



WINCHESTER UTILITIES SEWER USE POLICY



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ARTICLE I - GENERAL PROVISIONS

A. Purpose and Policy

This Policy sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Winchester and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the general Pretreatment Regulations (40 CFR 403).

The Objectives to this Policy are:

1. To prevent the introduction of pollutants into the municipal wastewater system, which will interfere with the operation of the system or contaminate the resulting sludge;
2. To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
3. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system;
and
4. To provide for equitable distribution of the cost of the wastewater system.

This Policy provides for the regulation of direct and indirect contributors to the wastewater system through the issuance of permits to certain non-domestic users, enforcement of general requirements for all users, authorizes monitoring and enforcement activities, requires industrial user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This Policy shall apply to the City of Winchester and to persons outside the City who are, by contract or agreement with the City, users of the City's Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the Manager of the Winchester Utilities on behalf of the City POTW shall administer, implement and enforce the provisions of the Policy.

B. Definitions

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

1. Act or "the Act" - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
2. Approval Authority - The Tennessee Department of Environment and Conservation, Division of Water Pollution Control and/or any authorized representative thereof.
3. Authorized Representative - An authorized representative of a user may be: (i) a principal executive officer of at least the level of vice-president, if the industrial user is a corporation, (ii) a general partner or proprietor if the user is a partnership or proprietorship, respectively; (iii) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates. An authorized representative of the City may be any person designated by the City to act on its behalf.
4. Available - As used in connection with this Policy means a public sewer located at the property line or point at which connection may be made with the City sanitary sewage collection facilities.

5. Biochemical Oxygen Demand (BOD) - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures, five (5) days at 20 Centigrade expressed in terms of weight and concentration in milligrams per liter (mg/l).
6. Board - The Winchester Utilities, its Board of Directors, or the Manager of the POTW or his/her designee.
7. Building Sewer Permit - As set forth in "Building Sewers and Connections" (Article IV).
8. Categorical Standards - National Categorical Pretreatment Standards or Pretreatment Standard. Any regulations containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (C) of the Act (33 U.S.C. 1347) and 40 CFR 403 which applies to a specific category of industrial users.
9. City - The City of Winchester, Tennessee, its Council or Mayor or his/her designer, or Manager of the Winchester Utilities.
10. Combined Sewer - Any conduit carrying both sanitary sewage and storm water or surface water.
11. Compatible Pollutant - Biochemical oxygen demand, suspended solids and fecal coliform bacteria; plus additional pollutants that the POTW is designed to treat and, in fact, does treat to the degree required by the POTW's NPDES permit.
12. 24-Hr., Flow Proportioned Composite Sample - A combination of individual samples of water or wastewater taken at selected intervals, or based on quantity of flow for some specified period, to minimize the effect of variability of the individual sample. Individual samples may have equal volume or may be proportioned to the flow at the time of the sampling.
13. Control Authority - The term shall refer to the "Approval Authority" defined hereinabove; or the Manager of the POTW or his/her designer if the City has an approved pretreatment program under the provisions of 40 CFR 302.11.
14. Cooling Water - The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
15. County Health Department - The Health Department for Franklin County.
16. Dilution Stream - Any wastewater not generated by a process regulated for the specific pollutant by a categorical standard under 40 CFR, Subchapter N.
17. Direct Discharge - The discharge of treated or untreated wastewaters directly to the waters of the State of Tennessee.
18. Easement - An acquired legal right for the specific use of land owned by others.
19. Environmental Protection Agency or EPA - The U.S. Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the administrator or his/her duly authorized representative of said agency.
20. Equipment - All movable, non-fixed items necessary to the wastewater treatment process.
21. Federal Pretreatment Standards - Federal Regulations for pretreatment of industrial wastewater under 40 CFR, Subchapter N and any applicable regulations, as amended.

22. Garbage - The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

23. Grab Sample - A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Grease Trap – A small device located inside the building or structure, specifically underneath a sink and/or dishwasher and used to prevent oil/grease from escaping into the POTW,

24. Holding Tank Waste - Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

25. Incompatible Pollutant - All pollutants other than compatible pollutants as defined in its section.

26. Indirect Discharge - The discharge or the introduction of pollutants into a POTW from a nondomestic source regulated under Section 307(b), (c) or (d) of the Act and including holding tank wastes discharged into the system.

27. Industrial User - A source of indirect discharge.

28. Industrial Waste - The wastewaters from industrial or commercial processes as distinct from domestic or sanitary wastes.

29. Interceptor - A device designed and installed so as to separate and retain deleterious, hazardous and undesirable matter from domestic wastes while permitting domestic sewage or liquid wastes to discharge into the sewer system or drainage system by gravity. Interceptors are located outside of the building or structure, underground. All dishwashing sinks and washers are plumbed into this structure. Septic tanks do not qualify as an interceptor.

30. Interference – The inhibition or disruption of the POTW treatment processes or operations or that which contributes to a violation of any requirement of the City's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 USC 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substance Control Act, or more stringent state criteria (including those obtained in any state sludge management plan prepared pursuant to Title IV or SWDA) applicable to the method of disposal or use employed by the POTW.

31. Manager – The Manager of wastewater facilities, and/or of Publicly Owned Treatment Works (POTW) and/or of water pollution control for the Winchester Utilities or his/her authorized deputy, agent or representative.

32. Maximum Daily Concentration – The maximum concentration per day of pollutant based on the analytical results obtained from a 24-hour composite sample.

33. May – This is permissive.

34. National Pollutant Discharge Elimination System or NPDES Permit – A permit issued pursuant to Section 402 of the Act (33 USA 1332).

35. Natural Outlet – Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

36. New Source – Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which is commenced after the publication of proposed

regulations prescribing a Section 307€ (33 USC 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

37. Operation and Maintenance Expenses – All annual operation and maintenance expenses including replacement cost related directly to operating and maintaining the sewage works as shown by annual audit.

38. Pass-through – A discharge which exits the POTW into the 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 the POTW's NPDES permit (including an increase in the magnitude or duration of violation).

39. Person – Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity of any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

40. pH – The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

41. Pollutant – Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural wastes discharged into water.

42. Pollution – The man-made or man-induced alteration of the chemical, physical, biological and/or radiological integrity of water.

43. POTW Treatment Plant – That portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

44. Pretreatment or Treatment – The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process change(s), or other means, except as prohibited by 40 CFR 403.6(d).

45. Pretreatment Requirements – Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on a significant industrial user.

46. Prohibitive Discharge Standard – Any regulation developed under the authority of 307(b) of the Act and 40 CFR 403.5.

47. Properly Shredded Garbage – The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

48. Publicly Owned Treatment Works (POTW) – A treatment works as defined by Section 212 of the Act (33 USC 1292) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant but does not include pipes, sewers, or other conveyance not connected to a facility providing treatment. For the purpose of this Policy "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the jurisdiction of the City who are users to the City's POTW.

49. Public Sewers – A common sewer controlled by a governmental agency or public utility. In general, the public sewer shall include the main sewer in the street and the service branch to the curb or property line, or a main sewer on private property and the service branch to the extent of ownership by public authority.

50. Replacement – Expenditure for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

51. Sanitary Sewer – A sewer that carries liquid and waterborne wastes from residences, commercial buildings, industrial plants and institutions.

