
	Significant (> 5 days late)	1	AO to submit with fine each additional day	PC
	Reports always late; failure to submit (significant non-compliance)	4	- AO with fine - Show cause order - Civil action	PC PC, PWC PWC
	Failure to report spill or discharge changes (no harm)	0	NOV	PC
	Failure to report spill or discharge changes (harm)	2	- AO with fine - Civil action	PC PWC
	Repeated failure to report spills	4	- Show cause order - Terminate service	PC, PWC PWC
	Falsification	4	- Criminal investigation - Terminate service	PWC PWC
	Failure to monitor correctly	Failure to monitor all permit required pollutants	1	NOV or AO
Recurring failure to monitor		2	- AO with fine - Civil action	PC PWC
No evidence of intent		0	NOV	PC
Improper sampling	Evidence of intent	4	- Criminal investigation - Terminate service	PWC PWC

Table IV.1 (cont.) - Enforcement Response Guide  
 City of Lebanon Pretreatment Program

Monitoring and Reporting Violations (cont.)				
Noncompliance	Nature of Violation	Category	Enforcement Responses	Personnel
Failure to install monitoring equipment	Delay of less than 30 days	0	NOV	PC
	Delay of more than 30 days	1	AO to install with fine for each additional day	PC
	Recurring, violation of AO	4	- Civil action - Criminal Investigation - Terminate service	PC PWC PWC
Permit compliance schedule	Missed milestone less than 30 days, will not affect final milestone	0	NOV	PC
	Missed milestone more than 30 days, will affect final milestone (good cause)	1	AO and fine	PC
	Missed milestone more than 30 days, will affect final milestone (no good cause)	3	- Show cause order - Civil action - Terminate service	PC, PWC PWC PWC
	Recurring violation or violation of AO schedule	4	- Civil action - Criminal Investigation - Terminate service	PWC PWC PWC

Table IV.1 (cont.) - Enforcement Response Guide  
 City of Lebanon Pretreatment Program

Other Permit Violations					
Noncompliance	Nature of Violation	Category	Enforcement Responses	Personnel	
Waste streams diluted in lieu of pretreatment	Initial violation	1	AO and fine	PC	
	Recurring	2	- Show cause order - Terminate service	PC, PWC PWC	
Failure to mitigate noncompliance or halt production	Does not result in harm	2	NOV	PC	
	Does result in harm	4	- AO and fine - Civil action	PC PWC	
Failure to properly operate and maintain facility	Does not result in harm	1	NOV	PC	
	Does result in harm	3	- AO and fine - Civil action	PC PWC	
Violations Detected During Site Visits					
Entry denial	Entry denied or consent withdrawn; copies of records denied	1	Obtain warrant and return to IU	PC	
	No harm to POTW or environment	2	AO with fine	PC	
Illegal discharge (violation of general discharge prohibitions)	Causes harm or evidence of intent and/or negligence	3	- Civil action - Criminal investigation	PWC PWC	
	Recurring, violation of AO	4	Terminate service	PWC	

Table IV.1 (cont.) - Enforcement Response Guide  
 City of Lebanon Pretreatment Program

Violations Detected During Site Visits (cont.)				
Noncompliance	Nature of Violation	Category	Enforcement Responses	Personnel
Improper sampling	Unintentional sampling at incorrect location	0	NOV	PC
	Unintentionally using incorrect sample type	0	NOV	PC
	Unintentionally using incorrect sampling techniques	0	NOV	PC
Inadequate record keeping Failure to mitigate noncompliance	Files incomplete or missing (no evidence of intent)	0	NOV	PC
	Recurring	2	AO and fine	PC
Failure to report additional monitoring	Inspection finds additional files (unintentional)	1	NOV	PC
	Recurring (considered falsification)	3	AO and fine	PC

**Time Frames for Enforcement Responses**

- A. All violations will be identified and documented within 5 days of receiving compliance information.
- B. Initial enforcement responses involving contact with the IU and requesting information on corrective or preventative action(s) will occur within 15 days of violation detected.
- C. Follow up actions for continuing or recurring violations will be taken within 60 days of initial enforcement response. For all continuing violations, the response will include a compliance schedule.
- D. Violations which threaten health, property or environmental quality are considered emergencies will receive immediate responses such as halting the discharge or terminating service.
- E. All violations meeting the criteria for significant noncompliance will be addressed with an enforceable order within 30 days of the identification of the significant noncompliance.

## V. ENFORCEMENT RESPONSES

The following paragraphs describe the various types of enforcement response, procedures, and person(s) responsible for identifying and implementing each level of response, and the time frames for determining that a violation has occurred and for initiating the appropriate response action. Most of this information has already been provided in Section IV, Table IV.1 (Enforcement Response Guide) and the written formats to be used in preparing the various responses will be taken from the previously cited guidance document.

Notice of Violation - NOV's will be sent to any user found to be in violation of the SUO, IU permit, or any other applicable document. As a general rule, NOV's will be issued by the Pretreatment Coordinator for instances of minor noncompliance and will serve as an official notification to the user that a violation has occurred. Initial enforcement responses involving NOV's will occur within 15 days of violation detection. IU response to the NOV will commence within 10 days of receipt of the NOV and will include an explanation of the violation, a plan for satisfactory correction, and contingencies for prevention of future occurrences.

Administrative Order - AOs are enforcement documents which direct industrial users to undertake or to cease specific activities. The terms of AOs may or may not be negotiated with industrial users. AOs are recommended as the first formal response to significant noncompliance (unless judicial proceedings are more appropriate), and may incorporate compliance schedules, administrative penalties, and termination of service orders. Consent orders, show cause hearings, cease and desist orders, and termination of service are types of administrative orders.