52. Sewage – The spent water of a community. Domestic or sanitary waste shall mean the liquid or waterborne wastes from residences, commercial buildings and institutions and is distinct from industrial sewage. The terms “sewage” and “wastewater” are used interchangeably.

53. Sewage System or Works – All facilities for collecting, transporting, pumping, treating and disposing of sewage and sludge, namely the sewerage system and POTW.

54. Sewer – A pipe or conduit that carries wastewater or drainage water.

55. Sewer Service or Lateral – The extension from the building or house drain to the public sewer or other place of disposal, also called “connection,” which shall begin at the point in which it connects to the sewer main tap clean out.

56. Sewer User Charges – A system of charges levied on users of a POTW for the cost of operation and maintenance, including replacement of such works.

57. Shall – This is mandatory.

58. Significant Industrial User – Any user of the City’s wastewater disposal system who (1) is subject to a categorical Pretreatment Standard(s) under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or (ii) has an average discharge flow of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non contract cooling and boiler blowdown wastewater); or (iii) has a flow greater than 5 percent or more of average dry weather hydraulic or organic capacity of the POTW treatment plant; or (iv) has in its wastewaters toxic pollutants as defined pursuant to Section 307 of the Act or state statutes and rules; or (v) is found by the City, State Approval Authority or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing users, on the wastewater treatment system, the quality of sludge, the system’s effluent quality, or air emissions generated by the system.

59. Significant Violation – A violation that meets one or more of the following criteria:

(A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(B) Technical Review Criteria (TRC) – Violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

(C) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Manager 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 human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

(E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or other order issued hereunder for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance;

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

60. Slug Discharge – Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge and/or any discharge of water or wastewater in which the concentration of any given constituent or the quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flow rate during normal operation and/or adversely affects the POTW.

61. Standard Industrial Classification (SIC) – A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

62. State – The State of Tennessee.

63. Storm Drain or Storm Sewer – A drain or sewer for conveying water, groundwater, surface water, or unpolluted water from any source.

64. Storm Water – Any flow occurring during or following any form of natural precipitation and resulting therefrom.

65. Submission – A request by a(n) (1) POTW for approval of a pretreatment program to the EPA; (2) POTW to the EPA to revise the discharge limits in categorical pretreatment standards to reflect POTW pollutant removals; or (3) NPDES State to the EPA for approval of its state pretreatment program.

66. Surcharge – A charge for service in addition to the basic sewer user and debt service charge, for those users whose contribution contains biochemical oxygen demand (SOD), chemical oxygen demand (COD), suspended solids (TSS) or ammonia nitrogen (NH₃N) in concentrations which exceed limits specified therein for such pollutants.

67. Total Suspended Solids (TSS) – Total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as non-filterable residue.

68. Toxic Pollutant – Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA Section 307(a) or other Acts.

69. Unpolluted Water – Water of quality equal to or better than the treatment works effluent criteria in effects or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

70. User – Any person who contributes, causes or permits the contribution of wastewater into the POTW. See definition of Person.

71. User Charge – The charge levied on all users, including but not limited to, persons, firms, corporations, or governmental entities that discharge, cause, or permit the discharge of sewage into the POTW.

72. Wastewater – The spent water of a community. Sanitary or domestic wastes shall mean the liquid and water-carried wastes from residences, commercial buildings and institutions as distinct from industrial wastes. See Sewage.

73. Wastewater Discharge Permit – As set forth in the Administration Section of this Policy.

74. Waste Facilities – The structures, equipment and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

75. Wastewater Treatment Works – An arrangement of devices and structures for treating domestic wastewaters and sludges. Sometimes used synonymously as “waste treatment plant” or “sewage treatment plant.”

76. Watercourse – A natural or artificial channel for the passage of water either continuously or intermittently.

77. Waters of the State – All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation system, drainage system and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

C. Abbreviations

The following abbreviations shall have the designated meanings:

BOD – Biochemical Oxygen Demand
CFR – Code of Federal Regulations
CWA – Clean Water Act of 1977
EPA – Environmental Protection Agency
FOG – Fats, Oils and Grease
L - Liter
mg/L - milligram per liter (parts per million)
ug/L - micron per liter (parts per billion)
NPDES - National Pollutant Discharge Elimination System
POTW - Publicly Owned Treatment Works
SIC - Standard Industrial Classification
SEDA - Solid Waste Disposal Act (42 USC 6901, et. seq.)
TSS - Total Suspended Solids
USC - United States Code

ARTICLE II - USE OF PUBLIC SEWERS

A. Mandatory Sewer Connection

1. The owner(s) 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 sewer of the City, is hereby required at the owner's 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 Policy, within thirty (30) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line. The only exception to this mandatory connection is that if the wastewater service is only available by force main to currently existing customers as of 2/15/2014 who are still connected to a private septic system, shall not be required to initially connect to the service or to pay sewer charges. However, upon failure of the homeowner's septic system, failure shall be defined as the septic system losing any portion of functionality, any repair needed to restore its use and/or need of replacement whether in part or in whole, it shall be a requirement that the homeowner install at their expense the necessary force main, lift and/or grinder pumps, service lines, and equipment for connection to the utility provided wastewater system. The customer shall also pay the applicable monthly sewer charges once septic system has failed, regardless whether or not the customer has made connection or attempted to make connection to the provided sewer system. Once the pumps have been installed, the utility shall be responsible for the pump maintenance. The homeowner shall be responsible for the service line maintenance. The Tennessee Department of Environment and Conservation, Environmental Specialist in Franklin County shall be notified NOT to approve any new septic installation and/or repair or replacement of septic systems within the city limits of Winchester. It shall be required that the customer have the entire service installed per Winchester Utilities design criteria and have said service inspected by Winchester Utilities personnel prior to placing the service into use.

2. 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 wastewater where public sanitary sewer service is available, except as defined in paragraph 1, except as provided for in "Private Wastewater Disposal" (Article III). The existence within the City wherever the services of the City sanitary sewage collection, treatment and disposal facilities are available, or may hereafter be made available, of septic tanks, seepage laterals, privies, earth pits, cesspools, sanitary waste vaults, sewage drainage fields, private sewage disposal systems, or any other such facilities or works for the disposition of sanitary sewage wastes other than the facilities of the City, is hereby declared to be a menace to the public health, safety and general welfare of the citizens and inhabitants of the City and is hereby determined and declared to constitute a public nuisance. The existence of such facilities as toilets, sinks, wash basins, shower baths, bathtubs, any commercial or industrial machinery or device producing a liquid waste product, etc., in or upon any improved property or premises in said City where the facilities of the City's sewage collection, treatment and disposal system are available or may hereafter be made available is similarly declared to be a menace to the public health and general welfare of the City and its inhabitants, unless such facilities are connected to the City sewage collection, treatment and disposal system. The Manager may prescribe the type and manner of connection to said facilities, and may require that each connection be supervised and inspected by an authorized and qualified agent of the City sewer department, herein named the Winchester Utilities.

3. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer system in compliance with this Policy, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material or salvaged and removed.

4. The customer/property owner owns and shall be fully responsible and liable for the sewer service line along with any and all maintenance, upkeep, repair, replacement, blockages or any other form of maintenance or work required to maintain the service line in working condition.

5. As of the publication date of this policy, certain areas that are incorporated into the city limits of Winchester do not have availability of wastewater services. These areas shall be continually monitored by Winchester Utility System as to the feasibility of incorporating sewer services into these areas. Reasons for extending services include but shall not be limited to: 1) System Expansion by the Utility, 2) Mandate by regulatory agencies, or 3) Request of 75% of homeowners in specified area.

If and when the wastewater system is expanded to areas not served by wastewater services, the following steps shall be applicable.

- A) Winchester Utility System shall procure easements and be responsible for the installation and costs of the Main Trunk Line including lift station(s) and Manholes and treatment of sewage.
- B) Utility shall install sewer tap to homeowner at 50% of the current cost
- C) Homeowner shall be responsible for installation and cost of service line, plumbing to main trunk line, having said service installed per Winchester Utilities design criteria and have line inspected by Winchester Utilities personnel prior to placing the service line into service.
- D) If connection to the utility service is available by gravity flow, the customer shall be required to connect to the sewer within 6 months of utility installation completion at the homeowner expense. Monthly wastewater charges at the applicable rate shall commence immediately upon utility installation completion, regardless whether or not the customer has made connection or attempted to make connection to the provided sewer system.
- E) If the wastewater service is only available by force main, all new/future customers shall be required at the homeowner's/customer's expense, to install the necessary force main, lift and/or grinder pumps, service lines, and equipment for connection to the utility provided wastewater system. The customer shall also pay the applicable monthly sewer charges. Once the pumps have been installed, the utility shall be responsible for the pump maintenance. The homeowner shall be responsible for the service line maintenance. The Tennessee Department of Environment and Conservation, Environmental Specialist in Franklin County shall be notified NOT to approve any new septic installation and/or repair or replacement of septic systems within the city limits of Winchester. It shall be required that the customer have the entire service installed per Winchester Utilities design criteria and have said service inspected by Winchester Utilities personnel prior to placing the service into use.

B. Unlawful Discharge to Storm Sewers or Natural Outlets

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 or into any sewer which connects to the storm sewer system of the City, any objectionable wastewater or industrial wastes.

2. It shall be unlawful to discharge to any natural outlet within the City of Winchester or in any area under the jurisdiction of said City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Policy. No provision of this Policy shall be construed to relieve the owner of a discharge to any natural outlet of the responsibility for complying with applicable State and Federal regulations governing such discharge.

C. Compliance

The discharge of any wastewater into the public sewer system by any person is unlawful except in compliance with the provisions of this Policy, and any more stringent state or federal standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977 and subsequent amendments.

D. Discharge of Unpolluted Waters into Sewers

1. No person(s) shall discharge or cause to be discharged through any leak, defect or connection any unpolluted waters such as storm water, ground water, roof runoff, subsurface drainage or cooling water to any sanitary sewer, building sewer, building drain or building plumbing. The Manager or his representative shall have the right, at any time, to inspect the inside or outside of buildings or smoke test for connections, leaks, or defects to building sewers and require leaks or defects to building sewers and require disconnection or repair of any pipes carrying such water to the building sewer. Such waters shall not be removed through the dual use of a sanitary drain sump or a sump pump to building sanitary sewer. Discharge of such waters by a manual switch-over from sanitary sewer to storm drainage will not be an acceptable method of separation. In case both storm and sanitary sewage is present, separate drainage or pumping system shall be included.

2. Stormwater, groundwater and all other unpolluted drainage may be discharged to such sewers as are used as storm sewers approved by the Manager. Under no circumstances shall sanitary sewage be discharged to a storm sewer.

3. The owner(s) of any building sewers having such connections, leaks, or defects shall bear all costs incidental to removal of such sources.

E. Substances which Interfere

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to federal categorical pretreatment standards or any other federal, state or local pretreatment standards or requirements. A user shall not contribute the following substances to any POTW:

1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall a wastestream exhibit a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade) using the test methods specified in 40 CFR 261.21. 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 any substance which the City, State or EPA has notified the user as a fire hazard or a hazard to the sanitary sewer system.

2. Any waters or wastes having a pH lower than 5 or higher than 9 or having any other corrosive property(s) capable of causing damage or hazard to structures, equipment and personnel of the POTW.

3. Any slug load or pollutants, including oxygen demanding pollutants, released at a flow or concentration that will cause interference with the POTW's operation.

4. Solid or viscous substance in quantities of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities.

5. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW that will result in a treatment plant influent temperature which exceeds 104 degrees Fahrenheit (40 degrees Centigrade).

6. Any pollutant(s) which, either alone or by interaction with other substances, produce toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

7. Any substances which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scum to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal, developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

8. Any substance which causes the POTW to violate its NPDES permit, sludge disposal permit or the water quality standards of the receiving stream.

9. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through at the POTW.

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

11. Any trucked or hauled pollutants, except at discharge points designated by the Manager.

F. Affirmative Defenses

A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in Section E of this Article and the specific prohibitions in paragraphs E.3, E.5, E.9, and E.10 of this article where the users can demonstrate that:

1. It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass-through or interference; and

2. (A) A local limit designed to prevent pass-through and/or interference as the case may be, was developed in accordance with Section A of Article V for each pollutant in the user's discharge that caused pass-through or interference, and the user was in compliance with each such local limit directly prior to and during the pass-through or interference; or

(B) If a local limit designed to prevent pass-through and/or interference, as the case may be, has not been developed for the pollutants(s) that caused the pass-through or interference did not change substantially in nature or constituents from the user's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

ARTICLE III - PRIVATE WASTEWATER DISPOSAL

A. Public Sewer not Available

1. Where a public sanitary sewer is not available under the provisions of Article II of this Policy, the building sewer shall be connected, until the public sewer system is available, to a private wastewater disposal system complying with the provisions of applicable local and state regulations.

2. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City. When it becomes necessary, the sludge may be disposed of only as approved by the City, by operators licensed by the City for such purposes.

3. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by applicable local, state or federal regulations.

4. Industries with current NPDES permits may discharge at permitted discharge points provided they are in compliance with the conditions of said permit.

B. Requirements for Installation

1. The type, capacity, location and layout of a private sewage disposal system shall comply with all local or state regulations. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit issued by the Franklin County Health Department after approval of the system by the local and state authorities if required. The application for such permit shall be made on a form furnished by the Franklin County Health Department which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Franklin County Health Department.

2. A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the local and state authorities, if required. These authorities shall be allowed to inspect the work at any stage of construction, and in any event the applicant for the permit shall notify the Manager when the work is ready for final inspection and before any underground portions are covered.

ARTICLE IV - BUILDING SEWERS AND CONNECTIONS

A. Permits

1. There shall be two (2) classes of building sewer permits required; (a) for residential and (b) for service to commercial, industrial and other nondomestic establishments. In either case, the owner or his agent shall make application on a special form furnished by the Winchester Utilities. Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Manager or his agent. Details regarding commercial and industrial permits include but are not limited to those required by this Policy. Permit and inspection fees shall be paid to the Winchester Utilities at the time the application is filed.

2. Users shall notify the Manager of the POTW of any proposed new introduction of wastewater constituents or any proposed change in the volume or character of the wastewater being discharged to the POTW a minimum of thirty (30) days prior to the change. The Manager may deny or condition this new introduction or change based upon the information submitted in the notification.