Consent Orders - In certain instances, the Public Works Commissioner or his designee will enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the IU responsible for the noncompliance. Such orders will also serve as compliance orders and/or schedules for the IU and failure to adhere to the conditions of the consent order will constitute significant noncompliance.

**Show Cause Hearing** - The Public Works Commissioner or his designee may order any IU which violates conditions of the SUO or its permit to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reason(s) for such action, and a request that the user show cause why the proposed enforcement action should not be taken. Notice of the meeting shall be served personally or by registered or certified mail at least 10 days prior to the hearing. If the IU fails to appear as noticed, immediate enforcement action will ensue.

**Cease and desist order** - If the POTW finds that an IU has violated or continues to violate the Sewer Use Ordinance or its permit, the Public Works Commissioner may issue an order to cease and desist all such violations and direct the party in noncompliance to do one of the following:

- (1) Comply with the order
- (2) Take appropriate remedial or preventive action needed to properly address a continued or threatened violation, including but not limited to halting operations and terminating the discharge.

**Termination of service** - The Public Works Commissioner may suspend the wastewater treatment service and/or revoke an industrial user permit when necessary, if, in the opinion of the POTW, the discharge presents or may present potential or actual danger to persons, the environment, causes interference to the POTW, or causes the POTW to violate conditions of its NPDES permit.

Civil penalties will be assessed based on the type and severity of violation outlined in the enforcement response guide found in Section IV, Table VI.1. Penalties will be assessed in an amount not to exceed \$10,000 per day for each violation. The amount of penalty will be determined using the following factors:

- (1) Whether the penalty imposed will be a substantial economic deterrent to the noncompliance;
- (2) Any damages to the POTW due to the noncompliance, which also includes any

penalties, costs, and attorney's fees incurred by the POTW as a result;

- (3) Cause of the discharge or violation;
- (4) The severity of the noncompliance and its effect on the POTW and upon the quality of the receiving waters;
- (5) Effectiveness of action taken by violator to rectify the problem;
- (6) The economic benefit gained by the violator.

The Public Works Commissioner, at his discretion, may establish or adopt a schedule of the amount of civil penalty which can be assessed for certain specific violations or categories of violations. The methods used to determine penalty amounts are summarized in the Enforcement Response Guide.

Tracking of enforcement related situations will primarily be the responsibility of the Pretreatment Coordinator. Compliance status worksheets will be updated on a weekly basis for each IU. These worksheets will provide instant updates of the compliance status of the IUs and allow personnel to flag noncompliance situations at a glance.

Currently, all permitted IUs are sampled semi-annually by the POTW and submit discharge self-monitoring reports on a regular basis to the POTW. Demand monitoring is instituted when warranted. A scheduled and an unscheduled IU facility inspection are performed semi-annually by the pretreatment coordinator. It is hoped that these actions will provide an effective means of tracking compliance status of IUs quickly and instituting necessary enforcement proceedings in a timely manner. The proposed time frames for initiating enforcement proceedings can be found in the enforcement response guide in Section IV



Operational Division Policy No. 2008 - 02

City of Lebanon, TN  
Industrial Pretreatment Program Local Limits and  
Wastewater Treatment Plant Protection Criteria Policy

**RATIONALE:**

1. The City of Lebanon is required by the Tennessee Department of Environment & Conservation and by 40 Code of Federal Regulations (CFR) 403.5(c) & (d) to develop industrial user local limits, and to continue to develop these limits as necessary to meet the federal and state pretreatment regulations.
2. The City of Lebanon's Local Limits and Wastewater Treatment Plant Protection Criteria must be technically reviewed periodically, and may be modified by the director, due to either changes in the State of Tennessee regulations, changes in the U.S. EPA regulations or CFR, changes to the wastewater treatment plant effluent standards, changes in receiving stream water quality standards, changes in the industrial wastewater contributions or characteristics to a wastewater treatment plant, or changes in the operation of the wastewater treatment plant.
3. The *City of Lebanon Sewer Use Ordinance Title 18, Chapter 5, Section 18-505(2)(b & c)* references this policy regarding that no person or user shall discharge wastewater in excess of the concentration limits set forth in this policy.

**RECOMMENDATION:**

1. The City of Lebanon will implement the Industrial Pretreatment Program Local Limits and Wastewater Treatment Plant Protection Criteria Policy as part of its industrial pretreatment program.
2. This policy will be official documentation of the industrial user local limits and wastewater treatment plant protection criteria referenced in *City of Lebanon Sewer Use Ordinance Title 18, Chapter 5, Section 18-505(2)(b & c)*.

Policy:

1. The attached Industrial Pretreatment Program Local Limits and Wastewater Treatment Plant Protection Criteria Policy is adopted for the City of Lebanon.

Effective Date: \_\_\_\_\_, \_\_\_\_\_

Recommended:

\_\_\_\_\_, Pretreatment Coordinator

Date: \_\_\_\_\_

Approved as to legality of form:

\_\_\_\_\_, City Attorney

Date: \_\_\_\_\_

Approved: \_\_\_\_\_, Director

Date: \_\_\_\_\_

**PART I: Industrial Pretreatment Program Local Limits**

**Pollutant limits for Lebanon Sewer Use Ordinance- Title 18, Chapter 5, Section 18-505 (2)(c).**

(a) No user shall discharge wastewater which exceeds the standards set out in City of Lebanon Operational Division Policy 2008-02 -Table A, User Discharge Restrictions. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered a violation of this article. The City is authorized to establish Local Limits pursuant to Tennessee Rule 1200-4-14-.05(3).