B. Prohibited Connections

No person shall make connections of roof downspouts, basement wall seepage or floor seepage, exterior foundation drains, area way drains, **floor 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. Any such connections which already exist on the effective date of this Policy shall be completely and permanently disconnected within sixty (60) days of the effective date of this Policy. The owners of any building sewers having such connections, leaks or defects shall bear all costs incidental to removal of such sources. Pipes, sumps and pumps for such sources or ground and surface water shall be separate from wastewater facilities. Removal of such sources of water without presence of separate facilities shall be evidence of drainage to the public sanitary sewer.

C. Design and Installation

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 following requirements:

1. The minimum size of a building sewer shall be four (4) inches.
2. The preferred minimum depth of a building sewer shall be eighteen (18) inches. Unless special engineering conditions does not allow, then management of Winchester Utilities must provide approval.
3. Four-inch (4") building sewers shall be laid on a grade greater than 1/8 inch per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least 2.0 feet per second.
4. Slope and alignment of all building sewers shall be neat and regular.
5. Building sewers shall be constructed only of (1) ductile iron pipe with compression joints; (2) polyvinyl chloride pipe with solvent welded or with rubber compression joints of approved type; or (3) such other materials of equal or superior quality as may be approved by the Manager. Under no circumstances will cement mortar joints or clay pipe be acceptable for new installations.
6. Cleanouts shall be located no more than five (5) feet outside of the building, one as it taps onto the utility lateral and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than eighty (80) feet apart in horizontal building

sewers of four (4) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A wye and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four-inch (4") pipe.

7. Connections of building sewers to the public sewer system shall be made at the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with corrosion resisting or stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye, or tee fitting or installing a tee-saddle or tee-insert of a type approved by the Manager. All such connections shall be made gastight and watertight.

8. The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of 1/8 inch per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the Owner. 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 at the expense of the Owner.

D. Inspection

The applicant for the building sewer permit shall notify the Manager when the building is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Manager or his representative.

E. Maintenance

Each individual property owner or user of the POTW's system shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance will include repair or replacement of the service line as deemed necessary by the Manager to meet specifications of the City.

ARTICLE V - POLLUTANT DISCHARGE LIMITS

A. General Conditions

The following described substances, materials, waters, or waste shall be limited in discharge to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property or constitute a nuisance. The Manager may set additional limitations or limitations more stringent than those established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors.

B. Restricted Discharges

1. Wastewater containing more than 50 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin.

2. Wastewater from industrial plants, commercial business or other non-domestic connections containing floatable oils, fat, or grease, whether emulsified or not, in excess of 50 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0-65 degrees Centigrade).

3. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, motels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

4. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interactions with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitations set forth in a Federal Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

5. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Manager in compliance with applicable state and/or federal regulations.

6. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

7. Any wastewater with objectionable color not removable in the POTW.

8. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving stream of the POTW.

9. Any water or wastes which has characteristics based on a 24-hour composite sample, grab, or a shorter period composite sample if more representative, which exceed the following normal maximum domestic wastewater parameter concentrations:

Parameter	Daily Maximum Allowable Concentration without Surcharge
BOD	250 mg/L
TSS	300 mg/L
NH3N	35 mg/L

Discharges greater than these concentrations will be subject to surcharge fees contained in the Sewer Use Policy for City of Winchester.

10. The City has received authority through the EPA and State statutes to enforce the requirements of 40 CFR Subchapter N and 40 CFR 403. All users shall comply with the requirements of those regulations as well as with all articles of this Policy.

11. Any waste or wastewater classified as a hazardous waste by the Resource Conservation and Recovery Act (RCRA) without, at least, a 60-day prior notification of such discharge to the Manager of the POTW. This notification must include the name of the waste, EPA hazardous waste number, type of discharge, volume/mass of discharge and time of occurrence. The Manager may deny or condition this discharge at any time.

12. Any waste with a pH outside the range 6-9.

C. Dilution of Wastewater Discharge

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal Categorical Pretreatment Standards, or for any other pollutant-specific limitation developed by the City or the State of Tennessee.

D. Fats, Oils and Grease, Waste Foods and Sand Discharge Guidelines

Fats, oils and grease, hereafter referred to as FOG, waste foods and sand all carry with them the potential to create problems in the Publicly Owned Treatment Works. They can interfere with the collection system and with the wastewater treatment facility by plugging lines, interfering with pumping procedures and their controls and by contributing to a strength or form of waste which would be untreatable by the treatment plant. Plugged lines cause overflows into public domain. Such overflows are reported by the Winchester Utilities to the State of Tennessee resulting in possible fines to the Utilities. FOG in the treatment facilities causes damage to expensive equipment used in the treatment process. When such fines are levied or damage is incurred, the Winchester Utilities shall perform an investigation into the source or origin of the discharged material. If the source or origin is determined, the amount of the fines along with any additional fines levied by the Utilities to the discharger shall be forthcoming. Also any damage to equipment along with any fines levied by the Winchester Utilities to the discharger shall be forthcoming. In no case shall a FOG discharge exceed 50mg/L of any sample form.

1. Interceptors - Fat, oil and grease, waste food and sand interceptors shall be installed when, in the opinion of the Winchester Utilities and the Pretreatment Coordinator, they are necessary for the proper handling of liquid wastes containing floatable oils and/or greases in excessive amounts, or any flammable wastes, sand or other harmful ingredients which may impact the POTW. Such interceptors shall not be required of single family residences, but may be required for multiple family residences. All interceptors shall be of a type and capacity approved by the Winchester Utilities and shall be located as to be easily accessible for cleaning and inspection.

(A) Fat, Oil, Grease and Waste Food

(1) New Food Service Facilities - Upon or after the effective date of the Policy, all food service facilities which are proposed and/or constructed, shall be required to install, operated and

maintain a grease interceptor, properly sized based upon USEPA guidelines; however, the interceptor shall in no circumstances have less than a 1000 gallon capacity, located on the exterior of the building. The proposed building site, if applicable, shall be geographically located such that proper and correct installation and access for maintenance of the interceptor is possible. Any existing structure not capable of supporting the installation, use, cleaning and maintenance of an in ground interceptor shall be deemed unsuitable not be permitted to establish, house, occupy or provide any form of food service industry within said structure. Design criteria are available from the Winchester Utilities Pretreatment Coordinator in accordance with Winchester Utilities provisions for new connections of food service industries. Owners shall prevent all inflow of rainwater or runoff to enter the sanitary sewer.

(2) Existing Food Service Facilities - Upon or after the effective date of the policy, all existing food service facilities shall install a grease interceptor when, in the opinion of the Winchester Utilities and the Pretreatment Coordinator, necessary for the control of FOG and food wastes. Upon notification, the facility must be in compliance within ninety (90) days. The facility must service and maintain the interceptor in order to prevent adverse impact upon the POTW. If in the opinion of the Winchester Utilities and the Pretreatment Coordinator the user continues to impact the POTW, further pretreatment measures may be required of the user. Owners shall prevent all inflow of rainwater or runoff to enter the sanitary sewer.

(3) Special Circumstances regarding Interceptors – Upon or after the approval date of this Sewer Use Policy, a number of businesses do not have interceptors installed. Of this number a portion do not have interceptors installed due to geographical/physical limitation. At such time as any food service business which cannot install an in ground interceptor due geographical/physical limitations is vacated by the current business, owner(s), tenant(s) or leasing party(s), those premises, and any other premises which do not have the capacity for an in ground interceptor to be installed, used, and maintained correctly, shall be forbidden from any food service business occupying said premises indefinitely. Until such time as food service businesses which cannot not install in ground interceptors due to geographical/physical restrictions vacate the restricted premise, the business, owner(s), tenant(s) or leasing party(s) of said address shall be required to install and maintain the correct equipment within the structure so as to reduce as much as possible the negative effects of F.O.G. on the POTW. This shall include, but may not be limited to, the correct installation, maintenance and operation of an under sink grease trap. The trap shall have the restrictor valve in place. The grease trap shall be of sufficient size to service the wash sinks and/or dishwashers, or of sufficient number to service the same and shall be serviced and maintained so as to allow for correct and maximum efficiency. If the service line/lateral experiences a blockage, stoppage, overflow or other sanitary sewer issue, the business, owner(s), tenant(s) or leasing party(s) shall be fully and totally liable for any damages incurred by any property, public or private, as a result from the blockage, stoppage, overflow or other sanitary sewer issue along with any costs incurred by Winchester Utilities to rectify the blockage, stoppage, overflow or other sanitary sewer issue. Any food service industry which can physically/geographically install, service and maintain an in ground interceptor yet does not have one currently installed, shall be required to install an interceptor.

(B) Sand, Soil and Oil - All vehicle washes, garages, service stations and other sources of sand, soil or oil shall install and maintain effective interceptors to control sand, soil or oil. This interceptor shall be of a size to effectively remove sand, soil or oil at the proper flow rates. The facility must service and maintain the interceptor in order to prevent adverse impact upon the POTW. Owners whose interceptors are deemed by the Winchester Utilities or Pretreatment Coordinator to be ineffective may be asked to change the frequency of the cleaning schedule or increase the size of the interceptor. Owners shall prevent all inflow of rainwater or runoff to enter the sanitary sewer.

(C) Laundries - Where directed by the Winchester Utilities and the Pretreatment Coordinator, commercial laundries shall be equipped with an interceptor to include a wire basket or similar straining device, removable for cleaning, that prevents passage into the POTW of solids ¼ -inch and larger such as strings, rags, buttons or other solids detrimental to the POTW. Owners shall prevent all inflow of rainwater or runoff to enter the sanitary sewer.

The equipment of facilities installed to control FOG, food waste, sand and soil will be designed in accordance with International Plumbing Code Version 2003, and Tennessee Department of Environment and Conservation engineering standards or applicable local guidelines. Underground equipment shall be sealed to eliminate inflow of rainwater or runoff and easily accessible to allow regular maintenance and inspection. Control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer and the accumulation of FOG in the POTW. If the Winchester Utilities or Pretreatment Coordinator are required to clean out the public sewer lines because of a stoppage that resulted from poorly maintained control equipment, or lack thereof, the owner or operator shall be required to refund the labor, equipment, materials and overhead cost to the Winchester Utilities of Winchester, TN. Nothing in this section shall be construed to prohibit or restrict any other remedy the Winchester Utilities or Pretreatment Coordinator has under this Sewer Use Policy, or state or federal law.

The Winchester Utilities or Pretreatment Coordinator retains the right to inspect and approve installation of the control equipment.

There shall be no charge for random inspections conducted by Winchester Utilities personnel on traps or interceptors. If a trap or interceptor must be re-inspected because of deficiencies found during the previous inspection by Winchester Utilities personnel and all deficiencies have been corrected, there shall be no charge for the re-inspection. If all the deficiencies have not been corrected, a first re-inspection fee of \$50.00 shall be charged to the facility. If a second is required, a second re-inspection fee of \$150.00 shall be charged to the facility. If a third or more re-inspections are required a fee of \$300.00 for each successive re-inspection shall be charged to the facility in addition to other enforcement actions if all the deficiencies have still not been corrected.

2. Solvents - The use of degreasing or line cleaning products containing petroleum-based solvents is prohibited.

E. Special Industrial Pretreatment Requirements

1. Pursuant to the requirements imposed on publicly owned wastewater treatment works by the Federal Water Pollution Control Act Amendments of 1972 and later amendments, all pretreatment standards promulgated by the EPA under 40 CFR Subchapter N and 40 CFR 403 for new and existing industrial discharges to public sewer systems are hereby made a part of this Policy. Any industrial waste discharge which violates these EPA Pretreatment Standards shall be in violation of this Policy.

2. Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

3. Any person who transports septic tank contents, seepage pit or cesspool contents, liquid industrial waste or other batch liquid waste and wishes to discharge such waste to the public sewer system shall first obtain permission for such discharge from the Manager. All persons receiving such permission shall abide by all applicable provisions that may be established by the Manager as necessary for the proper operation and maintenance of the sewerage system. Waste haulers who have been granted permission to discharge to the public sewer shall pay fees for such discharge in accordance with a fee schedule established by the Manager and approved by the Winchester Utilities. It shall be illegal to discharge any batch liquid waste into any manhole or other part of the public sewer system, or any building sewer or other facility that discharges to the public sewer systems except at points of discharge designated by the Manager for such purposes. Any liquid waste hauler shall be subject to immediate revocation of discharge privileges (if granted) and further subject to the penalties and enforcement actions prescribed in Article X. Nothing in this Policy shall relieve waste haulers of the responsibility for compliance with the County Health Department, State or Federal regulations.

F. Protection from Accidental and Slug Discharges

1. Each significant industrial user shall provide protection from accidental and/or slug discharges of prohibited materials or other substances regulated by this Policy. Facilities to prevent accidental and slug discharges of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Once every two (2) years, the Manager will determine whether each significant industrial user needs to develop a plan to control slug discharges. If the Manager decides that a slug control plan is needed, the plan shall contain the following:

- (A) description of discharge practices
- (B) description of stored chemicals
- (C) procedures for notifying the POTW
- (D) prevention procedures for spills

In the case of all possible or actual accidental and/or slug discharges, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include the location of discharge, type of waste, concentration and volume and corrective actions taken.

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

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

G. State Requirements

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

H. City's Right to Revision

The City or its representatives reserves the right to establish, by a majority vote of its commissioners, more stringent limitations or requirements on discharges to the POTW at the recommendation of the Manager or if deemed necessary to comply with the objectives presented in this Policy.

I. Federal Categorical Pretreatment Standards

Upon the promulgation of federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this Policy for sources in that subcategory, shall immediately supersede the limitations imposed under this Policy. The Manager shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.

ARTICLE VI - PRETREATMENT PROGRAM ADMINISTRATION

A. Wastewater Discharges

It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City and/or to the POTW any wastewater except as authorized by the Manager in accordance with the provisions of this Policy. Any agency and/or industries outside the jurisdiction of the City that wish to

contribute wastewaters to the POTW must first sign (through an authorized representative) an interjurisdictional agreement whereby the agency and/or industrial user agrees to be regulated by all provisions of this Policy, state and federal regulations. An Industrial User Discharge Permit may then be issued by the Manager in accordance with Section B of this Article.