(b) Nondomestic users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in the City of Lebanon Sewer Use Ordinance Title 18 and Operational Division Policy 2008-02- Table A. The director shall also recommend changes to any of these criteria if the POTW effluent standards are changed, if there are changes in any applicable law or regulation affecting such or if changes are needed for more effective operation of the POTW.

(c) The pollutant limits in Table A are established to protect against pass through and interference. Unless specifically authorized by the terms of a wastewater discharge permit or special agreement as authorized by Title 18, no user shall discharge wastewater containing in excess of the following daily maximum or monthly average allowable discharge limits:

(d) The limits in the City of Lebanon Operational Division Policy 2008-02 – Table A apply at the point where the wastewater is discharged to the POTW. All concentrations of metallic substances are for total metal unless indicated otherwise. The director may impose mass limitations in addition to or in place of the concentration-based limitations in the City of Lebanon Operational Division Policy 2008-02 – Table A.

(e) The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

**TABLE A**  
USER DISCHARGE RESTRICTIONS

Pollutant	Monthly Average Limit (mg/l)*
Cadmium	0.050
Chromium	1.710
Copper	0.550
Lead	0.240
Mercury	0.010
Nickel	0.740
Silver	0.221
Zinc	1.920
Cyanide	0.650
Phenol (total)	1.533
Carbon tetrachloride	0.332
Benzene	0.141
Chloroform	2.871
Ethylbenzene	0.445
Methylene chloride	1.055
Naphthalene	0.046
Tetrachloroethylene	1.557
Toluene	1.050
1,2 trans dichloroethylene	0.046
1,1,1 Trichloroethane	2.245
Trichloroethylene	1.120
Phthalates (total)	1.803

\* Based on 24-hour flow proportional composite samples, if appropriate for parameter. Grab samples to be collected for cyanide, oil and grease, and volatile organic compounds

**PART II: Wastewater Treatment Plant Protection Criteria**

**Pollutant limits for Lebanon Sewer Use Ordinance- Title 18, Chapter 5, Section 18-505 (2)(b).**

The director shall monitor the treatment works influent for each parameter in the City of Lebanon Operational Division Policy 2008-02-Table B, below. In the event that the influent at the treatment works reaches or exceeds the levels established in Table B, the City may initiate technical studies to determine the cause of the influent violation and shall initiate such remedial measures as are necessary, including but not limited to the establishment of new or revised pretreatment levels for these parameters. The City may also change any of these criteria in the event the POTW effluent standards are changed or in the event changes are deemed advisable for effective operation of the POTW.

**TABLE B**

WASTEWATER TREATMENT PLANT INFLUENT LIMITS

Pollutant	Daily Maximum Limit (mg/l)
Cadmium	0.003
Chromium	0.333
Copper	0.086
Lead	0.024
Mercury	0.0011
Nickel	0.059
Silver	0.029
Zinc	0.210
Cyanide	0.263
Phenol (total)	0.455
Carbon tetrachloride	0.030
Benzene	0.015
Chloroform	0.258
Ethylbenzene	0.040
Methylene chloride	0.132
Naphthalene	0.013
Tetrachloroethylene	0.139
Toluene	0.214
1,2 trans dichloroethylene	0.008
1,1,1 Trichloroethane	0.250
Trichloroethylene	0.100
Phthalates (total)	0.307



Operational Division Policy No. 2008 - 01  
City of Lebanon, TN  
Fats, Oils & Grease (FOG) Management Policy

RATIONALE:

1. The City of Lebanon needs to prevent sewer system blockages and obstruction in its sewer system caused by the collection of fats, oils and greases (FOG).
2. The management of an effective FOG program with the food service establishments, commercial facilities, and industrial facilities will prevent sewer system overflows and reduce the operational costs of the City of Lebanon.
3. The *City of Lebanon Sewer Use Ordinance Title 18, Chapter 5, Section 18-502(12 & 13)* references this policy regarding all food service establishments (cafes, restaurants, grocery stores, nursing homes, retirement centers, markets, and other commercial facilities that cook or prepare food) are required to comply with this policy.
4. The Tennessee Department of Environment and Conservation's Consent Order Case No. 04-0146, issued August 20, 2004, requires the City of Lebanon to prevent sanitary sewer overflows and sewer by-passes.

RECOMMENDATION:

1. The City of Lebanon will implement the Fats, Oils & Grease (FOG) Management Policy as part of its Industrial Pretreatment Program.

Policy:

1. The attached Fats, Oils & Grease (FOG) Management Policy is adopted for the City of Lebanon.

Effective Date: \_\_\_\_\_, \_\_\_\_\_

Recommended:

\_\_\_\_\_, Pretreatment Coordinator      Date: \_\_\_\_\_

Approved as to legality of form:

\_\_\_\_\_, City Attorney      Date: \_\_\_\_\_

Approved: \_\_\_\_\_, Director      Date: \_\_\_\_\_

# City of Lebanon, TN

## Fats, Oils & Grease Management Policy

### Scope & Purpose:

To prevent sanitary and combined sewer system blockages, obstructions and overflows due to the contribution and accumulation of fats, oils and grease from food service establishments, commercial facilities and industrial facilities.