B. Industrial User Discharge Permits

1. General - All significant industrial users proposing to connect to or contribute to the POTW shall obtain an Industrial User Discharge Permit before connecting to or contributing to the POTW. All existing significant industrial users connected to or contributing to the POTW shall apply for an Industrial User Discharge Permit within thirty (30) days of the effective date of this Policy.

2. Permit Application - Users significant industrial users proposing to connect to or contribute to the POTW shall obtain an Industrial User Discharge Permit before connecting to or contributing to the POTW. All existing significant industrial users connected to or contributing to the POTW shall apply for an Industrial User Discharge Permit within thirty (30) days of the effective date of this Policy, and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit in units and terms appropriate for evaluation the following information, in addition to any other information the Manager may desire:

(A) Name, address and location of facility, and owner(s) if different from that given;

(B) SIC number(s) according to the Standard Industrial Classification Manual, Office of Management and Budget, 1972, as amended;

(C) Wastewater constituents and characteristics as determined by an analytical laboratory acceptable to the City; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR 136, as amended and 40 CFR 261;

(D) Time and duration of contribution;

(E) Daily average and maximum 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, sewer connections and appurtenances by the size, location and elevation;

(G) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;

(H) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or federal pretreatment standards and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional pretreatment is required for the user to meet applicable pretreatment standards;

(I) If additional pretreatment will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standards. The following conditions shall apply to this schedule.

(1) The schedule must be acceptable to the City.

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

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

(J) Each project produced by type, amount, process and rate of production;

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

(L) Number of employees and hours of operation of plant and proposed or actual hours of operation of the pretreatment system;

(M) A copy of the industry's written environmental control program, comparable document or policy;

(N) Any other information as may be deemed by the City to be necessary to evaluate the permit application.

3. Issuance of Industrial User Discharge Permit

The Manager shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Manager may issue an Industrial User Discharge Permit subject to the terms and conditions provided herein.

C. Permit Modifications

Within nine (9) months of the promulgation of a federal categorical pretreatment standard, the Industrial User Discharge Permit of any user subject to that standard shall be revised to require compliance with the standard within the time frame prescribed by such standard. Where a user subject to federal categorical pretreatment standards has not previously submitted an application for an Industrial User Discharge Permit as required, the user shall apply for the permit within ninety (90) days of the date of promulgation of the applicable federal categorical pretreatment standard. In addition, the user with an existing Industrial User Discharge Permit shall submit to the Manager within nine (90) days of the date of promulgation of an applicable federal categorical pretreatment standard the information required by this Policy.

D. Permit Conditions

1. Industrial User Discharge Permits shall be expressly subject to all provisions of this Policy and all other applicable regulations, user charges and fees established by the City. 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 system;

(B) Limits on the average and maximum wastewater constituents and characteristics;

(C) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;

(D) Requirements for installation and maintenance of inspection and sampling facilities;

(E) Specifications for monitoring programs which may include sampling locations, frequency of sampling to be performed, types and standards of analysis and reporting schedules;

(F) Compliance schedule(s);

(G) Requirements for maintaining and retaining all records relating to wastewater discharge as specified by the City for a minimum of three (3) years, and afford City access thereto;

(H) Requirements for notification of the City of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater treatment system;

(I) Requirements for notification of slug discharges;

(J) Requirements for the user to reimburse the City for all expenses related to monitoring, sampling and testing performed at the direction of the Manager and deemed necessary by the City to verify that the user is in compliance with the said permit;

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

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

(M) Effluent limits based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and State and local law;

(N) Self-monitoring, sampling, reporting notification and record keeping requirements, including an identification of the pollutants to be monitored sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards in part 403 of this chapter, categorical pretreatment standards, local limits, and State and local law;

(O) 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;

(P) Any other conditions as deemed appropriate by the Manager and/or the City to ensure compliance with this Policy.

2. Where an effluent from an industrial process is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived for the discharge permit by the Manager. These alternative limits shall be applied to the mixed effluent. These alternative limits shall be calculated using the Combined Wastestream Formula and/or Flow-weighted average formula given in 40 CFR 403.6(e). Where the effluent limits in a categorical pretreatment standard are expressed only in terms of mass of pollutants per unit of production (production-based standard), the Manager may convert the limits to equivalent limitations expressed either as mass of pollutant that may be discharged per day or of effluent permit limitations applicable to the permittee. The permittee shall be subject to all permit limits calculated in this manner under 40 CFR 403.6(c) and must fully comply with these alternative limits. All categorical industrial users subject to production-based standards must report production rates annually so that alternative permit limits can be calculated if necessary. The categorical industrial user must notify the Manager thirty (30) days in advance of any change in production levels that might affect the flow or other data used to calculate the effluent limits in the discharge permit.

E. Permit Duration

Industrial User Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 120 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements identified in Article V are modified or other just cause exists.

The user shall be informed of any proposed changes in their permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time frame for compliance.

F. Permit Transfer

Industrial User Discharge Permits are issued to a specific user for a specific operation. An Industrial User Discharge Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without, at a minimum, a thirty-day prior notification of the change to the Manager and provision of a copy of the existing permit to the new owner. The Manager may deny the transfer of the permit if it is deemed necessary to comply with all provisions of this Policy.

G. Reporting Requirements for Permittees

1. Within ninety (90) days following the date for final compliance with applicable pretreatment standards, or in the case of a new user, following commencement of the introduction of wastewater into the POTW, any user subject to federal categorical pretreatment standards and requirements shall submit to the Manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process or processes which are limited by categorical pretreatment standards and requirements and the average and maximum daily flow for these process units in the user's facility which are limited by such categorical standards and requirements. The report shall state whether the applicable categorical pretreatment standards and requirements are being met on a consistent basis, and if not, what additional pretreatment equipment and time schedule are necessary to bring the user into compliance with the applicable categorical standard or requirement. This statement shall be signed by an authorized representative of the user.

2. Periodic Compliance Reports

(A) All significant industrial users shall submit to the Manager during the months of June and December, unless required more frequently by a pretreatment standard, or the Industrial User Discharge Permit, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards or the Industrial User Discharge Permit. In addition, this report shall include a record of all daily flows which during the reporting period exceed the average daily flow. At the discretion of the Manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Manager may agree to alter the months during which the above reports are to be submitted.

(B) All analyses shall be performed by a laboratory acceptable to the City. Analytical procedures shall be in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR 136 and amendments thereto or with any other test procedures approved by the EPA. Sampling shall be performed in accordance with techniques approved by the EPA.

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

(D) All industrial users shall retain all pretreatment records for a minimum of three (3) years, as required by 40 CFR 403.12(0)(2).

3. Baseline Monitoring Reports

(A) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant 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 City a report which contains the information listed in Paragraph B, below. At least ninety (90) days prior to commencement of their 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 City a report which contains the information listed in paragraph B below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(B) The industrial user shall submit the information required by this section including:

(1) Identifying Information - The name and address of the facility including the name of the operator and owners.

(2) Wastewater discharge permits - A list of any environmental control wastewater discharge permits held by or for the facility.

(3) Description of Operations - A brief description of the nature, average rate of production, and standard industrial classifications 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.

(4) Flow Measurement - Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(5) Measurement of Pollutants - (a) Identify the categorical pretreatment standards applicable to each regulated process; (b) Submit the results of all sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the City) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section G2 of this Article; (c) Sampling must be performed using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Manager may authorize the use of time proportional sampling or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits; (d) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

(6) Certification - A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(7) Compliance Schedule - If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section B.2(l) of this Article.