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### I. Definitions:

1. Fats, Oils, & Grease (FOG): Organic polar compounds derived from animal and/or plant sources. FOG may be referred to as "grease" or "greases" in this section.
2. Food Service Establishment (FSE): Any establishment, business or facility engaged in preparing, serving or making food available for consumption. Single family residences are not a FSE, however, multi-residential facilities may be considered a FSE at the discretion of the Director. Food Service Establishments will be classified as follows:
  - Class 1*: Deli – engaged in the sale of cold-cut and microwaved sandwiches/subs with no frying or grilling on site, Ice Cream shops and beverage bars as defined by NAICS 72213, Mobile Food Vendors as defined by NAICS 722330
  - Class 2*: Limited-Service Restaurants (a.k.a. Fast Food Facilities) as defined by NAICS 722211 and Caterers as defined by NAICS 722320
  - Class 3*: Full Service Restaurants as defined by NAICS 722110
  - Class 4*: Buffet and Cafeteria Facilities as defined by NAICS 72212
  - Class 5*: Institutions (Schools, Hospitals, Prisons, etc) as defined by NAICS 722310 but not to exclude self-run operations.
3. (Brown) Grease: Fats, oils and grease that is discharged to the grease control

equipment.

4. (Yellow) Grease: Fats, oils and grease that has not been in contact or contaminated from other sources (water, wastewater, solid waste, etc...) and can be recycled.
5. Grease Control Equipment (GCE): A device for separating and retaining wastewater FOG prior to wastewater exiting the FSE and entering the City's sewer system. The GCE is so constructed as to separate and trap or hold fats, oils and grease substances from entering the City's sewer system. Devices include grease interceptors, grease traps, or other devices approved by the Director.
6. Grease Interceptor: Grease Control Equipment identified as a large tank, usually 750 gallon to 2,000 gallon capacity, which provides FOG control for a FSE. Grease interceptors will be located outside the FSE, unless a variance request has been granted.
7. Grease Trap: Grease Control Equipment identified as an "under the sink" trap, a small container with baffles, or a floor trap. For a FSE approved to install a grease trap, the minimum size requirement is the equivalent of a 20-gallon per minute/40 pound capacity trap. All grease traps will have flow control restrictor and venting
8. Grease Recycle Container: Container used for the storage of yellow grease.
9. NAICS - North American Industry Classification System. The website is found at: (<http://www.census.gov/epcd/www/naics.html>)
10. Series: (Grease Interceptors Installed in Series): Grease interceptor tanks are installed one after another in a row and are connected by plumbing pipe.
11. Tee or T (Influent & Effluent): A T-shaped pipe extending from the ground surface below grade into the grease interceptor to a depth allowing recovery (discharge) of the water layer located under the layer of FOG. Influent & Effluent T's are recommended to be made of PVC or equivalent material, and extend to within 12" to 15" of the bottom of the interceptor.
12. (Black) Water: Wastewater containing human waste, from sanitary fixtures such as toilets and urinals.
13. (Gray) Water: Refers to all other wastewater other than black water as defined in this section

## II. General Requirements:

1. All existing Food Service Establishments (FSEs) are required to have grease control equipment (GCE) installed, maintained and operating properly, in accordance with this FOG Management Policy.
2. All FSEs will be required to maintain records of cleaning and maintenance of

GCE. GCE maintenance records include, at a minimum, the date of cleaning/maintenance, company or person conducting the cleaning/maintenance, volume (in gallons) of grease wastewater removed and final disposal location. A grease waste hauler completed manifest, that includes all the minimum information mentioned above, will meet this requirement.

3. GCE maintenance records will be available at the FSE premises so they can be provided to City or their representative, and/or the Health Department. The FSE shall maintain GCE maintenance records for three (3) years.
4. No FSE will discharge oil and grease in concentrations that exceed the City of Lebanon's limit for oil and grease.
5. Owners of Commercial Property will be held responsible for wastewater discharges from leaseholder on their property.

**6. Grease Control Equipment Certification Requirement:**

All establishments with grease control equipment must have their grease interceptor or grease trap inspected and certified annually by a City "certified" grease waste hauler or plumber. If a grease interceptor or grease trap "Passes" the certification requirement, then no further action is required. If a grease interceptor or grease trap "Fails" the certification requirement, then a corrective action response is required from the FSE owner or authorized representative to the City. Completed certification forms {Grease Interceptor Certification (Form A) or Grease Trap Certification (Form B)} must be completed and signed by the grease waste hauler or plumber, as well as the FSE owner or authorized representative, and submitted to the City. The original certification form must be submitted to:

City of Lebanon WWTP

Attn: FOG Program

200 Castle Heights Avenue, North

Lebanon, TN 37087

7. **Failure of a Grease Interceptor Certification, or Grease Trap Certification:** The FSE owner or authorized representative is responsible for including detailed "Corrective Action Response" information on the Grease Interceptor Certification form, or the Grease Trap Certification form that is submitted to the City. If necessary, additional pages may be attached to the certification form. At a minimum, the "Corrective Action Response" information must include the reason for the failed certification, what corrective action will be taken to correct the problem, and the date the corrective action will be completed.
8. FSEs shall observe Best Management Practices (BMPs) for controlling the discharge of FOG from their facility. Examples of BMPs include:
  - A. Recycle waste cooking oil; dispose in Grease Recycle Bin or Container. Do NOT pour any grease into sinks, floor drains or mop sinks.
  - B. Post "NO GREASE" signs above all kitchen sinks to remind employees.
  - C. "Dry Wipe" and scrape into a trash container as much food particles and grease residue from pots, pans, and plates as possible.

- D. Use Strainers in sink drains and floor drains to prevent large food particles and containers from going into the sewer line.
  - E. If an oil or grease spill occurs, clean up using “dry” oil absorbent material or use ice to make grease solidify. Scoop up and dispose into a trash container. Do NOT wash oil or grease into drains!
  - F. Dispose of food items in the trash. Food grinder use is discouraged due to build up of solids in the GCE which causes decreased efficiency and need to increase pumping frequency of the GCE.
  - G. Educate and train all employees on grease control and preventing sewer pipe clogs and sewer overflows.
9. FSEs shall dispose of yellow grease in an approved container, or recycle container, and the contents shall not be discharged to any sanitary sewer line, storm water grate, drain or conveyance. Yellow grease, or oils or grease, poured or discharged into the FSE sewer lines or City’s sewer system is a violation of the City of Lebanon Sewer Use Ordinance Title 18.
10. It shall be a violation of the City of Lebanon Sewer Use Ordinance Title 18 to push or flush the non-water portion of GCE into the public sewer.

### **III. Approved Grease Waste Haulers List**

To ensure proper maintenance of grease control equipment and proper disposal of the FOG waste, the City of Lebanon will maintain an “Approved Grease Waste Haulers List”. Criteria for the grease waste hauler to be placed on the “Approved Grease Waste Haulers List” include, but are not limited to, the following:

- Signature of the grease waste hauler company’s authorized representative and submittal to the City of Lebanon a completed “City of Lebanon, TN Approved Grease Waste Hauler Agreement Form”.
  - The grease waste hauler agreement will include grease waste hauler reporting requirements to the City of Lebanon, and making records available to City personnel, or their authorized representative. Failure to meet any of the grease waste hauler agreement will result in removal of the grease waste hauler from the “Approved Grease Waste Haulers List”, and/or enforcement action.
- Attendance at the City of Lebanon Grease Control Equipment Certification Class, or proof of passing a GCE certification class at Metro Water Services, Nashville, TN.

Based on the effectiveness of the FOG program to prevent obstruction to the sanitary sewer system, and to properly and consistently maintain the sewer system, the City, at the Public Works Director’s discretion, may implement *Section XI: FOG Treatment, Disposal and Resource Recovery Plan*.

#### IV. Grease Control Equipment Installation Requirements

**New Food Service Establishment, Upgrading of Existing Food Service Establishment or Change of Ownership of Existing Food Service Establishment Requirement:** Any new FSE, upgrading of an existing FSE or change of ownership of existing FSE will be required to install and maintain a grease interceptor. Food service establishments in one of these categories must submit a FOG plan to the City for approval. The FOG plan include identification of all cooking and food preparation equipment (i.e. fryers, grills, woks, etc...); the number and size of dishwashers, sinks, floor drains, and other plumbing fixtures; type of FSE classification; type of food to be served; and plans for the grease interceptor dimensions and location. The City will review the FOG plan, grease interceptor sizing and approve, or make changes as necessary to aid in the protection of a FOG discharge from the FSE.

New construction of FSEs shall have separate sanitary (restroom) and kitchen process lines. The kitchen process lines shall be plumbed to appropriately sized GCE. No sanitary wastewater or stormwater shall be plumbed to the GCE.

All of the FSEs internal plumbing shall be constructed to separate sanitary (restroom) flow from kitchen process flow. Sanitary flow and kitchen process discharges shall be approved separately by the City and shall discharge from the building separately. The kitchen process line(s) shall be plumbed to appropriately sized GCE. Kitchen process lines and sanitary lines may combine prior to entering the public sewer, however the lines cannot be combined until after the GCE.

Existing Food Service Establishments will meet this FOG Management Policy criteria.

**NEW MULTI-UNIT FACILITIES:** New strip malls or strip centers must have two separate sewer line connections at each unit within the strip mall or strip center. One sewer line will be for sanitary wastewater and one sewer line will be for the kitchen area, or potential kitchen area, of each unit. The kitchen area, or potential kitchen area, sewer line will be connected to floor drains in the specified kitchen area, and will connect, or be able to connect, to other food service establishment kitchen fixtures, such as 3 compartment sink, 2 compartment sink, pre-rinse sink, mop sink and hand wash sink. New multi-unit facility, or new "strip mall" facility, owners shall contact the City prior to conducting private plumbing work at the multi-unit facility site. Multi-unit facility owners, or their designated contractor, shall have plans for separate private wastewater lines for kitchen and sanitary wastewater for each "individual" unit. In addition, the plans shall identify "stub-out" locations to accommodate a minimum 1,000 gallon grease interceptor for each unit of the multi-unit facility. New multi-unit facility, or new "strip mall" facility owners shall consider suitable physical property space and sewer gradient that will be conducive to the installation of an exterior, in-ground GI when determining the building location.

FSEs located in a new multi-unit facility shall have a minimum of a 1,000 gallon grease interceptor installed, unless that FSE is identified as a Class 1 facility. Class 1 FSE facilities are exempt from the requirements to install grease interceptors. Sanitary wastewater, or black water, shall not be connected to GCE.

**Variance to Grease Interceptor Installation:** At the discretion of the Director, some FSEs may receive a variance from the required installation of a grease interceptor.

Approval of Grease Control Equipment: All new FSEs and FSEs that have upgraded their facilities must contact the City for final approval of the grease control equipment. This will include onsite inspection of the grease control equipment by the City, or their authorized representative. Failure of the FSE to contact the City to conduct the inspection of the new GCE will result in escalation of enforcement action.