(8) All baseline monitoring reports must be signed and certified in accordance with Section J of this Article.

(C) All new sources of industrial discharge must be in compliance with all provisions of this Policy prior to commencement of discharge.

4. Notification of the Discharge of Hazardous Waste

(A) Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State Hazardous Waste Authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 10 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 in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under Section D.2, above. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of Section G.3, above.

(B) Dischargers are exempt from the requirements of paragraph (A) of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequently months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

(C) 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.

(D) In the case of any notification made under this section, 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.

H. Permit Violations

All significant industrial users must notify the Manager within 24 hours of first becoming aware of a permit violation. This notification shall include the date of the violation, the parameter violated and the amount in exceedance. Within 30 days of first becoming aware of a permit violation, the significant industrial user must resample for the parameter(s) violated and submit this sample analysis to the Manager, unless the Manager, on behalf of the City, conducts monitoring of this parameter within the 30-day period.

I. Monitoring Requirements

1. The City shall require significant industrial users to provide and operate at the user's own expense monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage system. The monitoring facility should normally be situated on the user's premises, but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in a public right-of-way. The Manager shall review and approve the location, plans, and specifications for such monitoring facilities and may require them to be constructed to provide for the separate monitoring and sampling of industrial waste and sanitary sewage flows. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility's sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether

constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following approval of the location plans and specifications.

2. All sampling analyses done in accordance with approved EPA procedures by the significant industrial user during a reporting period shall be submitted to the Manager, regardless of whether or not that analysis was required by the user's discharge permit.

3. The significant industrial user must receive the approval of the Manager before changing the sampling point and/or monitoring facilities to be used in all required sampling.

J. Certification Statement

All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user.

"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."

K. Inspection and Samolinc

The Manager shall inspect the facilities of any user to ascertain whether the purpose of this Policy is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City or its representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, copying and examination of records or in the performance of their duties. "Reasonable times" shall include any time during which the user is discharging to the public sewer system and/or operating any manufacturing process. The City, Approval Authority, and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspections, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry onto their premises, the user shall make the necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the City, Approval Authority and EPA will be permitted to enter, without delay, for the purpose of performing their specific duties.

L. Pretreatment

1. All significant industrial users shall provide necessary wastewater treatment as required to comply with this Policy and shall achieve compliance with all applicable federal categorical pretreatment standards within the time limits as specified by the Federal Pretreatment Regulations. The City may require the development of a compliance schedule for installation of pretreatment technology and/or equipment by any significant industrial user that is not meeting discharge limits established in the User's Industrial User Discharge Permit. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Manager for review, and shall be acceptable to the Manager before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this Policy. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the user's initiation of the change.

2. The City is required by federal regulations to keep the public informed of all cases of significant violations. To accomplish this, the City shall annually publish in a newspaper of local circulation a list of the users which were in significant noncompliance with any pretreatment requirements or standards. Significant noncompliance is any significant violation that meets one or more of the following conditions:

- (A) Results in the exercise of emergency authority by the Manager;
- (B) Remains uncorrected 45 days after notice of noncompliance is given;
- (C) Involves failure to report noncompliance accurately;
- (D) Wastewater violations:

(1) Chronic Violations - Sixty-six (66%) percent or more of all measurements taken during a 6-month period exceed, by any magnitude, the daily maximum limit or the monthly average limit for the same pollutant parameter;

(2) Technical Review Criteria (TRC) Violations- Thirty-three (33%) percent or more of all measurements for each pollutant parameter taken during six-month period equal or exceed the product of the daily maximum limit or the monthly average limit multiplied by the applicable TRX (TRC = 1.4 for BOD, TSS, fats, oils and grease and 1.2 for all other pollutants except pH);

(3) Any violation of a pretreatment effluent limit that the Manager believes has caused alone or in combination with other discharges, interference or pass-through or has endangered the health of the POTW personnel or the public;

(4) Any discharge causing imminent endangerment to human health or to the environment or resulting in the Manager's use of this emergency authority to halt or prevent such a discharge;

(5) Violations of compliance schedule milestones failure to comply with schedule milestones for starting or completing construction or attaining final compliance by 90 days or more after the schedule date;

(6) Failure to provide required reports within 30 days of the due date;

(7) Failure to accurately report noncompliance;

(8) Any violation or group of violations which the Manager determines will adversely effect the operation or implementation of the local pretreatment program. The public notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months. All records relating to the pretreatment program of the City shall be made available to officials of the EPA or Approval Authority upon request. All records shall be maintained for a minimum of three (3) years in accordance with 40 CFR 403.12(o)(2).

M. Confidential Information

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests in writing and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to all governmental agencies for uses related to this Policy, the NPDES Permit, and/or the Pretreatment Program upon request of the agency. Such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the persons furnishing the report. Wastewater constituents and characteristics shall not be recognized as confidential information and shall be available to the public without restriction.

ARTICLE VII - FEES

A. Purpose

This article provides for the recovery of costs from users of the POTW for the implementation and conduct of the pretreatment program established herein. The applicable charges or fees shall be set forth in the City's schedule of charges and fees.

B. Charges and Fees

The City may adopt charges and fees which may include the following:

1. Fees for reimbursement of costs of setting up and operating the City's Pretreatment Program;
2. Fees for monitoring, inspections and surveillance procedures;
3. Fees for reviewing accidental discharge procedures and construction;
4. Fees for permit application;
5. Fees for filing appeals;
6. Fees for consistent removal by the POTW of excessive strength conventional pollutants;
7. Other fees as the City may deem necessary to carry out the requirements contained in this Policy;
8. Fees for the connection of a discharger (residential or other). These fees relate solely to the matters covered by this Policy and are separate from all other fees chargeable by the City;
9. Charges shall be comprised for a system of excessive strength surcharges and a system of charges for debt services, operation and maintenance costs including normal replacement costs.

ARTICLE VIII - POWERS AND AUTHORITY OF INSPECTORS

A. Right to Enter Premises

The Manager and other duly promulgated employees and representatives of the City and authorized representatives of applicable Federal and State regulatory agencies bearing proper credentials and identification shall be permitted to enter all properties at any reasonable time for purposes of, but not limited to, inspection, observation, measurement, sampling and testing of discharges to the public sewer system and inspection and copying of all records in accordance with the provisions of this Policy.

B. Right to Obtain Information Regarding Discharge

Duly authorized employees and representatives of the City are authorized to obtain information concerning character, strength and quantity of industrial wastes which have a direct bearing on the kind and source of discharge to the wastewater collection system.

C. Access to Easements

Duly authorized employees and representatives of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement and sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

D. Safety

While performing the necessary work on private properties referred to in Section A of this Article, all duly authorized employees of the City shall observe all safety rules applicable to the premises established by the facility and the company shall be held blameless for any injury or death to the City employee. The City shall secure the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this Policy.

ARTICLE IX - ENFORCEMENT

A. General

The City through the Manager or his/her designer, to insure compliance with this Policy, may take the following enforcement steps against users in noncompliance with this Policy. The remedies available to the Manager include injunctive relief, civil and criminal penalties, immediate discontinuance of discharges and/or water service and the publishing of the list of significant violators annually. The enforcement authority shall be vested in the Manager of the POTW or his/her designer.

All violations of requirements of this Policy must be reviewed and responded to by the Manager or his representative. In general, the Manager shall notify the industrial user when a violation occurs. For all violations, the Manager shall receive an explanation and, as appropriate, a plan from the industrial user to correct the violation within a specific time period. If the violation(s) persist or the explanation and/or plan are not adequate, the Manager's response shall be more formal and commitments or schedules, as appropriate, for compliance will be established in an enforceable document. The enforcement response selected will be related to the seriousness of the violation. Enforcement responses will be escalated if compliance is not achieved expeditiously after the initial action. A significant violation will require a formal enforcement action. The full scale of enforcement actions will be detailed in the City's Pretreatment Program Enforcement Response Plan.

B. Enforcement Actions

1. Informal Notice - These actions include statements made to the industrial user during sampling and/or inspection visits, telephone calls to the appropriate company official, informal meetings, warning or reminder letters. These informal notices shall be used for minor violations.

2. Formal Notice - These actions include the following:

(A) Notice of Violation - Any person found to be violating any provision of this Policy, wastewater discharge permit or any order issued hereunder shall be served by the POTW Manager with a written notice stating the nature, of the violation. The offender must permanently cease all violations.

(B) Administrative Orders/Fines - Any person who, after receiving a Notice of Violation, continues to discharge in violation of this Policy or other pretreatment standard or requirement, or is determined to be a chronic or persistent violator, shall be ordered to appear before the Manager. At said appearance, a compliance schedule will be given to the violating user and an administrative fine assessed. The fine shall be determined on a case-by-case basis which shall consider the type, severity, duration and number of violations, severity of impact on the POTW, impact on human health, user's economic benefit from the violation, past history of the user, and good-faith efforts made by the user. The fine shall be a non-arbitrary but appropriate amount.

Users desiring to dispute such fines shall file with the Manager a request for the City to reconsider the fine within ten (10) days of being notified of the fine. The City shall convene a hearing on the matter within fifteen (15) days of receiving such a request from the user.

The administrative order may take any of the following four forms:

Consent Order - The Manager 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 non-compliance within a time period also specified in the order. Consent Orders shall have the same force and effect as all other administrative orders.

Compliance Order - When the Manager finds that an industrial user has violated or continues to violate this Policy or permit or order issued hereunder, he may issue an order to the industrial user responsible

for the violation 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.

Cease and Desist Order - When the Manager finds that an industrial user has violated or continues to violate this Policy or any permit or other issued hereunder, the Manager may issue an order to cease and desist all such violations to the user and direct those persons in noncompliance to:

(1) Comply forthwith;

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

Show Cause Hearing Order - The Manager may issue to any user who causes or contributes to violations of this Policy, discharge permit or order issued hereunder, an order to appear and show cause why more severe enforcement action should not be taken. A notice shall be served on the user specifying the time and place of the hearing to be held by the Manager regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the user to show cause before the Manager why more severe enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of the facility. Whether or not a duly notified industrial user or its representative appears, immediate enforcement action may be pursued.

The City itself may conduct the hearing and take evidence or may designate a representative to:

(1) Issue in the name of the City notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(2) Take the evidence;

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City for action thereon. At any hearing held pursuant to this Policy, testimony taken must be under oath and recorded stenographically.

The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof. After the City has reviewed the evidence, it may issue an order to the user responsible for the violation directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Further orders and directives as are necessary and appropriate may be issued.

ARTICLE X - PENALTIES

A. Written Notice

Any user found to be violating any provision of this Policy or a discharge permit or order issued hereunder shall be served by the Manager or his representative with written notice stating the nature of the violation. The violator shall permanently cease all violations upon receipt of this notice. As contained in Article IX, the notice may be of several forms. Also as contained in Article IX, penalties of various forms may be levied against users for violations of this Policy. The penalties shall range from publication of violators to fines of up to \$1,000 per day per violation.

B. Continued Violation

Any user who shall violate any provision of this Policy, a discharge permit or other order issued hereunder shall be guilty of a violation of this Policy and shall be liable to the Manager for a civil penalty of up to \$1,000 per violation for each day on which the violation occurs. Each day in which such violation occurs shall be deemed a separate offense.

C. Revocation of Permit

Any user violating any of the provisions of this Policy or discharge permit or other order issued hereunder shall be subject to termination of its authority to discharge sewage into the public sewer system. Such termination shall be immediate if necessary for the protection of the POTW. Said user may also have water service terminated. Any user who violates any condition(s) of this Policy, discharge permit, order or applicable state or federal regulations is subject to having its Industrial User Discharge Permit revoked in accordance with the procedures of this Policy. Violations resulting, in immediate permit revocation shall include, but not be limited to, the following:

1. Failure of a user to factually report the wastewater constituents and characteristics of its discharge;
2. Failure of the user to report significant changes in operations, processes, wastewater constituents and characteristics;
3. Refusal of reasonable access to the user's premises for the purpose of inspection and sampling; and
4. Violation(s) of any condition of the Industrial User Discharge Permit.

D. Liability

Any user violating any of the provisions of this Policy, discharge permit or other order issued hereunder shall become liable to the City of Winchester for any expense, loss or damage occasioned by the City by reason of such violation. This civil liability is as provided by state and federal regulations.

E. Misrepresentation and/or Falsifying Documents

Any user who knowingly and/or negligently makes any false statements, representations or certification of any application, record, reports, plan or other document filed or required pursuant to this Policy or Industrial User Discharge Permit or who falsifies, tampers with or knowingly and/or negligently renders inaccurate any monitoring device or method required under this Policy, shall be punished by a fine of at least \$1,000 or by imprisonment for not more than twelve (12) months or by both.

F. Destruction of POTW and Legal Action

No person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the POTW. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct. It shall be noted that the Clean Water Act does not require proof of specific intent to obtain conviction.

G. Judicial Action

If any person(s) discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this Policy, discharge permit, any order of the Manager or the City, or federal or state pretreatment requirements, the City may commence an action for appropriate legal and/or equitable relief in the appropriate Court of this jurisdiction. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person(s) found to have violated this Policy or the orders, rules, regulations and permits issued hereunder.

H. Termination of Service

The Manager may suspend the wastewater treatment service and/or wastewater discharge 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 the public, the POTW or the environment. Any user notified of a suspension of the wastewater treatment service and/or the discharge 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 Manager 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. Any industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Manager.

I. Criminal Prosecution

Any industrial user who willfully or negligently violates any provisions of this Policy, any orders or permits issued hereunder, or any other pretreatment requirements shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of at least \$1,000 per violation per day or imprisonment for not more than one year or both.

ARTICLE XI - VALIDITY

A. Inconsistent or Conflicting Policies

All other Policies and parts of other Policies which are inconsistent or conflicting with any part of Ordinance #847, which governs this policy, are hereby repealed to the extent of such inconsistency or conflict.

B. Separation Clause

The invalidity of any article, clause, sentence or provision of Ordinance #847 shall not affect the validity of any other part of the Policy which can be given effect without such invalid part of parts.

C. Effective Dates

Ordinance #847 shall become effective immediately after its passage. The effective date of this policy shall become effective upon Board approval of its original and changes.