### **Grease Control Equipment Sizing:**

*Minimum* acceptable size of grease control equipment for each FSE Classification will be as follows:

**Class 1:** Deli, Ice Cream shops, Beverage Bars, Mobil Food Vendors- 20gpm/40 pound Grease Trap

**Class 2:** Limited-Service Restaurants / Caterers - 750 gallon Grease Interceptor

**Class 3:** Full Service Restaurants- 1,000 gallon Grease Interceptor

**Class 4:** Buffet and Cafeteria Facilities- 1,500 gallon Grease Interceptor

**Class 5:** Institutions (Schools, Hospitals, Prisons, etc)- 2,000 gallon Grease Interceptor

To calculate the appropriate size GCE, the following formula will be used:

Fixture Units (total) x Facility type multiplier x 36 (retention time) = Size of Interceptor (gals.)

Should the size of the interceptor calculate to 499 gallons or less with the formula above:  
Size of interceptor (gals.) x 0.75 (max. cap. of sink) = Flow(gpm) x hours(work day) = Acceptable Flow rate with retention time.

The City will review GCE sizing information received from the FOG plan information or the FSE's engineer, architect or contractor. The City will make a decision to approve, or require additional grease interceptor volume, based on the type of FSE, the number of fixture units, and additional calculations. Grease interceptor capacity should not exceed 2,000 gallons for each interceptor tank. In the event that the grease interceptor calculated capacity needs to exceed 2,000 gallons, the FSE shall install an additional interceptor of the appropriate size. If additional interceptors are required, they shall be installed in series.

Grease interceptors that are installed in series shall be installed in such a manner to ensure positive flow between the tanks at all times. Therefore, tanks shall be installed so that the inlet invert of each successive tank shall be a minimum of 2 inches below the outlet invert of the preceding tank.

### **Grease Control Equipment Specifications**

Grease Control Equipment must remove fats, oils, & grease at or below the City of Lebanon limit of 100 mg/L. Failure to comply, will require enforcement action in accordance with the Enforcement Response Plan.

## Grease Interceptor Design and Installation

### Piping Design

1. The inlet and outlet piping shall have 2-way cleanout tees installed
2. The inlet piping shall enter the receiving chamber 2 1/2" above the invert of the outlet piping.
3. On the inlet pipe, inside the receiving chamber, a sanitary tee of the same size pipe in the vertical position with the top unplugged shall be provided as a turndown. To provide air circulation and to prevent "air lock", a pipe (nipple) installed in the top tee shall extend to a minimum of 6" clearance from the interceptor ceiling, but not less than the inlet pipe diameter. A pipe installed in the bottom of the tee shall extend to a point of 2/3 the depth of the tank. The inlet T should be made of Schedule 40 PVC or equivalent material. *See illustration.*
4. The outlet piping shall be no smaller than the inlet piping, but in no case smaller than 4" ID.
5. The outlet piping shall extend to 12" above the floor of the interceptor and shall be made of a non-collapsible material. Minimum requirement for outlet piping is Schedule 40 PVC.
6. The outlet piping shall contain a tee installed vertically with a pipe (nipple) installed in the top of the tee to extend to a minimum of 6" clearance from the interceptor ceiling, but not less than the pipe diameter, with the top open. Minimum requirement for the outlet tee is Schedule 40 PVC. *See illustration.*

### Baffles

1. The grease interceptor shall have a non-flexing (i.e. Concrete, steel, etc.) baffle the full width of the interceptor, sealed to the walls and the floor, and extend from the floor to within 6" of the ceiling. The baffle shall have an inverted 90 degree sweep fitting at least equal in diameter size to the inlet piping, but in no case less than 6" ID. The bottom of the sweep shall be placed in the vertical position in the inlet compartment 12" above the floor. The sweep shall rise to the horizontal portion, which shall extend through the baffle into the outlet compartment. The baffle wall shall be sealed to the sweep. *See illustration.*
2. The inlet compartment shall be 2/3 of the total liquid capacity with the outlet compartment at 1/3 liquid capacity of the interceptor.

### Access Openings (Manholes)

1. Access to grease interceptors shall be provided by a minimum of 1 manhole per interceptor division (baffle chamber) and of 24-inch minimum dimensions terminating 1 inch above finished grade with cast iron frame and cover. An 8" thick concrete pad extending a minimum of 12" beyond the outside dimension of the manhole frame shall be provided. One manhole shall be located above the inlet tee hatch and the other manhole shall be located above the outlet tee hatch. A minimum of 24" of clear opening above each manhole access shall be maintained to facilitate maintenance, cleaning, pumping, and inspections.
2. Access openings shall be mechanically sealed and gas tight to contain odors and bacteria and to exclude vermin and ground water, in a manner that permits regular re-uses.
3. The manholes are to be accessible for inspection by the City.

## Additional Requirements

**Water Tight** – Precast concrete grease interceptors shall be constructed to be watertight. A static water test shall be conducted by the installer and timed so as to permit verification through visual inspection by regulatory agent. The water test shall consist of plugging the outlet (and the inlet if necessary) and filling the tank(s) with water to the tank top a minimum of 24 hours before the inspection. The tank shall not lose water during this test period. Certification by the plumbing contractor shall be supplied to the Department of Water Services prior to final approval of grease control equipment.

**Location** – Grease Interceptors shall be located so as to be readily accessible for cleaning, maintenance, and inspections. They should be located close to the fixture(s) discharging the greasy wastestream. If possible, Grease Interceptors should not be installed in “drive-thru” lanes or a parking area. Grease Interceptor access manholes shall never be paved over.

**Cleaning** – Grease interceptors shall be cleaned at a frequency of not less than once every 90 days unless approved by the City. Approval will be granted on a case by case situation with submittal by the FSE documenting proof of proposed frequency. Grease interceptors must be pumped-in-full when the total accumulations of surface FOG (including floating solids) and settled solids reaches twenty-five percent (25%) of the grease interceptor’s overall liquid depth. This criterion is referred to as the “25 Percent Rule”. Some FSEs may have to pump their grease interceptors on a 30 day or 60 day schedule to meet the 25% rule criteria. At no time, shall the cleaning frequency exceed 90 days unless approved by the City. Approval will be granted on a case by case situation with submittal by the FSE documenting proof of proposed frequency.

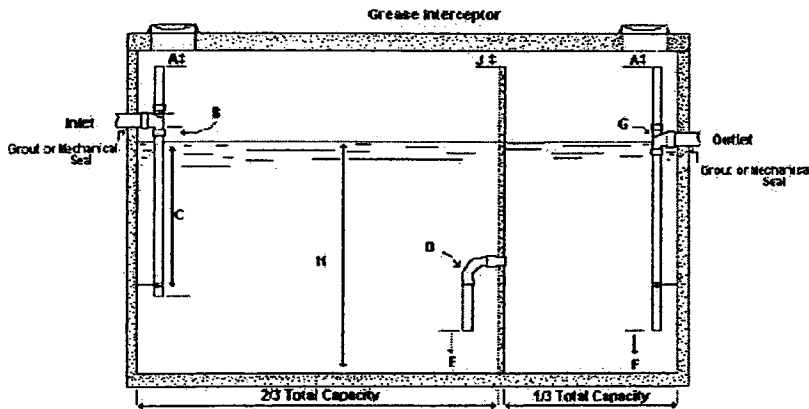
**Responsibility** – Removal of the grease from the wastewater routed to a public or private sanitary system, is the responsibility of the user/owner.

**Construction Material** – Grease Interceptors shall be constructed of sound durable materials, not subject to excessive corrosion or decay, and shall be water and gas tight. Each interceptor shall be structurally designed to withstand any anticipated load to be placed on the interceptor (i.e. vehicular traffic in parking or driving areas).

**Note:** Concrete materials and other grease interceptor materials shall meet the American National Standards Institute, Inc. (ANSI) and International Association of Plumbing and Mechanical Officials (IAPMO) standards.

**Marking and Identification** - Prefabricated gravity grease interceptors shall be permanently and legibly marked with the following:

- Manufacturer's name or trademark, or both
- Model number
- Capacity
- Month and year of manufacture
- Load limits and maximum recommended depth of earth cover in feet; and
- Inlet and outlet



- A.) Minimum 6", but not less than pipe diameter.
- B.) Inlet pipe insert to be 2 1/2" above liquid surface.
- C.) Inlet pipe to terminate 2/3 depth of water level.
- D.) 90 degree Sweep, minimum size - 6".
- E.) 12" from floor to end of sweep.
- F.) 12" from floor to end of outlet pipe.
- G.) Outlet pipe no smaller than inlet pipe, minimum - 4".
- H.) Minimum depth of liquid capacity - 42".
- J.) Maximum distance from ceiling - 6".

## V. Grease Interceptor Cleaning/Maintenance Requirements

1. Grease Interceptor minimum size will be 750 gallon capacity, and maximum size will be 2,000 gallon capacity. If the FSE needs additional capacity, then grease interceptors will be installed in series.
2. Partial pump of interceptor contents or on-site pump & treatment of interceptor contents will not be allowed due to reintroduction of fats, oils and grease to the interceptor and pursuant to City of Lebanon Sewer Use Ordinance Title 18, 18-502(7), and the Code of Federal Regulations (CFR) § 403.5 (b) (8), which states "*Specific prohibitions*. In addition, the following pollutants shall not be introduced into a POTW: Any trucked or hauled pollutants, except at discharge points designated by the POTW".
3. Grease interceptors must be pumped-in-full when the total accumulations of surface FOG (including floating solids) and settled solids reaches twenty-five percent (25%) of the grease interceptor's overall liquid depth. This criterion is referred to as the "25 Percent Rule". At no time, shall the cleaning frequency exceed 90 days unless approved by the City. Approval will be granted on a case by case situation with submittal by the FSE documenting proof of proposed frequency. Some existing FSEs in Class 2 through 5 will need to consider a pumping schedule of 30 days or 60 days to meet this requirement.
4. The Grease interceptor effluent-T will be inspected during cleaning and maintenance and the condition noted by the grease waste hauler's company or individual conducting the maintenance. Effluent-T's that are loose, defective, or not attached must be repaired or replaced immediately.

5. Grease Interceptors must have access manholes over the influent-T and effluent-T for inspection and ease of cleaning/maintenance. Access manholes will be provided for all separate compartments of interceptors for complete cleaning (i.e. interceptor with two main baffles or three compartments will have access manholes at each compartment).
6. Grease Interceptors must be "certified" annually by a grease waste hauler or plumber. Grease Interceptor Certification (Form A) must be completed and submitted to City annually. See General Requirements #7 and #8.

## **VI. Grease Trap Sizing, Installation, Cleaning, & Maintenance Requirements**

1. **All** grease traps will have flow control restrictor and vented. Failure to have the flow restrictor and venting will be considered a violation.
2. All new FSEs that are allowed to install grease traps must have City approval prior to starting operations.
3. Grease Trap minimum size requirement is a 20 gallon per minute / 40 pound capacity trap.
4. Grease Traps must have the Plumbing Drainage Institute certification, and be installed as per manufacturer's specifications.
5. No automatic dishwasher shall be connected to an under-the-sink grease trap or floor grease trap. Dishwashers will cause hydraulic overload of the grease trap.
6. No automatic drip or feed system additives are allowed prior to entering the grease trap.
7. A single grease trap device shall be installed for each significant kitchen fixture unit (i.e. each 3 compartment sink). The City must approve the number of grease traps and connections to the grease trap.
8. During cleaning of the grease trap, the flow restrictor shall be checked to ensure it is attached and operational.
9. Grease Traps will be cleaned of complete fats, oils, and grease and food solids at a minimum of every two (2) weeks. If the FOG and food solids content of the grease trap is greater than 25%, then the grease trap must be cleaned every week, or as frequently as needed to prevent 25% of capacity being taken from FOG and food solids.
10. Grease Trap waste should be sealed or placed in a container to prevent leachate from leaking, and then disposed, or hauled offsite by a grease waste hauler or plumber to an approved disposal location.
11. Grease Trap waste should not be mixed with yellow grease in the grease recycle container.
12. Grease Traps must be "certified" annually. See General Requirements #7 and #8.

## **VII. Accidental Discharge-Safeguards:**

FSEs shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge of fats, oils, and grease into the sewage collection system. This includes implementation of "Best Management Practices" protocols.

## **VIII. "Additives" Prohibition for use as Grease Management and Control**

1. Additives include but are not limited to products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes and bacteria.
2. This FOG management policy prohibits the use of enzymes, hot water, emulsifiers or other additives to cause oil or grease to pass through the user's grease trap or grease interceptor designed to remove oil and grease. If the City identifies FOG in the downstream sewer system from a FSE that is using an additive, then the City may require the FSE to discontinue use of the additive.
3. Additive use will not be a substitute for regular, required cleaning or pumping of grease control equipment.

## **IX. Right of Entry – Inspection and Monitoring**

The City, or their authorized representative, shall have the right to enter the premises of FSEs to determine whether the FSE is complying with the requirements of this policy and/or the City of Lebanon Sewer Use Ordinance. FSEs shall allow City personnel, or their authorized representative, upon presentation of proper credentials, full access to all parts of the premises for the purpose of inspection, monitoring, and/or records examination. Unreasonable delays in allowing City personnel access to the FSE premises shall be a violation of this policy and the City of Lebanon Sewer Use Ordinance.

The City may require that the FSE install monitoring or additional pretreatment equipment deemed necessary for compliance with this policy and/or the City of Lebanon Sewer Use Ordinance.

## **X. Fee Option:**

The City may charge inspection, monitoring, assessment, impact, and permit fees to the food service establishments to get reimbursement for the FOG program costs.

## **XI. FOG Treatment, Disposal and Resource Recovery Plan**

The City, at the discretion of the Public Works Director, may implement a FOG Treatment, Disposal and Resource Recovery Plan (Plan). The plan will include a Request For Proposal (RFP) for the treatment and disposal of FOG waste generated from the City of Lebanon food service establishments. The RFP will include that the successful RFP respondent provide some form of beneficial reuse of the FOG waste that is treated. Also, the RFP may include a cost estimate for maintenance (complete pump of grease interceptors and grease traps) and certification of the grease control equipment of all City of Lebanon food service establishment grease interceptors and grease traps.

The results of the RFP may provide a single source for GCE pumping, GCE certification, FOG treatment, FOG disposal, and reporting to the City. The City will implement quality control practices to ensure that the successful RFP respondent meets all RFP requirements. In addition, the total cost of the food service establishment GCE pumping, and FOG treatment and disposal should be the same price or at a lower price than the average market cost of GCE maintenance.

## **XII. Enforcement Action**

Enforcement Action against the FSE includes, but is not limited to, failure to clean or pump grease control equipment, failure to maintain grease control equipment including inspection and installation of properly functioning effluent-T and baffles, failure to install grease control equipment, failure to control FOG discharge from the FSE, and use of additives so that FOG is diluted and pushed downstream of the FSE.

### Fats, Oils and Grease blockage in downstream manhole from FSE:

If FSE inspections and field investigations determine that any fats, oils and grease interference or blockage in the sewer system, a sewage pumping station, or the wastewater treatment plant is caused by a particular food service establishment, then that food service establishment shall reimburse the City for all labor, equipment, supplies and disposal costs incurred by City to clean the interference or blockage. The charges will be added to the FSEs water/wastewater bill. Failure to reimburse the City may result in termination of water service.

### FSE failure to maintain GCE after Notification or NOV due date:

If a FSE fails to pump, clean or maintain their GCE after a NOV due date, the City may pump/clean the GCE to prevent additional FOG problems downstream. The FSE will be charged for the cost of pumping and maintaining the FSE's GCE, and City personnel costs. Mechanical failure of the GCE will be considered a violation of the City of Lebanon Sewer Use Ordinance which pertains to the construction and maintenance of pretreatment facilities and subject to penalties of up to \$1,000 / day for each day in violation.

### Penalties

Penalties may be issued as per the City of Lebanon Sewer Use Ordinance Title 18, Chapter 5, Section 18-510(2)(a), or the Food Service Establishment Enforcement Response Plan.